



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

March 20, 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.

### **Public Hearings:**

- Affordable Workforce Housing

### **Reports:**

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

### **Local Laws and Resolutions:**

1. April is World Wide Parkinson's Disease Awareness Month
2. Resolution Authorizing an Agreement with the Beacon Farmers Market
3. Resolution Authorizing a Land-Banked Parking Agreement Regarding Scenic Hudson Long Dock
4. Resolution Scheduling a Public Hearing for April 3, 2017 to Receive Comment Concerning the Proposed Local Law Regarding an Alternative Grievance Day
5. Resolution Authorizing an Agreement with Cervone Auto Body for Towing Services for the Beacon Police Department
6. Resolution Authorizing an Agreement with Beacon Arts to Place a Beacon 3D Sculpture on City-Owned Property
7. Resolution Scheduling a Public Hearing for April 3, 2017 to Receive Comment Concerning the Proposed Local Law Regarding Public Trail Regulations
8. Resolution Appointing a Firefighter

**Approval of Minutes:**

- 2017-03-06 draft 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.

**Executive Session:**

- a. Matter Pertaining to Personnel

**Adjournment:**

**City of Beacon Council Agenda**  
**3/20/2017**

**Title:**

**Affordable Workforce Housing**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
LL Affordable Workforce Housing	Local Law

**DRAFT LOCAL LAW NO. \_\_\_\_ OF 2016**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW AMENDING  
CHAPTER 223 OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to  
amend Chapter 223  
concerning Affordable  
Workforce Housing.

A LOCAL LAW to amend Chapter 223 of the Code of the City of Beacon concerning Affordable Workforce Housing.

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

**Section 1.** Chapter 223, Section 63 of the Code of the City of Beacon entitled “Definitions” is hereby amended to revise the following definitions:

**BELOW-MARKET-RATE (BMR) UNIT**

A new or rehabilitated housing unit which is restricted as to sale or rent to remain affordable to a BMR Unit Eligible Household, as defined below, by generally not exceeding 30% of the aggregate gross monthly income of the household for the actual size of the household that will occupy such unit. Said housing unit must be the primary residence of the household and shall not be sublet without the consent of the City Council or its designee.

**BMR UNIT ELIGIBLE HOUSEHOLD**

A household whose aggregate gross annual income, including the total of all current annual income of members residing in the household from any source whatsoever at the time of application (excluding the earnings of working household members of 21 years of age or younger who are full-time students), does not exceed 70% of the Dutchess County median annual income for the actual size of the household [based on the United States Census and as updated by the Department of Housing and Urban Development (HUD)], and which household can afford the maximum rent or sales price. In addition, the net assets of the household at the time prior to purchase or lease may not exceed 75% of the purchase price of the unit, except where such households

rely, due to age or disability, on the assets in lieu of income. Evidence of disability shall be the receipt of Social Security Disability Insurance (SSDI) payments. For example, for the year 2010, limitations are as follows:

<b>Persons in Household</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
Maximum eligible income (100% of median)	\$58,400	\$66,800	\$75,100	\$83,400	\$90,100	\$96,800
Maximum housing cost (30% of gross income)						
Annually	\$17,520	\$20,040	\$22,530	\$25,020	\$26,030	\$29,040
Monthly	\$1,460	\$1,670	\$1,878	\$2,085	\$2,253	\$2,420
Eligible unit types	Studio or 1 BDR	1 BDR or 2 BDR	2 BDR or 3 BDR	2 BDR, 3 BDR or 4 BDR	3 BDR or 4 BDR	3 BDR or 4 BDR

All projects approved by the Planning Board prior to the effective date of this law (to be inserted), may continue to set a monthly rent, including utilities for BMR units, not to exceed 30% of 100% of the Dutchess County median annual income for the actual size of the household [based on the United States Census and as updated by the Department of Housing and Urban Development (HUD)].

**Section 2.** Chapter 223, Article IVB of the Code of the City of Beacon entitled “Affordable Workforce Housing” is hereby amended as follows:

#### § 223-41.8 Findings.

The City Council of the City of Beacon acknowledges the high cost of housing compared to average earnings in the City and County, and this trend has grown more noticeable as land and housing values have increased in recent years. Maintaining and ensuring a balanced mix of housing types and sizes that are affordable to a range of incomes is essential to ensuring the

long-term health of the community. Such balanced housing stock enables a variety of residents to live and work in the City, maintain family ties, and participate in community services, such as emergency services. Balanced housing is also essential to attracting and maintaining an adequate workforce, a healthy business environment, and a balanced tax base that supports local services and the quality of life. The primary purpose of this Article is to allow the City to maintain an appropriate mix of housing choices by creating a required number of quality new or rehabilitated below-market-rate (BMR) units in future renovation and development.

§ 223-41.9 **Provision of BMR units; ~~payment in lieu thereof.~~**

To achieve the purposes above, the approval authority shall require that 10% of all projects containing ~~10~~ 20 or more apartment dwellings and/or attached dwellings (townhouses) as defined in §223-63 of this chapter, shall be comprised of below-market-rate units as defined and regulated in this article. Any fraction at or above 0.5 shall be rounded up to the nearest whole number, and any fraction below 0.5 shall be rounded down. Notwithstanding the requirement immediately above, the City Council, at its discretion, may allow the applicant to make a payment to the City in lieu of the provision of some or all of the required BMR units, in an amount determined by the City Council to be the value of the waived BMR units; said payment shall be made into a trust fund dedicated to the provision of affordable workforce housing in the City. Subject to the Planning Board's approval, Developer may provide BMR units mixed throughout the same building(s), in a separate building on the same property or upon the consent of the City Council, which may be withheld for any reason, on a separate property within a 1,000 foot radius of the project. Units designated as BMR units must remain affordable for a minimum of 50 years from date of initial certificate of occupancy for rental properties and from date of original sale for owner-occupied units.

§ 223-41.10 **Below-market-rate units.**

- A. Finishes, amenities, size, distribution and mix. BMR units shall have the same quality exterior finishes ~~and general amenities comparable as compared~~ to the market-rate units within the overall development. Interior finishes and amenities for the BMR units shall be comparable to the market-rate units within the development, subject to approval by the Planning Board. BMR shall be reasonably distributed throughout the project and t The timing of the construction of the BMR units shall be in conjunction with the construction of the market rate units in the project. Further, the BMR units shall be provided in a mix of unit types in the same proportion as all other units in the development unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the City of Beacon.
- B. Minimum gross floor area.

(1) The size of the BMR multifamily units may be smaller than the market rate units, but notwithstanding other provisions of this chapter, the minimum gross floor area per dwelling unit shall not be less than the following:

- (a) Studio/efficiency unit: ~~350~~ 400 square feet.
- (b) One-bedroom unit: 600 square feet.
- (c) Two-bedroom unit: 800 square feet.
- (d) Three-bedroom unit: 1,000 square feet.
- (e) Four-bedroom unit: 1,200 square feet

(2) An Applicant may seek approval from the Planning Board to construct units smaller than the minimum gross floor area set forth above, only if the Applicant constructs more units than it is required to construct pursuant to this Chapter.

C. Occupancy standards. The minimum and maximum occupancy of a BMR unit shall be as follows:

Number of Bedrooms	Minimum Number of Persons	Maximum Number of Persons
Studio/ efficiency	1	<del>1</del> <u>2</u>
1	1	<del>2</del> <u>3</u>
2	2	4
3	3	6
4	4	8

D. For townhouse developments containing BMR units, frontage, building size and lot size may be reduced by up to 25%.

E. BMR unit eligible household. Households must meet the criteria established in § 223-41.10(F)(1) ~~§ 223-63~~ of this chapter, within the definition of "BMR unit eligible household." Rental households shall be required to requalify with respect to said criteria on an annual basis.

F. Maximum rent and sales price.

(1) The monthly rent including utilities for BMR units shall not exceed 30% of the ~~maximum~~-aggregate gross monthly income of an eligible household. An eligible household is a household whose aggregate gross annual income, including the total of all current annual income of members residing in the household from any source whatsoever at the time of the application (excluding the earnings of working household members of 21 years of age or younger who are full-time students), does not exceed 70% of the Dutchess County median annual income for the actual size of the

~~household that will occupy such unit as set forth in Subsection C above [based on the United States Census and as updated by the Department of Housing and Urban Development (HUD)]. ~~maximum aggregate gross monthly income of an eligible household as defined in § 223-63, under "BMR unit eligible household," for the actual size of the household that will occupy such unit as set forth in Subsection C above.~~~~

The maximum gross sales price for a BMR unit shall not exceed the maximum household expense of 30% of the aggregate gross monthly income of an eligible household as defined above in § 223-63 for the actual size of the household that will occupy such unit as set forth in Subsection C above, relating to the sum of principal, interest, taxes, and insurance, based on industry-standard mortgage underwriting guidelines for a thirty-year fixed rate mortgage, prevailing interest rates, and a down payment of 5%.

- (2) All projects approved by the Planning Board prior to the effective date of this law (to be inserted), may continue to set a monthly rent including utilities for BMR units not to exceed 30% of 100% of the Dutchess County median annual income for the household size that will occupy such unit as set forth in Subsection C income for its household size [based on the United States Census and as updated by the Department of Housing and Urban Development (HUD)]. In the event the Owner of the BMR units demonstrates to the satisfaction of the City Administrator or its designee that after a good faith effort it is not able to rent a BMR unit pursuant to this subsection (2), it may instead comply with subsection (1) above.

G. Categories of priority in descending order of priority.

Households applying for BMR units shall be selected on the basis of the following categories of priority:

- (a) Volunteer emergency responders for the City of Beacon who have served at least five years.
- (b) City of Beacon municipal employees.
- (c) Employees of the Beacon School District
- (d) All other residents of the City of Beacon.
- (e) Other persons employed in the City of Beacon.
- (f) All others.

- H. The deed, certificate of occupancy and/or rental agreement, as appropriate, for each BMR dwelling unit shall contain language, satisfactory to the City Attorney in form and substance, which states that the subject dwelling is a below-market-rate unit as defined in § 223-41.10(F)(1) § 223-63 of the Code of the City of Beacon, New York, and is subject to all restrictions and limitations as set forth therein.



- I. Resale. In the case of owner-occupied BMR units, the title to said property shall be restricted so that in the event of any resale by the homeowner or any successor, the resale price shall not exceed the maximum sales price for said unit, as determined in Subsection ~~F~~ E, plus the depreciated value of capital improvements based on their estimated life for up to 5% of the price of the unit. Units designated as BMR units must remain affordable for a minimum of 50 years from date of original sale for owner-occupied units.
- J. Lease of a BMR unit.
- (1) Individual BMR unit owners may lease their units to BMR eligible unit households, as defined in § 223-41.10(F)(1), for a period not exceeding two years, with the consent of the City Administrator or its designee ~~or its designee, for employment, health or other good reason as determined by the Council. Notwithstanding the sentence above, this time frame may be extended by the Council or its designee for good cause shown.~~
  - (2) Applicants for rental BMR units, if eligible and if selected for occupancy, may sign a lease for a term of no more than two years. As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered renewal leases for a term of no more than two years each. Renewal of a lease shall be subject to the conditions of federal, state or county provisions that may be imposed by the terms of the original development funding agreements for the development or to the provisions of other applicable local law.
  - (3) If a resident's annual gross income should subsequently exceed the maximum income then allowable, said resident may complete their current lease term and shall be offered a market-rate housing unit in the development at the termination of such lease term. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one additional one-year lease for BMR unit they occupy but shall not be offered a renewal of the lease beyond that expiration of said term.
- K. Implementing regulations. The City Council may, by resolution, adopt specific regulations to foster the efficient and equitable implementation of this chapter.
- L. Administration. The City Council shall be responsible for administering these regulations and may designate a board, commission or other organization to monitor compliance.
- M. Developer Incentives. For every two BMR units provided as part of the overall development, the developer shall have the right to one additional market rate unit above the maximum number otherwise permitted under applicable provisions of this Chapter. The Planning Board may grant up to 10 additional units. District building height requirements must be maintained, but the Planning Board may modify lot area per unit, setbacks, building coverage, number of units per building, and parking requirements to accommodate the bonus unit or units.

N. Waiver. Upon request of an application before the Planning Board, the City Council may modify or waive specific provisions of this Article, if it finds that the proposal meets the primary purpose of Section 223-41.8 and the project will result in more BMR units than is required pursuant to this Chapter.

### **Section 3. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, the Chapter 223 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

### **Section 4. Numbering for Codification**

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this

Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this

Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

### **Section 5. Severability**

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

### **Section 6. Effective Date**

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

DRAFT

**City of Beacon Council Agenda**  
**3/20/2017**

**Title:**

**April is World Wide Parkinson's Disease Awareness Month**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Proclamation - April is Parkinson's Disease Awareness Month	Backup Material

Randy Casale, Mayor  
City of Beacon  
One Municipal Plaza  
Beacon, New York 12508  
Phone: 845-838-5010



[www.cityofbeacon.org](http://www.cityofbeacon.org)  
Anthony Ruggiero, City Administrator

City Council  
Peggy Ross, Ward 1  
Omar Harper, Ward 2  
Pam Wetherbee, Ward 3  
Ali Muhammad, Ward 4  
Lee Kyriacou, At Large  
George Mansfield, At Large

## PROCLAMATION TO DESIGNATE THE MONTH OF APRIL AS WORLDWIDE PARKINSON'S AWARENESS MONTH IN THE CITY OF BEACON

WHEREAS, Parkinson's disease is a progressive neurological movement disorder of the central nervous system, which has a unique impact on each patient; and

WHEREAS, according to the Parkinson's Action Network, the Parkinson's Disease Foundation, the American Parkinson's Disease Association and the National Institutes of Health, there are over one million Americans diagnosed with Parkinson's disease.

WHEREAS, symptoms include slowness, tremor, difficulty with balance and speaking, rigidity, cognitive and memory problems; and

WHEREAS, although new medicines and therapies may enhance life for some time for people with Parkinson's disease, more work is needed for a cure; and

WHEREAS, increased education and research are needed to help find more effective treatments with fewer side effects and ultimately a cure for Parkinson's disease; and

WHEREAS, a multi-disciplinary approach to Parkinson disease care includes local wellness, support, and caregiver groups; and

WHEREAS, April has been proclaimed as World-Wide Parkinson's Awareness Month for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson's disease.

NOW, THEREFORE, I, Mayor Randy Casale and the City Council of the City of Beacon do hereby proclaim April as Parkinson's Awareness Month in the City of Beacon, NY.

Given under my hand in these free United States in the City of Beacon, New York, on this 20<sup>th</sup> day of March two thousand and seventeen, and to which I have caused the Seal of the City of Beacon, New York to be affixed and have made this proclamation public.

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Mayor Randy Casale

Attest:

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**City of Beacon Council Agenda  
3/20/2017**

**Title:**

**Resolution Authorizing an Agreement with the Beacon Farmers Market**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description

Res. Farmers Market

Type

Resolution



**CITY OF BEACON**  
**CITY COUNCIL**  
**RESOLUTION NO. \_\_\_\_\_ OF 2017**

**RESOLUTION APPROVING THE CITY OF BEACON'S FARMERS MARKET  
AND THE EXECUTION OF CERTAIN AGREEMENTS**

**WHEREAS**, in 2016 the City of Beacon granted Common Ground Farm, Inc ("CGF") a license to operate the City of Beacon Farmers Market from March 1, 2016 to December 31, 2016 at the Ferry Landing at the City of Beacon Waterfront on Sundays from 8 a.m. to 4:00 p.m.; and

**WHEREAS**, CGF is interested in renewing their license to operate the City of Beacon Farmers Market for 2017 Veterans Place.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Beacon hereby approves the City of Beacon Farmers Market for the year 2017 and authorizes the execution of a new License Agreement with CGF.

**BE IT FURTHER RESOLVED**, that the new License Agreement shall be subject to review and approval by the City Administrator and the City Attorney as to form and substance.

<b>Resolution No. _____ of 2017</b>			<b>Date: <u>March 20, 2017</u></b>				
<input type="checkbox"/> <b>Amendments</b>						<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <b>Not on roll call.</b>			<input type="checkbox"/> <b>On roll call</b>			<input type="checkbox"/> <b>3/4 Required</b>	
<b>Motion</b>	<b>Second</b>	<b>Council Member</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Reason</b>	<b>Absent</b>
		<b>Ali Muhammad</b>					
		<b>Omar Harper</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Pam Wetherbee</b>					
		<b>Peggy Ross</b>					
		<b>Mayor Randy Casale</b>					
<b>Motion Carried</b>							



**City of Beacon Council Agenda**  
**3/20/2017**

**Title:**

**Resolution Authorizing a Land-Banked Parking Agreement Regarding Scenic Hudson Long Dock**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Res. Land Banked Parking	Resolution
SH Land Bank Parking Agreement	Agreement



**CITY OF BEACON**

**CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ OF 2017**

**RESOLUTION AUTHORIZING A LAND BANKED PARKING AGREEMENT REGARDING  
SCENIC HUDSON LONG DOCK**

**WHEREAS**, Scenic Hudson obtained approval from the City of Beacon Planning Board in December 2016 for land development activity at 8 Long Dock Road on the North Shore portion of Long Dock Park pursuant to a certain site plan entitled, “Long Dock Park North Shore,” prepared by Reed Hilderbrand Architecture dated August 30, 2016, last revised October 25, 2016 (the “Project”); and

**WHEREAS**, the Project includes seven (7) “land banked” parking spaces pursuant to Section 223-26.E of the City Code; and

**WHEREAS**, the purpose of the Agreement, is to memorialize Scenic Hudson’s commitment to construct the seven (7) land banked parking spaces within 6 months of a determination by the Planning Board that such parking spaces are necessary.

**NOW THEREFORE, BE IT RESOLVED THAT**, the City Council hereby authorizes the Mayor and/or City Administrator to sign the Land Banked Parking Agreement for said purpose, along with all documents as may be necessary for the recording of such Agreement, subject to review and approval by the City Attorney.

<b>Resolution No. _____ of 2017</b>			<b>Date: <u>March 20, 2017</u></b>				
<input type="checkbox"/> <input type="checkbox"/> <b>Amendments</b>						<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <input type="checkbox"/> <b>Not on roll call.</b>			<input type="checkbox"/> <b>On roll call</b>			<input type="checkbox"/> <b>3/4 Required</b>	
<b>Motion</b>	<b>Second</b>	<b>Council Member</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Reason</b>	<b>Absent</b>
		<b>Ali Muhammad</b>					
		<b>Omar Harper</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Pam Wetherbee</b>					
		<b>Peggy Ross</b>					
		<b>Mayor Randy Casale</b>					
		<b>Motion Carried</b>					

## LAND BANKED PARKING AGREEMENT

This LAND BANKED PARKING AGREEMENT ("Agreement") is made and entered into this \_\_\_\_ day of March, 2017, by and between The Scenic Hudson Land Trust, Inc., a New York not-for-profit corporation ("Scenic Hudson"), and Beacon Waterfront, LLC, a New York limited liability company ("Beacon Waterfront"; together with Scenic Hudson, the "Parcel Owner"), and the City of Beacon, New York ("the City").

### WITNESSETH

WHEREAS, Scenic Hudson is the current fee owner of certain premises located in the City of Beacon, County of Dutchess, and State of New York, identified as tax parcel numbers 5954-32-481840 and 5954-41-537725, and Beacon Waterfront is the current fee owner of certain premises located in the City of Beacon, County of Dutchess, and State of New York, identified as tax parcel number 5954-32-490828 (together, the "Park Site") described at **Schedule "A"** annexed hereto, and depicted on plans generally entitled "Long Dock Park North Shore," prepared by Reed Hilderbrand Landscape Architecture, last revised October 25, 2016 (the "Site Plan"), on **Schedule "B"** annexed hereto; and

WHEREAS, the Site Plan was prepared in connection with an application for Amended Site Plan Approval, submitted by the Parcel Owner, for a recreational waterfront park known as "Long Dock Park North Shore" consisting of two 960 sf. shade pavilions for informal outdoor dining, a 19,000 sf. public civic plaza with seating, infrastructure for up to two food trucks, boardwalk with seating, a West Deck overlook with seating, lawns and meadows, enclosed accessible toilets, accessible pedestrian paths, and a vehicular drive and associated off-street parking spaces (the "Project"); and

WHEREAS, City of Beacon Zoning Code §223-26.E authorizes the City of Beacon Planning Board (the "Planning Board") to "waive the initial improvement of up to 50% of the required off-street parking spaces, provided that all of the required spaces are shown on the proposed plan and further provided that suitable agreements, satisfactory to the City Council or Planning Board, are obtained assuring the City that the [Parcel Owner] will be responsible for the construction of such waived parking spaces, or any portion thereof, within six (6) months of the date such spaces may be deemed necessary by the City Council or Planning Board"; and

WHEREAS, pursuant to City of Beacon Zoning Code §223-41.4(I)(12)(c), the number of parking spaces required for the recreational waterfront park is within the discretion of the Planning Board; and the Site Plan proposes the construction of nineteen (19) parking spaces on the Park Site, plus seven (7) land banked spaces which will remain unimproved until such time the Planning Board deems such spaces to be necessary and must be constructed; and

WHEREAS, pursuant to that Resolution of Amended Site Plan Approval adopted on December 13, 2016 and dated January 27, 2017, annexed hereto as **Schedule "C"**, the Planning Board granted Amended Site Plan Approval to the Parcel Owner for the Project, as shown on the Site Plan and related application materials, provided that, prior to the issuance of a building permit, a land banked parking agreement pursuant to City of Beacon Zoning Code §223-26.E shall be submitted for review and approval; and

WHEREAS, the Parcel Owner and the City wish to record this Agreement pursuant to City of Beacon Zoning Code §223-26.E to ensure the seven (7) land banked parking spaces are constructed, if and when the Planning Board determines the parking spaces, or a portion thereof, to be necessary.

NOW, THEREFORE, the parties declare as follows:

1. **Construction.** Upon a determination by the Planning Board that all or a portion of the seven (7) land banked parking spaces are necessary, the Parcel Owner hereby agrees to construct such necessary parking spaces within six (6) months of the date of such determination, as required by the Planning Board, subject to reasonable time extensions due to winter weather delay. The Parcel Owner shall construct such necessary parking spaces at the location shown on **Schedule "A"** or at an alternate location within the Park Site as agreed upon by the Parcel Owner and the Planning Board.

2. **Necessary Permits and Approvals.** Prior to the construction of the parking spaces which are determined to be necessary by the Planning Board, the Parcel Owner agrees to use good faith diligent efforts to obtain from the City any necessary administrative permits and approvals.

3. **No Additional Construction.** The parties hereby agree that no building or structure of any kind shall be erected over the land banked parking area shown on **Schedule "B"** by or on behalf of the Parcel Owner, except for the parking spaces approved by the Planning Board, provided that, pursuant to Section 1 of this Declaration, Scenic Hudson may construct such necessary parking spaces at an alternate location within the Park Site, subject to approval by the City of Beacon Planning Board in connection with their determination that construction of all or a portion of the seven (7) land banked parking spaces are necessary.

4. **Governing Law.** This Agreement shall be governed and construed in accordance with the laws of the State of New York.

5. **Entire Document/Modification.** This Agreement constitutes the entire agreement between the parties hereto with respect to the land banked parking area shown on **Schedule "A"** (except for any subsequent agreement by the parties to construct such necessary land banked parking spaces at an alternate location within the Park Site). This Agreement shall not be amended to eliminate or otherwise reduce the requirement to set aside a portion of the Park Site for land banked parking associated with the Project unless such elimination or reduction is approved by the Planning Board and the Planning Board provides notice to the Parcel Owner of such approval.

6. **Recording.** This Declaration shall be recorded in the office of the County Clerk, County of Dutchess, cross-referencing the deed(s) for the Park Site.

7. **Force Majeure.** If one of the parties shall be delayed, hindered in or prevented from the performance of any act or obligation agreed upon pursuant to this Declaration by reason of acts of God, fire, earthquake, floods, explosions, riots, civil commotion, failure of

transportation, strikes or lockouts, governmental laws, regulations, or restrictions, or other reasons of a similar or dissimilar nature which are beyond the control of such party, then performance of such act or obligation shall be excused for the period of the delay and the period for the performance of any such act or obligation shall be extended for the period equivalent to the period of such delay. Notwithstanding the foregoing, in no event shall lack of funds excuse the performance by either party of its obligations hereunder.

**IN WITNESS WHEREOF**, the parties hereto have signed this Declaration as of the date first written above.

**SCENIC HUDSON LAND TRUST, INC.,**  
a New York Not-for-Profit Corporation

By: \_\_\_\_\_

Name: Steve Rosenberg

Title: Executive Director,

The Scenic Hudson Land Trust, Inc.

**BEACON WATERFRONT, LLC,**  
a New York limited liability company

By: Scenic Hudson Land Trust, Inc.,  
a New York Not-for-Profit Corporation  
its sole member

By: \_\_\_\_\_

Name: Steve Rosenberg

Title: Executive Director,

The Scenic Hudson Land Trust, Inc.

**THE CITY OF BEACON, NEW YORK,**

By: \_\_\_\_\_

Name:

Title:

STATE OF NEW YORK )

) ss.:

COUNTY OF DUTCHESS )

On the 3<sup>rd</sup> day of March in the year 2017 before me, the undersigned, a notary public in and for said state, personally appeared Steve Rosenberg, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person

upon behalf of which the individual acted, executed the instrument.

Gail L. Krein-Clearwater  
Notary Public

**GAIL L KREIN CLEARWATER**  
Notary Public, State of New York  
No. 01KR6111621  
Qualified in Ulster County  
Commission Expires June 14, 2020

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF DUTCHESS    )

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2017 before me, the undersigned, a notary public in and for said state, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF DUTCHESS    )

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2017 before me, the undersigned, a notary public in and for said state, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

## **SCHEDULE A**

### **Metes and Bounds Description**

**SCHEDULE "A"**

**SUGGESTED DESCRIPTION  
Parcel 1 & 2**

All that parcel of land situate in the City of Beacon, County of Dutchess and State of New York being more particularly bounded and described as follows:

**Parcel 2**

Beginning at a point being located in the westerly road boundary of Red Flynn Drive at its intersection with the division line between Parcel 1 & 2 of lands now or formerly of the Scenic Hudson Land Trust Inc. (L. 2000 Pg. 13); thence along aforementioned road boundary the following (2) two courses and distances:

1. South  $07^{\circ}46'50''$  East, a distance of 19.04 feet to a point;
2. South  $44^{\circ}35'01''$  East, a distance of 99.85 feet to a point; thence along other lands now or formerly of the Scenic Hudson Land Trust Inc. South  $85^{\circ}41'40''$  West, a distance of 1205.94 feet to a point at its intersection with the division line of lands now or formerly of the State of New York; thence North  $03^{\circ}23'50''$  East, a distance of 229.51 feet to a point; thence through the lands of the aforementioned Scenic Hudson (division line between parcels 1 & 2) the following (5) courses and distances:

1. South  $89^{\circ}43'10''$  East, a distance of 209.35 feet to a point;
2. South  $84^{\circ}30'10''$  East, a distance of 87.25 feet to a point;
3. North  $84^{\circ}42'20''$  East, a distance of 444.28 feet to a point;
4. South  $69^{\circ}08'10''$  East, a distance of 239.30 feet to a point;
5. North  $82^{\circ}07'50''$  East, a distance of 154.16 feet to a point of place of Beginning.

Containing 4.73 acres more or less.

**Parcel 1**

Also, said parcel of land beginning at same Point of beginning for previous parcel; thence along aforementioned division line for parcels 1 & 2 the following (5) five courses and distances:

1. South  $88^{\circ}07'50''$  West, a distance of 154.16 feet to a point;
2. North  $69^{\circ}08'10''$  West, a distance of 239.30 feet to a point;
3. South  $84^{\circ}42'20''$  West, a distance of 444.28 feet to a point;
4. North  $84^{\circ}30'10''$  West, a distance of 87.25 feet to a point;
5. North  $89^{\circ}43'10''$  West, a distance of 209.35 feet to a point; at its intersection with the division line of the lands now or formerly of the state of New York; thence North  $03^{\circ}21'33''$  East, a distance of 211.36 feet to a point at its intersection with the division line between lands now or formerly of the aforementioned Scenic Hudson and lands now or formerly of the City of Beacon (L. 1180 Pg. 13); thence South  $84^{\circ}55'09''$  East, a distance of 1085.82 feet to a point in the westerly road boundary of Red Flynn Drive; thence South  $07^{\circ}46'49''$  East, a distance of 164.94 feet to the Point or Place of Beginning. Containing 4.22 acres more or less.

Subject to any other enforceable easements restrictions or covenants of record that may exist.



**Suggested Legal Description**  
**Land now or formerly of The Scenic Hudson Land Trust, Inc.**  
**(Parcel 3)**

All that parcel of land situate in the City of Beacon, County of Dutchess and State of New York, being more particularly bounded and described as follows:

Beginning at a point located in the division line between lands now or formerly of The Scenic Hudson Land Trust, Inc. (Liber 1993, Page 126) to the southwest and lands now or formerly of Consolidated Rail Corporation (Liber 1492, Page 567) to the southeast; thence along said division line the following five (5) courses and distances:

1. South 03°-47'-15" East, a distance of 204.00 feet to a point;
2. South 86°-12'-45" West, a distance of 30.00 feet to a point;
3. South 03°-47'-15" East, a distance of 800.00 feet to a point;
4. South 10°-22'-20" East, a distance of 1,800.39 feet to a point;
5. South 00°-35'-45" West, a distance of 873.02 feet to a point

located in the division line between lands of The Scenic Hudson Land Trust, Inc. to the northwest and lands now or formerly of The People of The State of New York (Liber 1813, Page 117) to the southwest; thence along said division line, through the water of the Hudson River, the following two (2) courses and distances:

1. North 83°-22'-20" West, a distance of 118.44 feet to a point;
2. North 84°-58'-50" West, a distance of 178.70 feet to a point

thence continuing through the water of the Hudson River the following seven (7) courses and distances:

1. North 10°-22'-20" West, a distance of 947.91 feet to a point;
2. South 84°-22'-20" East, a distance of 124.84 feet to a point;
3. North 10°-22'-20" West, a distance of 435.25 feet to a point;
4. North 84°-22'-20" West, a distance of 1,201.38 feet to a point;
5. North 05°-37'-40" East, a distance of 920.00 feet to a point;
6. North 84°-22'-20" West, a distance of 164.53 feet to a point;
7. North 03°-23'-50" East, a distance of 1,176.73 feet to a point;

located in the division between lands of The Scenic Hudson Land Trust, Inc. to the southeast and other lands of The Scenic Hudson Land Trust, Inc. (Liber 2000, Page 13) to the northeast; thence along said division line North 85°-41'-40" East, a distance of 1,205.94 feet to a point located in the western road boundary of Red Flynn Drive; thence along the western road boundary of Red Flynn Drive the following two (2) courses and distances:

1. South 56°-31'-10" East, a distance of 48.00 feet to a point;

2. South 54°-54'-25" East, a distance of 31.54 feet to a point or

**Place of Beginning;** containing 80.58+/- acres more or less.

**Subject to any other enforceable easements, restrictions or covenants of record that may exist.**

**SCHEDULE B**

Site Plan

[See Attached Exhibit]

SCENIC HUDSON'S  
LONG DOCK PARK  
NORTH SHORE  
BEACON NY

REED-HILDBRAND  
Landscape Architecture  
130 Bedford Ave, Suite 200  
Brooklyn, NY 11211  
Phone: 718.224.2222, 718.224.3740  
www.reed-hilbrand.com

ARCHITECTS  
710 Third Street, 7th Floor  
Brooklyn, NY 11211  
Phone: 718.224.2222, 718.224.3740  
www.reed-hilbrand.com

DIMERY TUNG SCHWABE  
Civil Engineering  
100 West 17th Street  
New York, NY 10011  
Phone: 212.244.1111  
www.dtschwabe.com

BARON WINTERHORN LANDSCAPE  
Landscape Architecture  
180 North Winton Street  
Brooklyn, NY 11208  
Phone: 718.224.2222  
www.winterhorn.com

OSLAND LANDSCAPES  
Landscape Architecture  
280 Williams Drive  
Brooklyn, NY 11208  
Phone: 718.224.2222

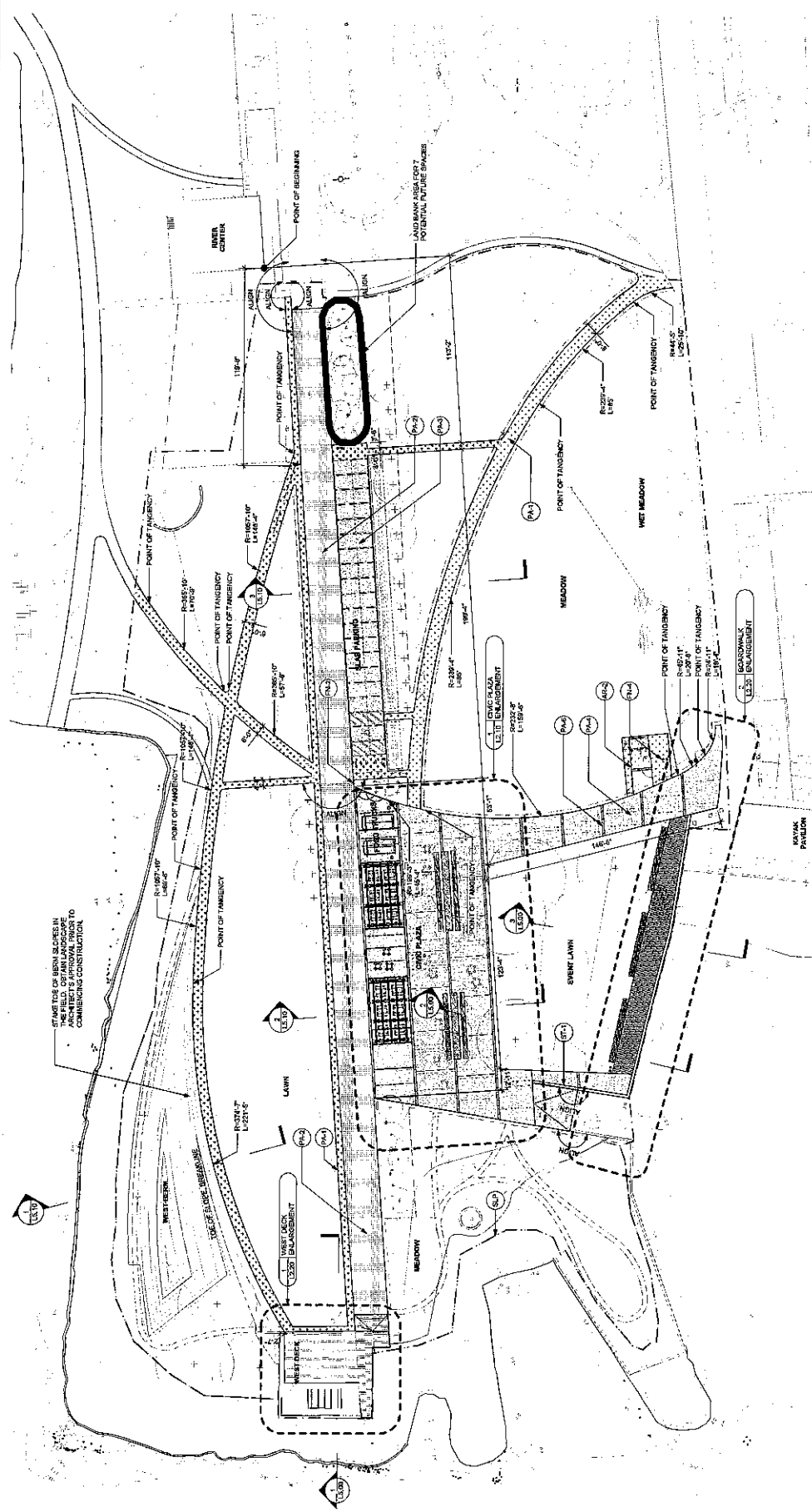
GENERAL NOTES  
1. Existing conditions and topography data are from a survey performed by Mueser Rutledge Klein, dated 10/10/17. All elevations are in feet above mean sea level (AMSL).  
2. The proposed construction shall be in accordance with the City of New York Department of Environmental Protection (DEP) and the City of New York Department of Parks and Recreation (DPR) regulations.  
3. The proposed construction shall be in accordance with the City of New York Department of Environmental Protection (DEP) and the City of New York Department of Parks and Recreation (DPR) regulations.  
4. The proposed construction shall be in accordance with the City of New York Department of Environmental Protection (DEP) and the City of New York Department of Parks and Recreation (DPR) regulations.

NOT FOR CONSTRUCTION  
DATE: 05/03/2018

Drawn by: [Name]  
Scale: [Scale]  
Date: 25 OCT 2018

Sheet Title  
Site Layout and Materials Plan

Sheet Number  
L2.00



**GENERAL REQUIREMENTS & CONSTRUCTION NOTES**

1. One foot trees with spreader fully, with a maximum of two as shown on the plan. If more than two foot trees are shown for an area, the spreader will remain in an open space from the city of Beacon.
2. The foot trees to be removed, all other vegetation of similar size or smaller will be removed.
3. The foot trees to be removed, all other vegetation of similar size or smaller will be removed.
4. The foot trees to be removed, all other vegetation of similar size or smaller will be removed.

**LANDSCAPE NOTES**

1. Do not scale drawings.
2. All dimensions are in feet unless otherwise specified.
3. All dimensions are in feet unless otherwise specified.
4. All dimensions are in feet unless otherwise specified.
5. All dimensions are in feet unless otherwise specified.
6. All dimensions are in feet unless otherwise specified.
7. All dimensions are in feet unless otherwise specified.
8. All dimensions are in feet unless otherwise specified.
9. All dimensions are in feet unless otherwise specified.
10. All dimensions are in feet unless otherwise specified.

SYMBOL	KEY	DESCRIPTION	DETAIL REF.	SPCO SECTION
[Symbol]	FN-1	WOOD BENCH		01123
[Symbol]	FN-2	WOOD BOLLARD WITH REMOVABLE CABLE		12010
[Symbol]	FN-3	BIKE RACK		12010
[Symbol]	FN-4	TRASH & RECYCLING RECEPTACLES		12010
[Symbol]	FN-5	INTERPRETIVE SIGN		
[Symbol]	FN-7	PARKING SIGN		
[Symbol]	ST-1	CONCRETE SITE WALL		03300
[Symbol]	AR-1	SHADE PAVILION		DEE ARCH
[Symbol]	AR-2	MAINTENANCE SHED		DEE ARCH

SYMBOL	KEY	DESCRIPTION	DETAIL REF.	SPCO SECTION
[Symbol]	LOW	LIMIT OF WORK		
[Symbol]	SLP	EXISTING SIDEWALK PROTECTION		
[Symbol]	PA-1	STABILIZED STONE/GRASS WITH 10' TREE SPACE	21140	
[Symbol]	PA-2	RETAINING CONCRETE PAVING	21116	
[Symbol]	PA-3	CONCRETE SLAB	03300	
[Symbol]	PA-4	CONCRETE PAVING	03300	
[Symbol]	PA-5	CONTROL JOINT	01163	
[Symbol]	PA-6	FRASER/JOINT IN CONCRETE PAVING	21145	
[Symbol]	PA-7	METAL EDGE	03301	

**SCHEDULE C**

Resolution

[See Attached Exhibit]

## **RESOLUTION**

### **PLANNING BOARD BEACON, NEW YORK**

#### **AMENDED SITE PLAN APPROVAL FOR SCENIC HUDSON**

WHEREAS, the Beacon Planning Board is entertaining an application for Amended Site Plan Approval from The Scenic Hudson Land Trust, Inc. (the "Applicant") for a passive recreational waterfront park known as "Long Dock Park North Shore" (the "Project" or "Proposed Action"); and

WHEREAS, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Proposed Action includes Site Plan Approval, a Local Waterfront Revitalization Program (LWRP) Consistency Determination, and all other required permits and approvals regarding the Project; and

WHEREAS, the project site is located at 23 Long Dock Road on tax parcels 5954-32-490828, 5954-32-481840, and 5954-41-537725 (the "Site" or "Subject Property"); and

WHEREAS the Site is approximately 4.57 acres in size and is located in the Waterfront Development (WD) District; and

WHEREAS, the overall Project is shown on the following drawings, generally entitled "Long Dock Park North Shore," prepared by Reed Hilderbrand Architecture dated August 30, 2016, last revised October 25, 2016:

- Sheet L0.00, "Existing Conditions"
- Sheet L1.00, "Site Demolition and Preparation"
- Sheet L2.00, "Site Layout and Materials Plan"
- Sheet L2.10, "Civic Plaza Enlargement Plan"
- Sheet L2.20, "West Deck/Boardwalk Enlargement Plan"
- Sheet L3.00, "Grading Plan"
- Sheet L4.00, "Site Planting Plan"
- Sheet L5.00, "Sections"
- Sheet L5.10, "Sections"
- Sheet L7.00, "Soil Details"
- Sheet C1.00, "Utility Plan"
- Sheet C2.00, "Erosion and Sediment Control Plan"
- Sheet A1.00, "Shade Pavilion Plans"
- Sheet A2.00, "Shade Pavilion Plans Alternate"
- Sheet A3.00, "Maintenance Shed Plans"
- Sheet A4.00, "Maintenance Shed Elevations and Section"; and

**Resolution of Amended Site Plan Approval – Scenic Hudson Long Dock Park North Shore**

WHEREAS, the application also consists of application forms, the Environmental Assessment Form (EAF), and all other submissions by the Applicant; and

WHEREAS, the Project consists of the installation of two 960 s.f. shade pavilions for informal outdoor dining, a 19,000 s.f. public civic plaza with seating, infrastructure for up to two food trucks, boardwalk with seating, a West Deck overlook with seating, lawns and meadows, enclosed accessible toilets, accessible pedestrian paths, and a vehicular drive and associated off-street parking spaces; and

WHEREAS, on December 8, 2009, following the preparation of an Environmental Impact Statement pursuant to SEQRA the Planning Board approved a Site Plan for Scenic Hudson Park at Long Dock which plans included a mixed use development ("2009 Site Plan"); and

WHEREAS, for various reasons, the 2009 Site Plan was not implemented at Scenic Hudson's Long Dock Park North Shore; and

WHEREAS, the Planning Board reviewed the application at its August 9, September 13, October 12, 2016, November 9, 2016 and December 13, 2016 meetings; and

WHEREAS, on July 29, 2016 the application was referred to the Dutchess County Department of Planning and Development ("DCDPD") and on August 9, 2016 the Planning Board received a response from DCDPD indicating the application was a matter of local concern; and

WHEREAS, on December 13, 2016, after taking a "hard look" at the EAF and all of the associated materials prepared in connection with the Proposed Action, the Planning Board, as Lead Agency, adopted a Negative Declaration regarding the Proposed Action; and

WHEREAS, the Site is located in the Coastal Management Zone as defined by the City's LWRP; and

WHEREAS, on December 13, 2016, the Planning Board issued an LWRP Consistency Determination finding the Project to be consistent with the objectives and policies of the City's LWRP; and

WHEREAS, on October 12, 2016 and November 9, 2016, the Planning Board held a public hearing on the applications for Site Plan Approval, at which time all those interested were given an opportunity to be heard, and the public hearing was closed on November 9, 2016; and

**Resolution of Amended Site Plan Approval – Scenic Hudson Long Dock Park North Shore**

WHEREAS, comments were received during the public hearing in support of locating the River Pool at Scenic Hudson's Lock Dock North Shore Park, however, Scenic Hudson has withheld consent to permit River Pool to locate on the Site; and

WHEREAS, the Planning Board encourages Scenic Hudson to reconsider and is supportive of continued efforts between River Pool, Inc. and Scenic Hudson to negotiate an agreement whereby Scenic Hudson would consent to allowing River Pool to locate on the Site; and

WHEREAS, the Planning Board finds the application meets the waterfront development standards set forth in Section 223-41.4.I of the Zoning Code; and

WHEREAS, the Planning Board is fully familiar with the Project and has reviewed the Project relative to all applicable provisions of the City Code.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby grants Site Plan Approval to the Project, as shown on the Site Plan Drawings and other application materials enumerated above, subject to compliance with the following conditions and any other requirements which must be met by law:

**A. Prior to the signing of the Site Plan Drawings by the Planning Board Chairman, the following conditions shall be fulfilled to the satisfaction of the Planning Board:**

1. The comments contained in the City Planner's letter to the Planning Board dated November 4, 2016, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.
2. The Applicant shall seek and obtain all required permits and/or approvals from the appropriate agencies for the Project and shall meet all conditions contained in such approvals, as required therein.
3. The Applicant shall fund an escrow account with the City of Beacon for the construction observation and monthly stormwater inspections of the proposed utilities and site improvements in an amount as determined by the City Engineer.

When the conditions above have been satisfied, six (6) sets of the above referenced plans revised as per the conditions above shall be submitted for endorsement by the Planning Board Chairman. One set of the endorsed plans will be returned to the Applicant, one set will be retained by the City Clerk, one set



**Resolution of Amended Site Plan Approval – Scenic Hudson Long Dock Park North Shore**

will be provided to the Planning Board, and one set each will be forwarded to the Building Inspector, City Engineer and City Planner.

**B. Prior to the issuance of a Building Permit, the following conditions shall be fulfilled to the satisfaction of the Building Inspector:**

1. The Applicant shall submit a formal Stormwater Management Maintenance Agreement & Access Easement binding on all subsequent landowners to ensure the long-term maintenance of all proposed stormwater practices. The Stormwater Management Maintenance Agreement & Access Easement shall be prepared in accordance with Section 189-9 of the City Code in a form acceptable to the City Attorney and shall be recorded in the Dutchess County Clerk's Office.
2. Pursuant to Section 223-26.E of the Zoning Code, the Applicant shall be responsible for the construction of the seven (7) landbanked parking spaces as shown on the approved site plan referenced herein within six (6) months of the date such spaces may be deemed necessary by the Planning Board. A landbanked parking agreement shall be submitted to the City Attorney for review and approval.
3. The Applicant shall submit a Certificate of Completion from the New York State Department of Conservation concerning the Brownfield remediation that occurred on the Site.

**C. The following are general conditions which shall be fulfilled:**

1. The Site Plan approval granted by the Planning Board in October 2015 for two food trucks at Scenic Hudson Long Dock Park will continue in effect to allow such food trucks to be in operation during construction of Scenic Hudson Long Dock Park North Shore, to the extent such construction does not interfere with the safety of the approved locations of such food trucks and associated infrastructure, as determined by the Building Inspector. The food truck locations shown in the site plan listed herein and approved by this Resolution shall be effective for two years following the date of this Resolution pursuant to Section 223-26.3.A of the Zoning Code.
2. The Building Inspector and the City Engineer shall have the right to direct the Applicant to cause the placement, cleaning and/or repair of sedimentation and erosion control devices wherever and whenever deemed necessary during construction.

**Resolution of Amended Site Plan Approval – Scenic Hudson Long Dock Park North Shore**

- 3... The Applicant shall be responsible for the payment of all application review costs incurred by the City in its review and approval of this project. Such fees shall be paid by the Applicant within thirty (30) days of each notification by the City that such fees are due. If such fees are not paid within said thirty (30) day period, and an extension therefore has not been granted by the City, this resolution shall be rendered null and void.
4. As used herein, the term "Applicant" shall include its heirs, successors and assigns, and where applicable its contractors and employees.
5. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
6. The approvals granted by this resolution do not supersede the authority of any other entity.
7. The Applicant shall be responsible for the payment of all application review costs incurred by the City in its review and approval of this project. Such fees shall be paid by the Applicant within thirty (30) days of each notification by the City that such fees are due. If such fees are not paid within the thirty (30) day period, and an extension therefor has not been granted by the City, this resolution shall be rendered null and void.
8. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
9. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are subsequently desired.

**Resolution Adopted: December 13, 2016**  
**Beacon, New York**

  
Jay Sheers, Chairman

January 27, 2017  
Date

**City of Beacon Council Agenda**  
**3/20/2017**

**Title:**

**Resolution Scheduling a Public Hearing for April 3, 2017 to Receive Comment Concerning the Proposed Local Law Regarding an Alternative Grievance Day**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Res. Sched PH re Alter Grievance Day	Resolution
LL Alt. Grievance Day	Local Law



**CITY OF BEACON**

**CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ OF 2017**

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR APRIL 3, 2017 TO RECEIVE COMMENT CONCERNING A LOCAL LAW TO AMEND THE CITY CODE REGARDING ALTERNATIVE GRIEVANCE DAY**

**NOW, THEREFORE, BE IT RESOLVED** that the Beacon City Council hereby schedules a public hearing for April 3, 2017 at 7 p.m. at City Hall, One Municipal Plaza, Beacon, New York 12508 to receive public comment concerning a local law to create Chapter 199, Article XI, Section 55 concerning Alternative Grievance Day.

<b>Resolution No. _____ of 2017</b>			<b>Date: <u>March 20, 2017</u></b>				
<input type="checkbox"/> <input type="checkbox"/> <b>Amendments</b>						<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <input type="checkbox"/> <b>Not on roll call.</b>			<input type="checkbox"/> <b>On roll call</b>			<input type="checkbox"/> <b>3/4 Required</b>	
<b>Motion</b>	<b>Second</b>	<b>Council Member</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Reason</b>	<b>Absent</b>
		<b>Ali Muhammad</b>					
		<b>Omar Harper</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Pam Wetherbee</b>					
		<b>Peggy Ross</b>					
		<b>Mayor Randy Casale</b>					
<b>Motion Carried</b>							

Draft: 3/10/17

**LOCAL LAW NO. \_\_\_\_ OF 2017**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW AMENDING  
CHAPTER 199 OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to  
create Chapter 199,  
Article XI, Section 55  
concerning Alternative  
Grievance Day.

A LOCAL LAW to create Chapter 199, Article XI, Section 55 concerning the Grievance Day on which the Board of Assessment Review shall hear complaints relating to real property tax assessments.

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

**Section 1.** Chapter 199, Article XI of the Code of the City of Beacon entitled “Grievance Day” is hereby added as follows:

**§ 199-55 Grievance Day for Complaints in Relation to Assessments.**

The fourth Wednesday of May shall be the date for the annual meeting of the Board of Assessment Review to hear complaints in relation to assessments, pursuant to New York Real Property Tax Law Section 512.

**Section 2.** Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Chapter 199 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**  
**3/20/2017**

**Title:**

**Resolution Authorizing an Agreement with Cervone Auto Body for Towing Services for the Beacon Police Department**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Res. Towing	Resolution
Towing Contract	Agreement



**CITY OF BEACON**  
**CITY COUNCIL**  
**RESOLUTION NO. \_\_\_\_\_ OF 2017**

**RESOLUTION AUTHORIZING EXECUTION AN AGREEMENT  
WITH CERVONE AUTO BODY, INC**

**WHEREAS**, the City of Beacon seeks to enter into a Tow Agreement with Cervone Auto Body Inc. for the towing of vehicles, at the request of the City of Beacon Police Department, which are disable, seized during traffic stops, parked illegally or in violation of a City ordinance or damaged in a traffic accident.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Beacon hereby authorizes the execution of the Tow Agreement by and between the City of Beacon and Cervone Auto, Body, Inc for towing services for the Beacon Police Department.

<b>Resolution No. _____ of 2017</b>			<b>Date: <u>March 20, 2017</u></b>				
<input type="checkbox"/> <b>Amendments</b>			<input type="checkbox"/> <b>On roll call</b>			<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <b>Not on roll call.</b>						<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Ali Muhammad</b>					
		<b>Omar Harper</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Pam Wetherbee</b>					
		<b>Peggy Ross</b>					
		<b>Mayor Randy Casale</b>					
<b>Motion Carried</b>							



**City of Beacon Police Department**  
**Tow Agreement**

This Tow Agreement (the “Agreement”), dated \_\_\_\_\_, 2017, is made by and between Cervone Auto Body, Inc., a licensed towing service operator in the State of New York, with a principal place of business located at 326 Fishkill Ave, Beacon, NY 12508 (the “Towing Company”), and the City of Beacon, having offices at 1 Municipal Plaza Beacon, NY (the “City”).

**Section 1: Operations**

**A. Term of Agreement**

The term of this agreement shall be for three years.

**B. Response to calls**

The Towing Company will respond to scenes only at the direction of the City Police Department except in the case the motorist and/or motorist organization directly calls the Towing Company and that company is authorized to tow at the time. The City Police Department may direct special exceptions to this notice in the interest of public safety; inclement weather, natural/manmade disasters.

**C. Response time**

During regular business hours (9:00 a.m. to 5:00 p.m) the maximum response time from the time the Towing Company receives a call for service shall be twenty (20) minutes. Outside of regular business hours, maximum response time shall not exceed thirty (30) minutes.

**D. Secured Storage Yard**

The Towing Company shall have use of a secured storage yard or other facility located in Dutchess or Putnam County within a ten (10) mile radius of City Hall.

**E. Towing of City Vehicles**

The Towing Company shall tow City vehicles to the City’s garage facilities or other designated location free of charge to the City, provided that said vehicle and garage facility or other designated location are located within fifteen (15) miles of City Hall at the time the call for service is made.

**F. Calls for Service**

Calls for service made by a Beacon Police Officer at the request of a vehicle owner, such as calls via AAA or special request to a particular tow service, shall not be considered a call for service

by the City pursuant to this Agreement. In such instance, the Towing Company may charge its ordinary and customary rate.

#### G. Emergency Situations

Subject to circumstances as they unfold, the Police Department may, at their discretion, suspend all or part of this Agreement in the interest of public safety.

#### H. Debris and road cleanup

The Towing Company shall clean up all debris from any vehicle towed, including hazardous materials, if not otherwise directed by an enforcement authority at the scene. Such clean-up shall be conducted as part of the Towing Company's service at no charge to the City. Failure to complete clean-up may result in the Towing Company being cited for violating VTL Section 1219 and/or suspension or termination of this Towing Agreement for poor service.

#### I. Vehicles towed due to violation

A written release from the Beacon Police Department shall be a prerequisite for the Towing Company to release vehicles towed due to a violation that would prohibit the vehicle from being operated (suspended registration, uninsured, unregistered, equipment safety violation, etc.) or operated by a specific person (unlicensed, AUO, DWI, etc.)

#### J. Payment

The Towing Company must accept cash payment and at least (2) major credit cards. The only exceptions are that the Towing Company may charge cash only for impounds or abandoned vehicles. Patrons will be given a reasonable amount of time to obtain cash/credit card during off hours prior to the vehicle being retained at the Towing Company's facility.

#### K. Failure to respond

1. The Towing Company shall communicate to Police Dispatch any and all delays or missed responses they encounter while responding to a dispatched call which may prohibit them from arriving on scene within the required time. All communications will be made by phone to the Police Dispatch.
2. The following shall constitute delays or missed responses by the Towing Company
  - a. Failure or refusal to respond to a call for service
  - b. Physical incapability to tow a particular vehicle.
  - c. Failure to respond timely to a call for service.
3. Upon two (2) or more missed responses, the City shall have the option of suspending or terminating this Agreement, at the City's sole discretion.

4. The City shall have the option to suspend or terminate this Agreement in response to poor service or complaints by members of the Police Department or the public.

#### L. Availability

1. The Towing Company must be available 24 hours a day, 7 days a week, 365 days a year. They must maintain a 24 hour answering service or dedicated phone line staffed by live personnel to take calls for service. Multiple violations may result in the suspension or revocation of this Agreement.
2. The Towing Company shall permit access, during normal business hours, to an impounded or stored vehicle by the owner of that vehicle for the purpose of removing items of property in the nature of personal effects from the vehicle. Any lien on the vehicle to which the Tow Company is entitled shall not include such property.

#### M. Equipment Requirements

1. The Towing Company must have a minimum equipment of two (2) or more Tow Trucks in service at all times, at least (1) of which must be a flatbed. All tow trucks must be reasonably equipped as necessary to furnish emergency towing and road service. All Tow Trucks and Towing Services must be compliant with State and Federal regulations. Pickup trucks shall not be used in lieu of a Tow Truck.
2. The Towing Company shall keep and maintain towing equipment which is adequate and reasonable to perform such Towing Services in a workmanlike manner.

#### N. Call for assistance

1. In the event of a motor vehicle accident, disablement, impoundment or call to the Police Department for towing assistance, except in the case of a specific request by the owner or operator, the Police Department shall notify the Towing Company that a tow is requested.
2. The Chief of Police is authorized to develop such other rules and regulations as he deems appropriate to maintain and enforce effective and responsive towing services.

#### O. Disposal of Vehicles

1. If the City does not choose to exercise its right to take custody and ownership of an abandoned vehicle as prescribed by § 1224 of the New York State Vehicle and Traffic Law, the Towing Company may transfer such vehicle to a registered vehicle dismantler or itinerant vehicle collector if the vehicle has a wholesale value of \$1,250 or less, is 10 or more model years old and has been abandoned for at least one month. The Towing Company may also choose to salvage the vehicle after obtaining a New York State Salvage Certificate (MV-907A) from the New York State Department of Motor Vehicles. In the event that the vehicle is less than 10 years old or if the vehicle dismantler or itinerant vehicle collector pays more than \$1,250, the Towing Company must obtain title or a transferable registration from the City as property owner of the abandoned vehicle. In

no event shall the Towing Company require the City to pay the towing and service fees incurred by such vehicle after taking title.

In the event that there are no available registered vehicle dismantlers or itinerant vehicle collectors located within 15 miles of City Hall the parties agree to renegotiate in good faith the expense born by the towing company for dismantling the vehicle. In the event that a new agreement is not reached, the Towing Company may cancel the Contract if more than 18 months remains on Contract.

2. The Towing Company shall contact the City of Beacon Police Department to verify that the vehicle has not been reported as stolen prior to disposal of any unclaimed or abandoned vehicle.
  3. If the City exercises its right to take custody and ownership of an abandoned vehicle pursuant to Section 1224 of the Vehicle and Traffic Law, such vehicle shall be sold at public auction and the minimum bid shall be set to equal the towing and storage fees incurred by such vehicle. Funds obtained by the City for vehicles sold at public auction shall be the exclusive source of payment to the Towing Company to satisfy any lien on the vehicle and payment shall only be made upon submission of a proper voucher to the City. The City shall hold surplus funds so realized for one year form the date of sale for the benefit of the owner of the vehicle at the time of abandonment. If unclaimed by the owner within one year time period, such monies shall be paid into the General Fund of the City of Beacon.
  4. The Towing Company has the option to accept any bid below the minimum established bid as full satisfaction of towing and storage fees incurred by such vehicle or the Towing Company may choose to take possession to salvage and repair the vehicle or transfer the vehicle to a registered vehicle dismantler or itinerant vehicle collector..
  5. The Towing Company shall allow its premises to be used, without charge, by the City for purposes of conducting auctions where necessary to dispose of vehicles.
- P. Charges for service under this Agreement shall be as follows and will be all inclusive for each category (with no additional service charges to be added on):

Category	Description	Towing	Storage
1. City- Owned Vehicles and Light Trucks			
A	City-Owned Vehicles and light trucks	No Charge within 15 miles of City Hall	No Charge.

2. Personal Vehicles and Light Trucks			
A	Personal Vehicles and Light Trucks	\$125.00 tow fee to owner	\$50.00 storage fee to owner per day
B	4 X 4 Vehicles	\$150.00 tow fee to owner	\$50.00 storage fee to owner per day
3. Other Charges			
A	Police Impounded Vehicles for violations of Laws and ordinances.	No charge to City. \$150.00 to be a lien against the vehicle.	\$50.00
B	No key or wheel cocked charge	\$25.00	N/A
C	Snow Removal Charge	\$25.00	N/A
Winching	Minimum \$100 for first 25 feet of winching, plus \$75 for every additional 50 feet		

Fees for towing and storage of vehicles shall be borne exclusively by the owner of the vehicle, and the City shall have no obligation to advance or to ensure payment to the tow service provider or the owner/operator of the yard or facility where the vehicle is stored.

## **Section 2: General Provisions**

### **A. Police Department Responsibilities**

1. As determined by the Chief of Police, the City may implement an emergency action plan which would institute a temporary set of guidelines to establish a coordinated approach for dealing with an incident involving a large number of vehicles.
2. The City shall use reasonable efforts to block in all towed vehicles located in any unsecured storage area used by the Towing Company during City snow emergencies.

3. The Chief of Police may adopt Rules and Regulations with respect to the terms and conditions of this Agreement.
- B. The Towing Company is prohibited from assigning, transferring, conveying subletting or otherwise disposing of this Agreement or any of its contents, or of any right, title or interest therein, or of the power to execute this Agreement, to any other person or corporation without the previous consent, in writing, of the City of Beacon, which shall not be unreasonably withheld.
- C. Minimum Insurance Requirements for Towing Contract

Prior to commencement of any services and for the duration of this Agreement, the Towing Company shall obtain and maintain, at its sole expense, the following insurance on its own behalf, and shall furnish to the City of Beacon Certificates of Insurance evidencing same and reflecting the effective date of such coverage as follows:

1. Worker's Compensation and Employers Liability Policy, covering operations in New York State.
2. Commercial General Liability Policy, with limits of no less than \$1,000,000 Each Occurrence/ \$2,000,000 Aggregate limits for Bodily Injury and Property Damage, and shall not exclude coverage for:
  - a. Products/ Completed Operations;
  - b. Independent Contractors;
  - c. City of Beacon and their assigns, officers, employees, representatives and agents should be named as an "additional Insured" on the policy and the Certificate of Insurance should show this applies to the General Liability coverage on the certificate.;
  - d. Each insurance policy shall be written on a primary and non-contributing coverage basis, including any self-insured retentions;
  - e. To the extent permitted by New York law, the Contractor/Provider waives all rights of subrogation or similar rights against the City of Beacon, assigns, officers, employees, representatives and agents;
  - f. General Aggregate shall apply separately to each project (must be on an occurrence form);
  - g. Cross Liability coverage (Commercial General Liability and Business Automobile Liability policies only).
3. Comprehensive Automobile Policy, with limits no less than \$1,000,000 Bodily Injury and Injury and Property Damage liability including coverage for owned, non-owned, and hired private passenger and commercial vehicles.
4. Certificates shall provide that thirty (30) days written notice prior to cancellation or expiration be given to the City of Beacon. Policies that lapse and/or expire during term of

work shall be recertified and received by the City of Beacon no less than thirty (30) days prior to expiration or cancellation.

5. The Towing Company shall furnish to the City of Beacon Certificates of Insurance as evidenced by coverage prior to commencement of services, which shall name the City of Beacon as an Additional Insured **by separate endorsement**.
  6. All the carriers listed in the certificate of insurance shall be A.M. Best Rated A VII or better and be licensed in the State of New York.
- D. To the fullest extent permitted by law, the Towing Company shall defend, indemnify and hold the City and its agents and employees harmless from and against all claims, damages losses or expenses, including but not limited to attorney's fees, arising out of or resulting from the Towing Company's performances of any services to or on behalf of the City of Beacon, provided any such claim, damage, loss or expense (a) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including loss of use resulting therefrom, and (b) is caused in whole or in part by any act or omission or violation of statutory duty or regulation by the Towing Company or anyone directly or indirectly employed by it, or anyone for whose acts it may be liable pursuant to the performance of the Agreement. The Towing Company's obligation to defend, indemnify and hold harmless pursuant to this paragraph shall not be limited in any manner by any limitation on the amount of insurance coverage or benefits, including worker's compensation or other employee benefit acts, held by the Towing Company.
- E. The Towing Company and all employees and agents thereof shall be independent contractors licensed by the City of Beacon and shall not claim or receive any benefit or privilege conferred to the City's employees. The City shall not be responsible for the Towing Company's compliance with any local, state or federal law, regulation or requirement and shall not withhold any taxes, including payroll or income taxes, for the Towing Company and any employee or agent thereof.
- F. Suspension or termination of this Towing Agreement shall be provided by written notice to the Towing Company served at least fourteen (14) days before such suspension or termination shall take effect.

**IN WITNESS WHEREOF**, the parties hereto have signed this instrument as of the date first written above.

**Cervone Auto Body, Inc**

**City of Beacon**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

DRAFT



STATE OF NEW YORK                    )  
COUNTY OF DUTCHESS            ) ss.:

On the    day of \_\_\_\_\_, in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK                    )  
COUNTY OF DUTCHESS            ) ss.:

On the    day of \_\_\_\_\_, in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**City of Beacon Council Agenda**  
**3/20/2017**

**Title:**

**Resolution Authorizing an Agreement with Beacon Arts to Place a Beacon 3D Sculpture on City-Owned Property**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description  
Res. Beacon 3D

Type  
Resolution



**CITY OF BEACON**  
**CITY COUNCIL**  
**RESOLUTION NO. \_\_\_\_\_ OF 2017**

**RESOLUTION AUTHORIZING EXECUTION OF  
AN AGREEMENT WITH BEACON ARTS**

**WHEREAS**, Beacon Arts created the annual Beacon 3D art exhibit in 2012 to promote the arts in a public venue for the enjoyment of the community at large as well as to provide established and emerging artists with the opportunity to present their large-scale creations in a 5-month long annual installation; and

**WHEREAS**, Beacon Arts owns all the sculpture pieces displayed in the exhibit and is responsible for the installation, removal and maintenance of the art; and

**WHEREAS**, Beacon Arts submitted a request to erect the Beacon 3D public art exhibit on City-owned property from May 15, 2017 to October 15, 2017.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Beacon hereby authorizes the execution of an Agreement with Beacon Arts to erect the Beacon 3D art exhibit on City-owned property.

**BE IT FURTHER RESOLVED**, that the Agreement with Beacon Arts shall be subject to review and approval by the City Administrator and the City Attorney as to form and substance.

<b>Resolution No. _____ of 2017</b>			<b>Date: <u>March 20, 2017</u></b>				
<input type="checkbox"/> <input type="checkbox"/> <b>Amendments</b>			<input type="checkbox"/> <b>On roll call</b>			<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <input type="checkbox"/> <b>Not on roll call.</b>						<input type="checkbox"/> <b>3/4 Required</b>	
<b>Motion</b>	<b>Second</b>	<b>Council Member</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Reason</b>	<b>Absent</b>
		<b>Ali Muhammad</b>					
		<b>Omar Harper</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Pam Wetherbee</b>					
		<b>Peggy Ross</b>					
		<b>Mayor Randy Casale</b>					
<b>Motion Carried</b>							

**City of Beacon Council Agenda**  
**3/20/2017**

**Title:**

**Resolution Scheduling a Public Hearing for April 3, 2017 to Receive Comment Concerning the Proposed Local Law Regarding Public Trail Regulations**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Res. Shed PH re Trail Regs	Resolution
LL Trail Regulations	Local Law



**CITY OF BEACON**  
**CITY COUNCIL**  
**RESOLUTION NO. \_\_\_\_\_ OF 2017**

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR APRIL 3, 2017 TO RECEIVE COMMENT CONCERNING A LOCAL LAW TO AMEND THE CITY CODE REGARDING PUBLIC TRAIL REGULATIONS**

**NOW, THEREFORE, BE IT RESOLVED** that the Beacon City Council hereby schedules a public hearing for April 3, 2017 at 7 p.m. at City Hall, One Municipal Plaza, Beacon, New York 12508 to receive public comment concerning a local law to amend Chapter 170 of the Code of the City of Beacon concerning Public Trail Regulations.

<b>Resolution No. _____ of 2017</b>			<b>Date: <u>March 20, 2017</u></b>				
<input type="checkbox"/> <b>Amendments</b>						<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <b>Not on roll call.</b>			<input type="checkbox"/> <b>On roll call</b>			<input type="checkbox"/> <b>3/4 Required</b>	
<b>Motion</b>	<b>Second</b>	<b>Council Member</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Reason</b>	<b>Absent</b>
		<b>Ali Muhammad</b>					
		<b>Omar Harper</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Pam Wetherbee</b>					
		<b>Peggy Ross</b>					
		<b>Mayor Randy Casale</b>					
<b>Motion Carried</b>							

**LOCAL LAW NO. \_\_\_\_ OF 2017**

**CITY COUNCIL  
CITY OF BEACON**

**LOCAL LAW ADOPTING CHAPTER 170  
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to adopt Chapter 170 of the Code of the City of Beacon regarding Public Trail Regulations.

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

**Section 1.** Chapter 170 of the City Code, entitled “Public Trail Regulations,” is hereby established as follows:

**§170-1. Purpose.** The purpose of this chapter is to provide rules and regulations for the use of public trailways in the City of Beacon, including the Fishkill Creek Greenway and Heritage Trail (“FCGHT”) extending from the Beacon Metro-North train station to the Town of Fishkill. The FCGHT and other public trails traverse public and private lands and the City finds that it is important to establish a uniform set of rules and regulations governing the use of such public trails for the protection of those using the trails as well as the private landowners whose property abuts a trail or includes a trail pursuant to an easement held by the City. In holding such easements and in establishing public trails, the City and the Grantors of the easements expressly rely upon the protection against liability contained in Section 9-103 of the New York State General Obligations Law, as the same may be amended from time to time. For such purposes, the City and Grantors of the easements, and their agents and invitees, are deemed “occupants” of the easement areas. The Council finds it appropriate for the protection of the public safety and welfare to enact legislation to establish rules and regulations for the public trails. Certain activities should be prohibited on public trails to protect the public safety and to assure eligibility for participation in the Hudson River Valley Greenway Trail Insurance program by Grantors of the easements, if desired. It is also appropriate that regulations applicable to the various trails in the City be suited to the unique characteristics of each particular trail.

**§170-2. Applicability.** This chapter shall apply to all public trails within the City of Beacon. Supplemental regulations applying to particular trails shall apply to the trails specified.

**§170-3. Definitions.** For the purpose of this chapter, the terms used herein are defined as follows:

**TRAIL** – All walkways and paths, not including sidewalks as defined in New York State Vehicle and Traffic Law, Title 1, Article 1, Section 14 and regulated in the City of Beacon under Chapter 191, which are owned by the City of Beacon, or over which the City holds an easement, and which are part of the City’s system of parks, or part of an organized system of trails, and which are open to the public for stated uses subject to City regulation, including, without limitation, the Fishkill Creek Greenway and Heritage Trail (“FCGHT”), and other trails which may be added to the City’s Trail system in the future.

A trail may be comprised of wood chips, boardwalk, stone dust, asphalt or concrete pavement or similar materials.

**PERSON** – Any individual, firm, partnership, corporation or association of persons, and the singular number shall include the plural.

#### **§170-4. Rules and regulations applicable to all City Trails.**

The following rules apply to the use of all City Trails. Supplemental rules may be established for particular trails, which are set forth in subsequent sections.

- A. Trails shall be open from sunrise to sunset and shall not be used by the public outside those time limits. In addition, the Police Chief, City Administrator or Highway Superintendent is authorized to close all or a portion of any Trail to the public for such a duration of time as warranted for the general safety and welfare of the public, such restrictions on use to be posted on the City website, with notice to be posted at trail heads to the extent practicable under the circumstances.
- B. In view of the natural and open character of Trails, and the changing character of the natural environment, the City can make no representation that any Trail is safely passable at all times when the Trail is open. All users of any Trail shall approach such Trail with caution and use it prudently and safely at the trail users own risk, in light of seasonal, weather, and other natural conditions. The City shall not be responsible for clearing snow, ice or floodwaters from the Trail.
- C. Persons shall keep to the right on all Trails, with passing on the left. Pedestrians shall be deemed to have the right-of-way, and all other users, including any permitted non-motorized bikers or cross country skiers, shall yield to pedestrians. All persons on trails shall yield to slower users. Joggers and runners shall yield to hikers and walkers.
- D. Where a trail does not have a separate lane for bicycle use, the City shall have the authority to limit use of bicycles on certain designated segments of any trail, to be marked by signage, based on all relevant conditions, including nature of the surface, slopes, potential interference with pedestrians and hikers or other users of the trail.
- E. Where bicycle usage is permitted on a trail segment, the City shall have authority to limit the permitted speed of bicycles.
- F. Persons shall stay on the marked trails and within the designated public use areas.
- G. All users of the Trail shall use the Trail safely and in accordance with the laws and ordinances of the City of Beacon and without creating a nuisance and with common courtesy to all others on the Trail.
- H. Littering is prohibited and all persons shall carry out their trash from all Trails and properly dispose of the trash in suitable containers.
- I. Pets shall be leashed at all times and persons accompanying the pet shall collect and carry out and properly dispose of the pet's waste.
- J. No person shall damage any Trail, or any building, structure, fence, picnic facility, or other improvement or amenity on or near a Trail.
- K. Without limiting the generality of the foregoing rules, or the applicability of any general law or regulation, the following activities are strictly prohibited on any Trail within the City system:
  - (1) Overnight parking in parking areas serving the Trail, including parking outside the hours from sunrise to sunset, except as otherwise permitted by the City Code.
  - (2) Use of motorized vehicles, including but not limited to, snowmobiles, motorcycles, motorbikes, motor-powered dirt bikes, motor-powered ATVs (All Terrain Vehicles) and all other motorized bicycles
  - (3) Downhill skiing, tobogganing, sledding, or snowboarding. Cross-country skiing may be permitted by the City on designated trails, or sections thereof, found to have sufficient

width for cross-country skiing without interfering with pedestrian and hiker activity on the trail.

- (4) Competitive racing, except for designated special races or events which have been permitted in advance by the City.
- (5) Skateboarding
- (6) Roller skating
- (7) Dumping or littering
- (8) Smoking
- (9) Use of alcohol or controlled substances
- (10) Playing radios or other sound-transmitting devices
- (11) Damaging or removing plant or wildlife
- (12) Feeding wildlife
- (13) Fishing
- (14) Camping
- (15) Campfires or barbequing
- (16) Swimming, diving, public bathing or sunbathing
- (17) Hunting or discharging of firearms
- (18) Any act, amusement or practice, whether listed specifically above or not, by which others on a Trail could be endangered, or which could reasonably interfere with the use of the Trail by others for recreational purposes, including, without limitation, blocking the trail, or interfering with passage of others.

#### **§170-5. Rules applicable to the Fishkill Creek Greenway Heritage Trail (FCGHT)**

- A. Findings. The Fishkill Creek Greenway Heritage Trail (FCGHT or the “Trail”) is a Trail for passive, non-motorized, pedestrian recreation in the form of walking, hiking, and visual enjoyment of the Fishkill Creek Corridor. The FCGHT Master Plan acknowledges that: “The FCGHT has been placed to fit within the existing landscape conditions with a light footprint and is intended to be active and serve uses in all four seasons. The trail has been designed to accommodate foot traffic primarily, although some sections may accommodate other uses. With the efforts of the Beacon Loop Trail, a concurrent project for the development of a city-wide pedestrian and bicycle trail, the FCGHT intends to serve a more passive purpose.” The FCGHT consists largely of easements over private property. The FCGHT is, in many cases, located in close proximity to residential dwellings and private property which is not subject to an easement allowing public access. The Trail itself is composed of varying materials and is not conducive to running or bicycling. The Trail covers long distances in remote locations which cannot be maintained to assure immediate removal of snow and ice. For all these reasons, it is appropriate that additional restrictions be imposed on the nature of the public use of the FCGHT Trail.
- B. In view of the natural and open character of FCGHT, and the changing character of the natural environment, neither the City nor the private property owners whose property is subject to a FCGHT easement can make any representation that any portion of the Trail is safely passable at all times when the Trail is open. All users of any Trail shall approach such Trail with caution and use it prudently and safely at the trail users own risk, in light of seasonal, weather, and other natural conditions. The City and private property owners whose property is subject to a FCGHT easement are not obligated to clear snow and ice from the Trail. The FCGHT shall be closed during snow and ice storms.



- C. Access to the FCGHT does not constitute permission to enter onto private property adjoining the Trail. Entry on private property adjoining the Trail is subject to prosecution as Trespass under the New York State Penal Law, in addition to constituting a violation of this section.
- D. Without limiting the generality of the regulations in Section 170-4, the following additional activities are prohibited on the FCGHT:
  - (1) Riding bicycles, except in segments of the trail which have been specifically designated by the City as appropriate for joint use by bicycles and pedestrians, and signed for such dual use.
  - (2) Cross-country skiing, except as permitted by easement

#### **170-6 Penalties for offenses.**

If any person violates the provisions of this chapter or engages in conduct in violation of this chapter, that person shall be subject to the penalties set forth at Section 1-3 of the City Code. Liability under this section shall be in addition to liability under the provisions of the New York State Penal Law, including but not limited to Penal Law section 145 (Criminal Mischief), Penal Law Section 150 (Arson), Penal Law Section 240 (Offenses Against Public Order). Violations of the Penal Law shall be punishable as either a misdemeanor or felony as described under Penal Law section 55 (Classification and Designation of Offenses).

#### **§170-7. Enforcement.**

The provisions of this chapter can be enforced by the City of Beacon Police Department and any other police officer or peace officer or other person who can lawfully make an arrest.

#### **Section 2. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, the Chapter 190 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.** This local law shall become effective immediately upon filing with the Office of the Secretary of State.

DRAFT

**City of Beacon Council Agenda**  
**3/20/2017**

**Title:**

**Resolution Appointing a Firefighter**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Res. Appointing a Firefighter	Resolution

**CITY OF BEACON  
CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_ OF 2017**

**RESOLUTION APPOINTING  
FIREFIGHTER**

**WHEREAS**, the Mayor has appointed Robert J. Simmonds as a City of Beacon Firefighter; and

**WHEREAS**, the City Council wishes to approve the Mayor's appointment of Robert J. Simmonds as a City of Beacon Firefighter;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the City Council approves the Mayor's appointment of Robert J. Simmonds as a City of Beacon Firefighter, effective as of April 2, 2017.

**IT IS FURTHER RESOLVED** that such appointment is subject to a probationary period of one year.

<b>Resolution No. ____ of 2017</b>			<b>Date: <u>March 20, 2017</u></b>				
<input type="checkbox"/> <input type="checkbox"/> <b>Amendments</b>			<input type="checkbox"/> <b>On roll call</b>			<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <input type="checkbox"/> <b>Not on roll call.</b>						<input type="checkbox"/> <b>3/4 Required</b>	
<b>Motion</b>	<b>Second</b>	<b>Council Member</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Reason</b>	<b>Absent</b>
		<b>Ali Muhammad</b>					
		<b>Omar Harper</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Pam Wetherbee</b>					
		<b>Peggy Ross</b>					
		<b>Mayor Randy Casale</b>					
<b>Motion Carried</b>							

**City of Beacon Council Agenda**  
**3/20/2017**

**Title:**

**2017-03-06 draft minutes**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
2017-03-06 draft 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 March 6, 2017. Please note that the video recording of this meeting is available at <http://vimeo.com/channels/40154>.

**Council Members Present:**

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

**Council Members Absent/Excused:****Also Present:**

Anthony Ruggiero, City Administrator  
Edward Phillips, City Attorney

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***A moment of silence was observed for those who work to protect human rights***

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**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:**

**Justin Riccobono:** Our City has always been fair and evenhanded. This movement is a campaign of fear meant to be divisive. If the Federal government comes here to arrest someone, there is nothing we can do about it.

**Diane Pizzanelli:** Sanctuary City status means would bar police from notifying ICE about illegal immigrants released from a prison. Gave history of sanctuary city. Why should residents obey any laws, when the local government is going against the federal government? Mentioned 9/11 and reminded that there are people who wish to do the US harm. This issue should be voted on by referendum. Let's keep Beacon peaceful.

**David Jensen:** Is in favor of open borders and thinks the wall proposal is obtuse. The concept of sanctuary city has not been defined. The statement from the police chief regarding the police department's policy and role is excellent. Sees no benefit of adopting this resolution.

**Michael Justice:** Believes that this proposal to become a sanctuary city is ridiculous. Agrees with Mr. Jensen and believes that Beacon is a great city with legal and illegal citizens. Does not want this to affect the city's finances in terms of litigation.

**Mathew Condon:** Advised that the president promised to defund any city that declares itself a sanctuary city. Added that this is not a decision for the council; it is a decision for the people. The police should ticket the trucks making deliveries while parked illegally.

**Pete Nocerino:** The City Charter Committee will be presenting their report on Wed. March 8 at 7pm at City Hall.

**Sue Waivada:** Has a long history in Beacon and the Hudson Highlands. Gave crime statistics of sanctuary cities. (see attachment no. 1)

**Lisa Marie Martinez:** Has been waiting seven years for this issue to be discussed. Is a teacher, business owner and single mother. Shared the story of when her partner was arrested by Beacon Police and was later removed by ICE officials. Added that she is not concerned about whether we call Beacon a Sanctuary City, but is concerned with the Beacon PD and discretion. I concerned that the people who have been living, working and worshipping in our community will be taken away from their families.

**Charles Wilson:** I am not a native Beaconite but I love Beacon. Does not believe that this will affect the average citizen but may affect gang members.

**Joe Gilmore:** Chief Solomon made it clear that discretion is part of the BPD's job to keep all of us safe. (see attachment no. 2).

**Ted L'Estrange:** Advised about the persecution of Falun Dafa practitioners in China. Also mentioned the practice of genocide by scalpel in China. Would like give this issue attention via word of mouth.

### Council Member Reports:

**Ali Muhammad:** Glad to see so many people here for the meeting. Does not share the idea that if we become a sanctuary city, the floodgates will open and fill our city with hardened criminals. Asked Nick if the police's jurisdiction is limited to the City of Beacon. Declaring a sanctuary city will help peaceful undocumented people from being taken from their homes and families. It is not meant to protect violent criminals. Asks that the exact words that are recited when a police officer takes his or her oath. Gave details about the upcoming Unity in the Community meeting. Showed a store sign which stated that Beacon is Open Minded. Advised that the Terrance Wright Basketball League will be starting again soon. Hopes to start a women's basketball league. Had a question about a parking ticket.

**Omar Harper:** Thanked everyone for coming and expressing their opinions. Can understand both sides of the issue. Has friends who may not have permanent status and would not want to see them removed from the U.S. Updated the council on the wrestling team.

**Lee Kyriacou:** Encouraged those who wished to speak on the sanctuary city issue to stay for the second opportunity for public comments. Waived his further remarks and is interested to hear what everyone has to say.

**George Mansfield:** Agrees with Council Member Kyriacou and encourages those who wish to speak on the issue to stay until the second opportunity for comments. Thinks that this is a good way hear different views on the issue and possibly can bring the community together. We will be discussing this matter again at the next workshop. Believes there is validity to all opinions.

**Pam Wetherbee:** Agrees with George and Lee and looks forward to more comments.

**Peggy Ross:** Looks forward to the comments and thinks that we can be careful and do the right thing. Reminded about the medication disposal and the Beacon Historical Society is in the middle of their membership drive – it is the best deal in Beacon. We need to be cognoscente of our history.

**George Mansfield:** Added that these comments should be taken to the County level as well.

**Anthony Ruggiero, City Administrator:** Recognized Police Officer Boutros who saved a person with the use of narcane and the City Water Dept. for responding to a water main break on perhaps the coldest night of the winter. The afterschool program is doing a series of podcasts.

**Mayor Casale:** Thanked everyone for coming to the meeting and speaking on both sides. Sick and tired of looking on Facebook and watching the bashing on both sides of any subject. People should be respectful to each other. Is appalled by the way people are talking to each other. We are going to have our Charter presentation on March 8 in the Council Chambers. Thanked the Committee and Dr. Benjamin. Attended most of the meetings, which felt like a college course in government. Appreciated

all the volunteers and Dr. Benjamin. Advised that we were going to be reissuing an RFP for food trucks at Pete and Toshi Park and at the pool. Read the RFP. Saturday is the second annual Parade of Green at 11:00. It is a family event and urges people to come. Reminded about Daylight Savings Time next weekend.

**Resolutions, Ordinances and Local Laws:**

- 1. Resolution to Authorize the Agreement with Things You Love, LLC. For the operation of the Beacon Flea Market**
  - Motion by Council Member Muhammad, second by Council Member Mansfield  
7-0
- 2. Resolution Authorizing the Amendments to Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities, Adding Seven New Greenway Guides.**
  - Motion by Council Member Muhammad, second by Council Member Ross  
7-0
- 3. Resolution to Authorize the City of Beacon's Pledge to Support the Hudson River Waterfront Alliance**
  - Motion by Council Member Muhammad, second Council Member Mansfield  
7-0
- 4. Resolution to Authorize an Agreement with Joule Assets, Inc. for Consulting Services Relating to Municipal Energy Services**
  - Motion by Council Member Ross, second by Council Member Wetherbee  
7-0
- 5. Approval of Minutes: February 21, 2017**
  - Motion by Council Member Harper, second by Council Member Mansfield  
7-0

**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:**

**Nicole Wooten:** Supports becoming a sanctuary city. Does not like the term "illegal" and hope that people will be careful when referring to undocumented people. Does not believe any human is "illegal".

**Eric Deal:** Is a newer Beacon resident and is happy to be a part of the community. Travels a lot and has had a great experience in Detroit where he met many immigrants. Hopes everyone will say no to xenophobia and no to hate.

**Susan Pagen:** Support Beacon becoming a sanctuary city. As a farmer, she has worked alongside many undocumented workers. Stated that she is a person of faith and quoted the Torah; Leviticus commands, "When strangers sojourn with you in your land, you shall not do them wrong. The strangers who sojourn with you shall be to you as the natives among you, and you shall love them as yourself; for you were strangers in the land of Egypt" [19:33-34].



**Theresa Kraft:** Has concerns about the overdevelopment of Beacon. Asked City leaders to take a step back and issue a building moratorium. Asked that the Tioronda Bridge be restored. (Attachment no. 3)

**Liz Birth:** Has lived in Beacon for 10 years. Thanks the council for considering the Sanctuary City status. Personally knows two people who are afraid of what is happening.

**John Christian:** Cannot believe that Beacon is considering this. Believes that if people living here want to be legal, they can become legal. Believes that crime would rise, property values would decline and taxes would rise.

**Rev. Benson:** Reminded that when the meeting starts, we say the Pledge of Allegiance and a prayer for our soldiers. What the Revolutionary War soldiers fought for was a sanctuary county. This country was a melting intended to be a melting pot. Advised that he was born in Mississippi and has been exposed to racism. What is happening now may be the law but it does not make it right.

**Connie Hogarth:** Reiterated and reaffirmed her previous statement regarding her strong belief in Beacon becoming a Sanctuary City. Wants to help protect the most vulnerable among us. Does not think that passively declaring that our police will not aid ICE is enough but wishes to proactively state that we be counted as a sanctuary city. Thinks it is important that we represent that Beacon has the courage not to bend to threats and blackmail. (Attachment no. 4)

**April Farley:** Shared information about the next Southern Dutchess NAACP meeting. Supports the Sanctuary City status movement. Would like to know why crime is down and arrests are up.

**Jason Hughes:** Council was voted in to office to be the voice of progressive Beacon. Stated that there is no bad time to be on the right side of history.

**Jodi McCredo:** Gave an update on the Human Relations Commission, their mission and contact information.

**Bill Moore:** Thanked the council for this opportunity to speak. Feels proud when we stand to say the pledge of alliance. Feels it's important to respect the country where you are. Thinks those who are serving our country in the military should take the oath to defend our country. Thinks people should carry their id with them. Has been asked for id in other countries.

**Dr. David Eberle:** Advised that he has been in Beacon for 13 years and has volunteered on six boards. He works hard to make Beacon a better city. In 1928, the U.S. passed one of the most restrictive immigration laws in the history of our country. However, that did not work so we went back. Shared a story about a black man who helped him turn his life around. Raised his children not to discriminate. Referred to the words on the Statue of Liberty. Reminded that there have been times when our country has not done the right thing.

**Codi Anderson:** Agrees with Councilman Muhammad in that even if the police have a policy now there might be a change to that policy if personnel changes are made. Hope we can help protect the most vulnerable people in our community, those not documents.

**Julie Shiroishi:** Been a resident for 10 years. Referred to her email and an article from the LA Times. (Attachment no. 5)

**Joansa:** Supports the Sanctuary City idea. Has seen many citizens who have not been able to even get a library card. Referred to the button that she was wearing "No Human is Illegal" – but added "not by choice". A lot of people have problems becoming citizens. Stated that "as for me and my house, we will serve the Lord."

**Arthur Cammins:** Just moved here. Urges everyone to examine their own values. This push is not about crime, it is not about who is committing crime because statistically, immigrants commit less crimes in the US. Look into your own heart and do what is right.

**Rev. Ricardo Pacheco:** No one knows more about the Sanctuary City than the Latino Community. It began with the Salvadoran and Guatemalans who were escaping the communists' regime. Tabernacle Christ Church serves undocumented young people, with meals, clothes and spiritual guidance. Also serves as Naval Chaplain, so it is a double edge sword. Hopes that we can collectively help the underserved.

**Jen Herman:** Is concerned about community safety. One in four woman experiences sexual violence. Wants undocumented people to feel safe and feel safe in reporting crimes. Shared statistics about domestic violence.

Those who are the most vulnerable, are the least likely to report a crime. If we are not willing to stand with victims, we are not willing to encourage them to come forward to report crimes. Thereby, we are not keeping our community safe. Urges the council to adopt a policy that would make victims feel comfortable to come forward.

**Arrabella:** Agrees with the earlier speaker. Loves Beacon and has been here for 7 years. Believes that we have the opportunity to imagine something different-where people are safe.

**Lou Amaroso:** Been here for 77 years. Gave history of his family's migration to Beacon. Has over 50 years as a fire volunteer here. Does not see any newcomers willing to contribute to the city through volunteerism. Gave a story about Ellis Island. Does not wish to have the community get aggravated with each other. State that he never used to lock his doors. Recommends that we get out there and work together.

**Air Nonken:** Advised that we all have an immigration story. Shared a story from her family's history. Has lived in Beacon for a few years and is happy that she can volunteer on committees and participate in the community. Hope that we can have a justice system that will protect people. No one is illegal by choice. We are discussing the fates and the lives of our neighbors. Would like Beacon to be a beacon of light for our residents and throughout the world.

**Erin Guinta:** 10-year resident. Advised that the WePlay volunteer organization is collecting clothing for the sale event at USC. Is happy to serve her community. Is glad that her kids will be considered Beaconites. Supports Sanctuary City status.

**Councilman Muhammad:** Advised that Ella's Bellas is raising funds for the recreation department.

**Becca Star:** Advised that a free volunteer led performance was held yesterday at the Rec. and they were able to raise \$600 for afterschool programs and summer camp tuition.

**Adjournment:**

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

**Next Workshop: March 13, 2017**

**Next Meeting: March 20, 2017**

#1  
Hello Again. My name is Sue Waivada

I currently live on Depuyster Ave and have a long family history with Beacon and the Hudson Highlands.

I have memories:

- Of riding the incline railway with my Aunt
- Of the Ferry to Newburgh to cool off on a hot summer day (before AC was common and before the bridge opened)
- Of learning to ski on Mt Beacon (unsuccessfully).

My parents were founding members of the Clearwater with Pete & Toshi. As kids, my sister & I spent many days on the Sloop and at Long Dock... before it was a real park.

My mom reminded that she worked with the Beacon Urban Renewal Agency back in the 1970's.

I love Beacon, its history, arts, culture, environmentalism and it's diversity.

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**I want to approach the idea of SANCTUARY a little differently tonight.**

**Others will be far more ELOQUENT regarding the human, moral and political face of this.**

First, What is a Sanctuary city? A place where:

- 1) LAW ENFORCEMENT DOES NOT ASK FOR IMMIGRATION STATUS (THIS IS OUR CURRENT POLICY)
- 2) LAW ENFORCEMENT DOES NOT ASSIST FEDERAL IMMIGRATION AUTHORITIES TO DETAIN UNDOCUMENTED IMMIGRANTS APPREHENDED FOR LOW LEVEL OFFENSES (NOTE, low level offenses)

Then, What about CRIME and IT'S COSTS?

Sanctuary Cities are safer.

A professor at UC San Diego studied data from ICE and found sanctuary has LOWER CRIME RATES, STRONGER ECONOMIES, HIGHER MEDIAN INCOME, LESS POVERTY, LESS RELIANCE ON PUBLIC ASSISTANCE AND LOWER UNEMPLOYMENT.

Beacon is safe ! As noted in the Current in February:

Reports of serious crimes in Beacon fell to their lowest level in five years, and are now 25 percent lower than in 2012.

As Chief Soloman was quoted in the same article, "arrests were up in 2016...while reported crime is down. "That means the officers are being more proactive."

As a small town, with limited resources, our Police Dept. needs to stay focused and should keep doing what they are doing.

What about Economics?

1 in 5 New Yorkers are immigrants and account for 27% of the workforce.

Approx 5.7% are unauthorized but pay taxes...sales tax, income tax, property tax of over 1 billion dollars

The purchasing power of Immigrant, Latino & Asian entrepreneurs and consumers is 195 billion dollars in NY

**As a small town, do we want to lose out portion of this?**

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Unfortunately, the status quo is over. The few interactions with ICE in the past may well become a distant memory. We now have an Executive Order that is making deportation a priority of up to 11 million people. That means no town, no city, no county is immune.

We don't need any additional work on our officers. We don't need to add detention costs to our city. We don't need to weaken our economy. **And we don't need to destroy trust with our population, immigrant or otherwise.**

**We need to act.**

**Thank you.**

Joe Gilmore

#2

## TO THE BEACON CITY COUNCIL

Because national immigration policies are, with new intensity, threatening the well-being, the security and the integrity of families across the country, including our own community, the City of Beacon declares itself a sanctuary city. By this declaration, we intend to continue to provide public safety and, at the same time, to reassure all of our immigrant families that they will be included in this safety.

Therefore, relying on guidance from the Attorney General of New York State, Eric T. S. Schneiderman, and remaining within powers given to local communities in both the U.S. Constitution and the Constitution of the State of New York, we are taking the following steps:

1. Our police shall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law. They shall not stop, question, interrogate, investigate, or arrest an individual based solely on actual or suspected immigration or citizenship status.
2. They may respond affirmatively to a "civil immigration detainer" from ICE (Immigration and Customs Enforcement) or CBP (Customs and Border Protection) ONLY if the request is accompanied by a judicial warrant, the individual has been convicted of serious crimes under NY Penal Law, or if there is probable cause to believe the individual is or has been engaged in terrorist activity. *ICE can still do their job if they just need DUE PROCESS ⇒ a warrant if they want police help.*
3. The police may respond affirmatively to an ICE or CBP request for non-public information about an individual (release schedule, home address, work address) ONLY if the request is accompanied by a judicial warrant.
4. They shall not provide ICE or CBP with access to an individual in their custody the use of department facilities to question or interview such an individual if ICE or CBP's sole purpose is enforcement of federal immigration law.
5. They shall protect the due process rights of persons as to whom federal immigration enforcement requests have been made, including providing

Probable Cause

those persons with appropriate notice of said request. Individuals in the custody of our police shall be subject to the same booking, processing, release, and transfer procedures, policies, and practices of our police department, regardless of actual or suspected citizenship or immigration status.

6. Our police department resources shall not be used to create a federal registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.

Members of the City Council have been provided with complete copies of the Attorney General's *"Guidance Concerning Local Authority Participation In Immigration Enforcement And Model Sanctuary Provisions."*

All of these steps are taken to protect families from being summarily torn apart, to make it possible for children of our immigrant families to feel part of their school and social communities, and for our city to honor and protect the diversity we are so lucky to have.

**Elizabeth Evans**

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**From:** tkraft64 <tkraft64@verizon.net>  
**Sent:** Monday, March 06, 2017 8:12 PM  
**To:** Elizabeth Evans  
**Subject:** Tkraft - letter read at 3-6-2017 public comment segment

I'd like to address the subject of the Greenway Compact Program in discussion with this council, as this program is calling for the City of Beacon to implement the Greenway Connections guidelines while incorporating some of the following; Greenspaces, Slower Safer Streets, Rural Roads, Building Bicycle Networks and **Green Infrastructure**.

It states "the narrative is generic in nature because the adoption of the new Greenway Guides is not related to a specific project site **and may potentially affect future land use decisions.**"

**We must heed these words; already the new invasion of over development on this city is impacting land development, water quality, wildlife habitat, scenic vistas, aesthetics, historic resources, open space, recreational opportunities, transportation systems, infrastructure, safety and general welfare** of its current residents. Let alone the worsening parking crisis.

The City of Beacon needs to step back on their current building construction process, it must stop saying everything is Grandfather-in, a common thread in almost all new major building project on the dockets, even if it involves an emergency building moratorium.

I'm holding a copy of a document from early 2000 where Scenic Hudson is stated as being actively involved in attaining landmark status for the Tioronda Bridge insuring its appropriate restoration in the future. In addition to it being on The National Register of Historic Places. The City must restore the Tioronda Bridge - it is beneficial not only for our city's culture, but also for our local economy and our city's heritage.

Tkraft

# conart1@optonline.net

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To: conart1@optonline.net  
 Subject: Sanctary statement to City Council Mar 6 2017

MARCH 6, 2017 TO BEACON CITY COUNCIL

I am Connie Hogarth and I live at 20 Hartsook Lane.

Tonight, I want to reiterate and reaffirm my statement of two weeks ago and my firm belief in the Importance of Beacon becoming a Sanctuary City. I consider it a moral imperative, a call for the health and safety of all in our community, and a call for the courage and strength of our community, our governing body—the City Council, the Mayor and the Beacon Police dept. —to protect the most vulnerable among us from the tyranny of fear of detention and deportation and rejection, in a very serious time in our history.

In my view, that should mean not only passively declaring our unwillingness to use our police to aid ICE, if and when they ask for the power of our police, but to proactively state our commitment to joining the growing number of cities and states—hopefully NY State soon--- to be counted as a Sanctuary City. To be counted as a Sanctuary City not only strengthens this growing movement for justice but says loud and clear who we are

And how we join with others to say so. On a human level, this commitment will have a huge impact on those, particularly in the Muslim and Latino communities, who fear they may be next under attack, and to know we have their back, publicly.

Also, we need to have the courage to reject what could be a kind of blackmail, the threat from the Federal govt

To withhold funds from cities that are Sanctuaries. We can not bend to this kind of threat and must fight it, along with other cities, if it should happen. The strength of numbers who call themselves Sanctuary City will make a difference when there is broad resistance. We can likely forestall this economic threat from being carried out. Yes, there is strength in numbers, an old saw...and we see, in addition to Kingston, but now resolutions are in process in Newburgh, in Westchester in Bedford and in Irvington and I know there will be many more.

Latest report from California yesterday in the NYTimes, of the city of Santa Ana in Orange Cty, has passed one of the boldest and most far-reaching sanctuary ordinances in Ca. They are 46 % immigrant, and its mayor and six City Council members are Latino...and Orange Cty, Ca has been known as a haven of white Republicans. This is great news...and we need to look at their ordinance and consider....

Yes, this is a time for taking stands for our democracy in many ways and this commitment to be counted as a Sanctuary City is worthy of the values we cherish and that we live, here in Beacon. We should wear Beacon Sanctuary City with pride, knowing we are doing the right thing.

# # #



Subject:

FW: [HVCC] RE: "Sanctuary" Policies Protect Communities, Not Criminals

Localities that pursue these policies are often criticized for being soft on unauthorized immigration, yet none of these policies conceal or shelter unauthorized immigrants from deportation or prosecution for criminal activities. In fact, jurisdictions that have sanctuary policies still cooperate with federal immigration officials.

## "Sanctuary" Policies Protect Communities, Not Criminals

MARCH 2, 2017

Written by Michele Waslin

State by state "sanctuary" policies have received significant attention lately. Hundreds of communities across the nation have passed some version of a sanctuary policy and in doing so have made decisions about how they want to use their local resources. Yet the new administration, as well as others, are attempting to impede their ability to have local control over their communities and are incorrectly criticizing them as safe havens for criminals.

It's important to understand that sanctuary policies take many forms including limiting local compliance with federal detainers; restricting the ability of police to make arrests for federal immigration violations; prohibiting 287(g) agreements; refusing to enter into a contract with the federal government to hold immigrants in detention; or restricting immigration enforcement in sensitive locations like hospitals and schools.

Localities that pursue these policies are often criticized for being soft on unauthorized immigration, yet none of these policies conceal or shelter unauthorized immigrants from deportation or prosecution for criminal activities. In fact, jurisdictions that have sanctuary policies still cooperate with federal immigration officials in a variety of ways including by sending federal immigration agencies the fingerprints of any person—including an immigrant—booked into a prison or jail through the Secure Communities program.

These sanctuary policies are not pursued in an effort to deter law enforcement but rather to strengthen resident-police relations and ensure that all people feel comfortable reporting crimes, regardless of immigration status. When local law enforcement is seen as immigration enforcement, community trust is lost.

In an effort to have local control over local resources, several state governors have taken action in opposition to federal attempts to expand the role of local police in immigration enforcement including:

- The Governor of Oregon who signed an executive order stating that no state agency may use moneys, equipment, or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws, except as required by federal or state law or as otherwise authorized by the Governor or her designee.

- The Governor of Washington who signed an executive order blocking state law enforcement agencies from detaining anyone solely on the basis of immigration status or at the request of federal officials. It also blocks state agencies from discriminating against, or refusing service, to unauthorized immigrants.
- Connecticut Governor Malloy who instructed law enforcement in his state not to comply with ICE and told school officials to design response plans to implement if ICE appears at the school.
- New York's Attorney General who released guidance to local law enforcement on participation in immigration enforcement. It recommends that local police should not engage in activities with the sole purpose of enforcing federal immigration laws or honor detainers absent a judicial warrant.

State legislative efforts towards the same end goal include:

- California's "Values Act" which would prohibit state and local police from spending money on federal law enforcement. It would also ban immigration enforcement in schools, health care facilities, and courthouses.
- Maryland's "Trust Act" which would bar police from complying with federal detainers, prohibits police from making immigration arrests, and ban immigration enforcement in schools, hospitals, and courthouses.
- New Mexico's HB116 which ensures state funds are spent on protecting communities from violent crimes and not on federal immigration enforcement.

On the anti-sanctuary side, bills have also been introduced in many states including Alabama, Arizona, Idaho, Kansas, North Carolina, Tennessee, and Virginia. In Arizona, Georgia, and Iowa, bills have been passed out of committee, and in Mississippi an anti-sanctuary bill passed out of the state legislature in the House. In several other states, bills that include provisions to hold local officials liable for crimes that occur in sanctuary cities have been introduced including:

- Colorado's HB1134 which in addition to prohibiting sanctuary cities, would allow victims of crimes committed by unauthorized immigrants to sue local officials;
- Pennsylvania's SB10 which would allow certain people to sue municipalities over their sanctuary policies;
- SB4 in Texas would charge local officials who violate this law with a misdemeanor;
- Virginia's SB1262 would make sanctuary cities liable for injuries caused by unauthorized immigrants.

We are likely to see the debate over sanctuary policies continue, making it even more important that our leaders have the facts and are well-informed before making decisions that impact people's lives.

SHARE THIS ARTICLE:    

Jose L. Perez

Deputy General Counsel

**LatinoJustice PRLDEF**

Committed to Justice and Leadership since 1972

99 Hudson Street 14th Floor | New York, NY 10013

T: 212.219-3360 T: 800.328.2322

[jperez@latinojustice.org](mailto:jperez@latinojustice.org) | [@jperezlatino](https://twitter.com/jperezlatino)



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**Elizabeth Evans**

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**From:** Julie Shiroishi <julie.shiroishi@gmail.com>  
**Sent:** Wednesday, February 22, 2017 5:13 PM  
**To:** Ali Muhammad; Anthony Ruggiero; George M. Mansfield; Lee Kyriacou; Omar Harper; Pam Wetherbee; Peggy Ross; Randy J. Casale  
**Subject:** Sanctuary

Dear Mayor and Council Members,

I applaud your decision to workshop codifying Beacon as a Sanctuary city. I think it's clear from the moving statements offered by my neighbors--as well as several of our community's faith leaders--that doing so is the morally correct thing to do. As the daughter of an American citizen who was interned during a period of wartime hysteria, I also know that adhering to our morals can be difficult during challenging times.

Yes, history will judge us by how we respond during this moment, but I understand that you may be concerned about the immediate repercussions Beacon might face if we took this step. Indeed, even after last night's vote to workshop, Councilperson Mansfield stressed that the issue of Sanctuary is "very complicated."

As an addendum to Councilperson Ross's words on state's rights, I wanted to share this recent article from the LA Times:

<http://www.latimes.com/local/lanow/la-me-san-francisco-trump-20170131-story.html>

"UC Irvine Law School Dean Erwin Chemerinsky, a constitutional law professor, said the Supreme Court has interpreted that the Constitution prevents the federal government from commandeering state and local governments to administer a federal law.

In 1997, the conservative majority on the high court ruled that the federal government could not force states to do background checks prior to gun sales. The late Justice Antonin Scalia wrote the ruling.

In a 2012 ruling on Obamacare, the court decided 7 to 2 that the federal government could not threaten states with loss of money for failing to comply with a Medicaid requirement.

Chemerinsky said the rulings strongly bolster lawsuits filed on behalf of sanctuary cities against Trump.

"The federal government can't force local governments to administer a program under the threat of losing federal money," Chemerinsky said.

Trump left unclear what funding is at stake and which cities and counties are

threatened. The administration would be on shaky legal ground going after money allocated for anything other than law enforcement, and taking funds away from police is a risky proposition for a new president promising to restore order in the streets. And even that, attorneys for the Legislature assert, takes an act of Congress."

I'm sure you will be doing your own research into the issue, but I also realize that you have many other matters to address. I hope you find this article helpful. Sanctuary is a growing movement and Beacon will not be standing alone.

Thank you.

Sincerely,

Julie Shiroishi  
123 East Willow Street

**City of Beacon Council Agenda**  
**3/20/2017**

**Title:**

**Matter Pertaining to Personnel**

**Subject:**

**Background:**