



CITY OF BEACON
One Municipal Plaza
Beacon, New York 12508

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

September 18, 2017
7:00 PM
City Council Agenda

Call to Order

Pledge of Allegiance

Roll Call

Public Comment:

Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight. Please sign in at the podium. This segment will last no longer than thirty minutes, with speakers recognized in the order they appear on the sign-in sheet. A second public comment opportunity will be provided later in the meeting for those who do not get to speak during this first segment.

Community Segment:

- Beacon Hudson Trail Report Presentation

Presentations:

- Youth Police Academy Certificates

Public Hearings:

- Proposed Local Law Concerning Water Cross Connections
- Proposed Local Law Concerning Water and Sewer Utilities
- Proposed Local Law to Amend the Charter
- Proposed Local law Regarding Ward Boundaries
- Proposed Local Law to Enact a Residential Building Moratorium

Reports:

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

Local Laws and Resolutions:

1. Resolution Adopting a Local Law Regarding Water Cross Connections

2. Resolution Adopting a Local Law Regarding the Installation of Water and Sewer Utilities
3. Resolution to Adopt a Local Law to Amend the City Charter
4. Resolution to Adopt a Local Law Concerning the City's Ward Boundaries
5. Resolution to Adopt a Local Law Enacting a Residential Building Moratorium
6. Resolution Authorizing a PILOT Agreement with the Kearney Group
7. Resolution to Schedule a Public Hearing for October 2, 2017 to Receive Comments on the 2018 CDBG Grant Program
8. Resolution to Express the City of Beacon's Opposition to the Elimination of the Deductibility of State and Local Taxes

Approval of Minutes:

- Minutes of September 5, 2017

2nd Opportunity for Public Comments:

Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight. This segment will last no longer than thirty minutes. Those who spoke at the first public comment segment are not permitted to speak again.

Adjournment:

City of Beacon Council Agenda
9/18/2017

Title:

Beacon Hudson Trail Report Presentation

Subject:

Background:

**City of Beacon Council Agenda
9/18/2017**

Title:

Youth Police Academy Certificates

Subject:

Background:

City of Beacon Council Agenda
9/18/2017

Title:

Proposed Local Law Concerning Water Cross Connections

Subject:

Background:

ATTACHMENTS:

Description	Type
LL Cross Connections	Local Law
Cross Connections Neg Dec	Neg Dec

LOCAL LAW NO. ____ OF 2017

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW AMENDING
CHAPTER 219 OF THE CODE OF THE CITY OF BEACON

A LOCAL LAW to
amend Chapter 219,
Article III, Section 12
concerning Cross-
Connections

A LOCAL LAW to amend Chapter 219, Article III, Section 12 concerning Cross-connections.

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

Section 1. Chapter 219, Article III, Section 12, of the Code of the City of Beacon entitled “Cross-connections with other sources” is hereby amended as follows:

§ 219-12. Water Cross-~~e~~Connections with other sources Control.

~~No pipe or fixtures connected with the mains of the City shall also be connected with pipes or fixtures supplied with water from any other sources, unless specifically approved by the Department of Health of the State of New York.~~

A. The intent of this article is:

- (1) To protect the public water supply served by the City of Beacon Water and Sewer Department from the possibility of contamination or pollution which could backflow or back-siphon into the public water system.
- (2) To promote the elimination or control of existing cross-connections, actual or potential, between its customer’s potable water system and nonpotable systems.
- (3) To provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection.

B. Authority

Pursuant to the Federal Safe Drinking Water Act of 1974 and statutes promulgated in Article 2 of the Public Health Law and in Part 5, Section 5-1.31, of the State Sanitary Code (10 NYCRR Part 5), the New York State Department of Health (NYSDOH) has undertaken a program for preventing water from unapproved sources from entering the public potable water system. Subpart 5-1 of the State Sanitary Code, Section 5-1.32, requires that the supplier of all public water shall protect the public water system by containing potential contamination within the premises of each individual water user.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

AIR GAP

A physical separation sufficient to prevent backflow between the free flowing discharge end of the potable water system and any other system; physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one (1) inch.

APPROVED

Accepted by the New York State Department of Health, Dutchess County Department of Health and City of Beacon Water and Sewer Department meeting applicable specifications stated or cited in this regulation, or as suitable for the proposed use.

ATMOSPHERIC VACUUM BREAKER

A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

AUXILIARY WATER SUPPLY

Any water supply on or available to the premises other than the surveyor's approved public potable water supply.

BACKFLOW

The flow of water or other liquids, mixtures or substances and/or positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

BACKFLOW PREVENTION DEVICE

A device or means designed to prevent backflow or backsiphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bibb vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

BACK PRESSURE

A condition in which the owner's system pressure is greater than the supplier's system pressure.

BACK-SIPHON

The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source, caused by a sudden reduction of pressure in the potable water supply system.

BAROMETRIC LOOP

A fabricated piping arrangement rising at least thirty-five (35) feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage.

CONTAINMENT

A method of backflow prevention which requires a backflow prevention device at the water service entrance immediately after the water meter or, in the event of no meter, immediately after the point of entry.

CONTAMINANT

Any physical, chemical, microbiological or radiological substance or matter in water.

CROSS-CONNECTION

Any actual or potential connection between the public water supply and a source of contamination or pollution.

DEPARTMENT

The City of Beacon Water and Sewer Department.

DEPARTMENT OF HEALTH

The State of New York Health Department and its agent, the Dutchess County Department of Health.

DOUBLE CHECK VALVE ASSEMBLY (DCV)

An assembly of two (2) independently operating spring-loaded check valves with tightly closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

DOUBLE-CHECK VALVE WITH INTERMEDIATE ATMOSPHERIC VENT

A device having two (2) spring-loaded check valves separated by an atmospheric vent chamber.

DWELLING, ONE-FAMILY

A building containing not more than one dwelling unit occupied exclusively for residential purposes by one family.

DWELLING, TWO-FAMILY

A building containing not more than two dwelling units occupied exclusively for residential purposes by two families living independently of each other.

DWELLING UNIT

One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family.

FIXTURE ISOLATION

A method of backflow prevention in which a backflow prevention device is located to correct a cross-connection at an in-plant location rather than at a water service entrance.

HOSE BIBB VACUUM BREAKER

A device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.

OWNER

Any person who has a legal title to or license to operate or habitat in a property upon which a cross-connection is present.

PERSON

Any individual, partnership, company, public or private corporation, political subdivision or agency of the State Department, agency or instrumentality of the United States or any other legal entity.

POLLUTANT

A foreign substance that, if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such water for domestic use.

PRESSURE VACUUM BREAKER

A device containing one (1) or two (2) independently operated spring-loaded check valves and an independently operated spring-loaded air inlet valve located on the discharge side of the check or checks. Such device includes tightly closing shutoff valves on each side of the check valves and properly located test cocks for the testing of the check valves.

REDUCED-PRESSURE-PRINCIPLE BACKFLOW PREVENTER (RPZ)

An assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between two (2) check valves, tightly closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of the check valves and the relief valve.

WATER SERVICE ENTRANCE

The point in the owner's water system beyond the sanitary control of the City; generally considered on the outlet end of the water meter and always before any unprotected branch.

WATER, NONPOTABLE

Water that is not safe for human consumption or that is of questionable potability.

WATER, POTABLE

Water free from impurities in amounts sufficient to cause disease or harmful physiological effects.

D. Enforcement

The Water Superintendent and/or City Engineer or his or her designee shall enforce this article and the cross-connection and backflow protection requirements, specifications, guidelines and facilities classifications of the NYSDOH and the Dutchess County Department of Health (DCDOH). Specifications, guidelines, facilities, classifications and other administrative requirements and information which shall be used to implement the requirements shall be on file in the Department and available for review.

E. Administration

- (1) The Department will operate a cross-connection control program to include the keeping of necessary records, which fulfills the requirements of the NYSDOH's cross-connection regulations and testing of backflow prevention equipment.
- (2) The owners shall allow their property to be inspected for possible cross-connections and shall follow the provisions the Department's cross-connection control program as set forth by the City of Beacon.
- (3) If the Department requires that the public supply be protected by containment, the owners shall be responsible for water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose.

F. Responsibilities.

(1) Department

- (a) The Department will not allow any cross-connection to remain unless it is protected by an approved backflow prevention device, which will be regularly tested to insure satisfactory operation. If, in the judgment of the City, an approved backflow prevention device is required for existing installations, the City shall give notice in writing to said owner to install an approved backflow prevention device at each service connection to said premises. Hazardous conditions shall be addressed immediately. On new installations, the Department will provide on-site evaluation and/or review of plans in order to determine the type of backflow prevention device, if any, that will be required. Plans shall be signed and sealed by a currently licensed New York State professional engineer.

- (b) For premises existing prior to the start of this program, the Department will perform evaluations and review of plans and/or inspection of premises and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction and the time allowed for the correction to be made. Ordinarily, ninety (90) days will be allowed; however, this time period may be shortened by the Department depending upon the degree of hazard involved and the history of the device(s) in question.
- (c) The Department shall inform the owners, by letter, of any failure to comply by the time of the first reinspection. The Department will allow an additional fifteen (15) days for the correction. In the event that the owners fail to comply with the necessary correction by the time of the second reinspection, the Department will inform the owners, by letter, that the water service to the owners' premises will be terminated within a period not to exceed five (5) days. In the event that the owners inform the Department of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Department but in no case will exceed an additional thirty (30) days.
- (d) If the Department determines at any time that a serious threat to the public health exists, the water service will be terminated immediately. If the Department determines that terminating water service is not feasible, the owner will be subject to fines listed in another section of this chapter.
- (e) The Department shall have on file a list of private contractors who are certified backflow device testers. The owner is responsible for all costs associated with the installation and testing of any backflow prevention device.
- (f) The Department will begin initial premises inspections to determine the nature of existing or potential hazards following the approval of this program by the City Council of the City of Beacon. Initial focus will be on high-hazard industries and commercial premises.

(2) Owners

- (a) The owners shall be responsible for the elimination or protection of all cross-connections on their premises.
- (b) The owners, after having been informed by a letter from the Department, shall at their expense install, maintain, and test, or have tested, any and all backflow prevention devices on their premises. The owners shall be responsible for all costs associated with the installation and testing of backflow prevention devices.
- (c) After the Department determines the type of backflow prevention device, if any, required and approves the backflow prevention device, the owner shall submit an application to NYSDOH to obtain a permit to construct the approved backflow prevention device. The work shall be completed within ninety (90) days from receipt of the permit. Failure or refusal or inability on the part of the owner to install said device within ninety (90) days shall constitute grounds for discontinuing water service until such device has been properly installed.

- (d) After completion of installation of the backflow prevention device, the owner shall apply for a completed works permit by submitting to the NYSDOH a certification from an engineer which states that the installation of the work is in compliance with the approved plans and certification from an approved tester of backflow prevention devices that the installation was tested and is working as designed and approved and in accordance with the intent of these regulations.
- (e) The owner shall submit to the City of Beacon Water and Sewer Department and Building Department all certifications submitted to the NYSDOH including the certification that the installation of the approved backflow prevention device is in compliance with the approved plans and the certification that the installation was tested and is working as designed.
- (f) The owners shall correct any malfunction of the backflow prevention device which is revealed by periodic testing.
- (g) The owners shall inform the Department of any proposed or modified cross-connections of which the owners are aware but have not been found by the Department.
- (h) The owners shall not install a bypass around any backflow prevention device unless there is a backflow prevention device of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.
- (i) The owners shall install only backflow prevention devices which are shown on a NYSDOH list of approved backflow prevention devices.
- (j) Any owners having a private well or other private water source must obtain approval from the Department if the well or source is cross-connected to the Department's system. Permission to cross-connect may be denied by the Department. The owner may be required to install a backflow prevention device at the service entrance if a private water source is maintained, even if it is not cross-connected to the Department's system.
- (k) In the event that the owners install plumbing to provide potable water for domestic purposes which is on the Department's side of the backflow prevention device, such plumbing must have its own backflow prevention device installed.
- (l) The owners shall be responsible for the payment of all permit fees, penalties, annual or semiannual device testing, retesting in the case that the device fails to operate correctly, and second reinspections for noncompliance with Department and/or Department of Health requirements.

G. Determination of type of backflow protection device.

- (1) Categories; rating system; regulation.

- (a) An acceptable backflow prevention device must be installed in every service connection to a facility. Three categories shall be considered when determining the degree of hazard posed by a facility and making the subsequent determination of the type of protection device required. The City of Beacon recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of approved reduced pressure principle backflow prevention devices, "reduce pressure zone assembly," (RPZA) or "double-check valve assembly" (DCVA). The considerations are:
 - [1] Use, toxicity and availability of contaminants.
 - [2] Availability of a supplementary supply of water.
 - [3] Fire-fighting system evaluation
- (b) Based on these considerations the water supply operator and/or the City Engineer shall rate a facility as "hazardous," "aesthetically objectionable" or "nonhazardous."
 - [1] A hazardous facility must be contained through the use of an RPZA or properly designed air gap.
 - [2] An aesthetically objectionable facility must be contained through the use of a DCV, RPZA, or air gap.
 - [3] Nonhazardous facilities should be protected through an internal plumbing control program to ensure that plumbing cross-connections are adequately protected or eliminated; or through the use of a DCVA, RPZA or air gap.
- (2) The Water Superintendent and/or the City Engineer as designated by the City Council shall determine the type of device required for each property and facility. In making this determination, the water supply operator may utilize the Sample List of Facilities Requiring Backflow Prevention, prepared by the NYSDOH and, if necessary, shall consult with the DCDOH.
- (3) Cross-connection control by facility type
 - (a) Hazardous types of facilities which shall require installation of an approved reduce pressure zone assembly (RPZA) or air gap in the service connection to the public water distribution system include but are not limited to:
 - [1] Sewage and industrial wastewater treatment plants and pumping stations and sewer flushers.
 - [2] Paper manufacturing or processing, dye plants, petroleum processing, printing plant, chemical manufacturing or processing, industrial fluid systems, steam generation, rubber processing and tanneries.
 - [3] Canneries, breweries, food processing, milk processing, ice manufacturing, meat packers, poultry processing and rendering companies.

- [4] Hospitals, clinics, laboratories, veterinary hospitals, mortuaries and embalmers.
 - [5] Metal plating, photo processing, laundries, commercial car washes, commercial refrigeration systems and dry-cleaning establishments.
 - [6] Commercial greenhouses, spraying and irrigation systems using weedicides, herbicides and exterminators.
 - [7] Boiler systems, cooling towers or internal firefighter systems using conditioners, inhibitors and corrosion control chemicals.
 - [8] Residential units with lawn and irrigation systems with chemical injection.
 - [9] Residential units or facilities with service provided by both the village water distribution system and private well or water supply.
- (b) Aesthetically objectionable types of facilities which shall require installation of an approved double-check valve, RPZA or air gap in the service connection of the public water distribution system are those which include but are not limited to:
- [1] Customer fire-protection loops and fire-storage tanks with no chemical additives.
 - [2] High-temperature potable water.
 - [3] Utilization for food-grade dyes.
 - [4] Complex plumbing systems in commercial buildings, such as but not limited to beauty salons, churches, apartment buildings, gas stations, supermarkets, nursing homes, construction sites and carnivals.
 - [5] Residential units with lawn and irrigation systems.
- (c) It is not possible to list every circumstance and facility type that may be encountered by the Department while evaluating all users. The Department, while evaluating a facility, will rely on experience, assistance from local Health Department officials and the Cross Connection Control Program Manual.

H. Existing in-use backflow prevention devices

Any existing backflow prevention device shall be allowed by the Department to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow prevention device, or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow prevention device must be upgraded to a reduced-pressure-principle device, or a reduced-pressure-principle device must be installed in the event that no backflow prevention device was present.

I. Periodic testing.

- (1) All testers of backflow prevention devices shall be approved by the NYSDOH pursuant to Section 1.13 of Part 5 of the NYS Sanitary Code, 10 NYCRR Section 5-1.31.
- (2) The testing of backflow prevention devices shall be performed on an annual basis by the owner of any system requiring the same, and the cost of such testing shall be borne by the owner of the system. The testing procedures shall conform to the requirements of the NYSDOH and the DCDOH. Test results shall be submitted to the Department within 30 days of the completion of such testing. Late submissions of annual test results shall be subject to an administrative processing fee in the amount of \$25.
- (3) Any backflow prevention device which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair the device will be retested at the owner's expense to ensure correct operation. High-hazard situations will not be allowed to continue unprotected if the backflow prevention device fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than 30 days after the test date will be established. The owner is responsible for spare parts, repair tools or a replacement device. Parallel installation of two devices is an effective means of the owner ensuring that uninterrupted water service during testing or repair of devices and is strongly recommended when the owner desires such continuity.
- (4) Backflow prevention devices will be tested more frequently than specified above in cases where there is a history of test failures and the water supply operator feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional testing will be borne by the owner.
- (5) Testing is not required when fixture isolation is achieved with the utilization of a nontestable backflow prevention device.

J. Residential dual check assembly.

1. Effective the date of the acceptance of this cross-connection control program for the City of Beacon, all new residential buildings, which includes one-family and two-family dwellings, will be required to install a residential dual check assembly immediately downstream of the water meter. Installation of this residential dual check assembly on the retrofit basis on existing service lines will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the Department.
2. The owners must be aware that installation of a residential dual check assembly results in a potential closed plumbing system within the residence. As such, provisions may have to be made by the owners to provide for thermal expansion within the closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.

K. Strainers

The Department strongly recommends that all new retrofit installations of reduced-pressure-principle devices and double check valve backflow prevention devices include the installation of strainers located immediately upstream of the backflow prevention device. The installation of strainers will preclude the fouling of the backflow prevention devices due to both foreseen and unforeseen circumstances occurring to the water supply system, such as water main repairs,

water main breaks, fires, periodic cleaning and flushing of mains, etc. These occurrences may "stir up" debris within the water main that will cause fouling of backflow prevention devices installed without the benefit of strainers.

L. Penalties for offenses; corrective action.

- (1) Any person violating any provision of this chapter shall be subject to a penalty as prescribed in §1-3.
- (2) Notwithstanding the penalties hereinabove provided, the City of Beacon may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this chapter.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 219 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.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information							
City of Beacon							
Name of Action or Project: A local law to amend Chapter 219, Article III, Section 12 concerning Cross-Connection Controls							
Project Location (describe, and attach a location map): The City of Beacon, Dutchess County							
Brief Description of Proposed Action: The City proposes to amend Chapter 219, Article III, Section 12 to adopt a Water Cross-Connection Control Program to protect the public water supply served by the City of Beacon Water and Sewer Department from the possibility of contamination or pollution which could backflow or back-siphon into the public water system. The local law provides for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection.							
Name of Applicant or Sponsor: City of Beacon		Telephone: (845) 838-5000					
		E-Mail: beaconcityclerk@cityofbeacon.org					
Address: 1 Municipal Plaza							
City/PO: Beacon		State: NY	Zip Code: 12508				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>City of Beacon</u> Date: _____</p> <p>Signature: <u>By its Attorney, Keane & Beane, P.C., Nicholas Ward-Willis</u></p>		

CITY OF BEACON

1 Municipal Plaza

Beacon, NY 12508

(845) 838-5011

Narrative of Purpose for Legislative Enactment

Pursuant to Section 1 of Short Environmental Assessment Form

Short Environmental Assessment Form- Question #1

A cross-connection is created when drinking water piping connects to various plumbing fixtures or water utilizing equipment. The City Council of Beacon City finds that when if a cross-connection is improperly protected, contamination can result when a backflow event occurs, allowing contaminates to reverse flow from the fixture/equipment back into the drinking water pipe. The purpose of the local law is to provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connections. Under the local law, the City of Beacon Water and Sewer Department (the "Department") will perform evaluations, inspections and review plans to determine if a backflow prevention device is required. The Department will perform inspections to determine the nature of existing or potential hazards. Under the local law, property owners are responsible for the elimination or protection of all cross-connections on their premises and must annual test any installed backflow prevention device. The adoption of the local law will better protect the City's water supply from the possibility of contamination which could backflow or back-siphon into the public water system. By reasons of the foregoing, the City Council finds that the health, welfare and safety of the public will be served by adoption of a local law providing regulations on cross-connections.

The enactment of this local law is not expected to have any significant adverse impact on environmental resources within the City of Beacon.

Agency Use Only [If applicable]

Project:	Cross-Connection Control
Date:	September 18, 2017

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

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

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

Project:

Date:

September 18, 2017

Short Environmental Assessment Form

Part 3 Determination of Significance

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

The proposed local law to amend Chapter 219, Article III, Section 12 creates a Cross-Connection Control Program. The Cross Connection Control Program has as its primary objective the avoidance of any potential for backflow from premises located within the City to the public water supply system. To accomplish this objective, property owners are required to install backflow prevention containment devices in water service lines for premises that pose a potential hazard. The proposed local law provides for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connections. Therefore, the proposed action will not result in a significant adverse environmental impact and will protect the City's public water supply from the possibility of contamination.

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

City of Beacon City Council

September 18, 2017

Name of Lead Agency

Date

Anthony Ruggiero

City Administrator

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

City of Beacon Council Agenda
9/18/2017

Title:

Proposed Local Law Concerning Water and Sewer Utilities

Subject:

Background:

ATTACHMENTS:

Description	Type
LL Install water and Sewer	Local Law
Install Water and Sewer Neg Dec	Neg Dec

DRAFT LOCAL LAW NO. ____ OF 2017

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO REPEAL
CHAPTER 191, ARTICLE III OF THE CODE OF THE
CITY OF BEACON

A LOCAL LAW to
repeal Chapter 191,
Article III concerning
the Installation of Water
and Sewer Utilities.

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

Section 1. Chapter 191, Article III of the Code of the City of Beacon entitled “Installation of Water and Sewer Utilities” is hereby repealed in its entirety.

~~§ 191-22. Installation of water and/or sewer utilities on existing city streets where none presently exist.~~

~~In the event that an owner of a parcel of real property or a majority of the owners of multiple parcels, which real property is not currently serviced by city water and/or sewer utilities, petitions the City Council for the installation of water and/or sewer utilities on existing city streets, the following criteria shall be applied:~~

- ~~A. The Assessor and City Engineer must determine that the cost of the City's share of the utilities will be no more than 10% of the property value at completion of the project;~~
- ~~B. The City Engineer must determine that the property or contiguous properties under the control or formerly under the control of the same owner do not abut a City street with such services;~~
- ~~C. The City Engineer must determine that the proposed installation is the most cost effective means for providing water and/or sewer;~~
- ~~D. The City will pay for the work up to 150% of the standard average cost for the installation of utilities in rock-free soil as determined by the City Engineer. In the event the cost exceeds 150% of the standard average cost as set forth above, the~~

~~owner or owners shall pay any additional cost in a proportion determined by the City Engineer.~~

~~E. The owner or owners of the property to which the utilities are to be provided must agree that the proposed improvements creating the value in Subsection A will be made within two years of the installation of the utilities. The owner or owners shall provide a bond or bonds to the City in an amount determined by the City Engineer to insure full compliance with this section.~~

~~§ 191-22.1. Installation of water and/or sewer utilities on City streets created by prescription.~~

~~In the event that all owners of parcels of real property located on a City street created by prescription petition the City to replace and upgrade the water and/or sewer utilities servicing said properties, the City will undertake the replacement and upgrade of said water and/or sewer utilities and charge the owners who are benefited their proportionate share of said costs. By petitioning the City, said owners understand and agree that the City Council shall, in its annual budget, allocate sufficient funds to finance the replacement of said water lines and/or sewer lines, which shall be repaid by the landowners, with interest, over a ten-year period. This water and/or sewer line loan shall become a lien against the improved property and shall be repaid in full in the event that the property is sold or transferred. Once the water and/or sewer line has been installed, the City will maintain said water and/or sewer line.~~

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Effective Date

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

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information							
City of Beacon							
Name of Action or Project: A local law concerning the Installation of Water and Sewer Utilities							
Project Location (describe, and attach a location map): The City of Beacon, Dutchess County							
Brief Description of Proposed Action: The City proposes to repeal Chapter 191, Article III concerning the Installation of Water and Sewer Utilities. Under the proposed local law the City shall not install water and/or sewer utilities on existing city streets where none presently exist. Furthermore, the City shall not install water or sewer utilities on City streets created by prescription.							
Name of Applicant or Sponsor: City of Beacon		Telephone: (845) 838-5000					
		E-Mail: beaconcitclerk@cityofbeacon.org					
Address: 1 Municipal Plaza							
City/PO: Beacon		State: NY	Zip Code: 12508				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

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

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>City of Beacon</u> Date: _____</p> <p>Signature: <u>By its Attorney, Keane & Beane, P.C., Nicholas Ward-Willis</u></p>		

**CITY OF BEACON
1 Municipal Plaza
Beacon, NY 12508
(845) 838-5011**

Narrative of Purpose for Legislative Enactment

Pursuant to Section 1 of Short Environmental Assessment Form

Short Environmental Assessment Form- Question #1

The purpose of the local law is to repeal Chapter 191, Article III concerning the Installation of Water and Sewer Utilities. Under the local law, the City of Beacon is no longer required to install water and/or sewer utilities on existing city streets that are not currently serviced by city water and/or sewer utilities. In addition, the City is not required to replace and upgrade water and/or sewer utilities located on City streets created by prescription. This local law effect's the City's obligations pertaining to the installation of water and sewer utilities and will not impact the environment. By reasons of the foregoing, the City Council finds that the health, welfare and safety of the public will be served by adoption of a local law providing regulations on cross-connections.

The enactment of this local law is not expected to have any significant adverse impact on environmental resources within the City of Beacon.

Agency Use Only [If applicable]

Project:	Installation of Water and Sewer Utilities
Date:	September 19, 2017

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Project:

Date:

September 18, 2017

Short Environmental Assessment Form

Part 3 Determination of Significance

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

The proposed local law repeals Chapter 191, Article III concerning the Installation of Water and Sewer Utilities. Under Chapter 191, Article III, owners of parcels located on City Streets may submit a petition to the City Council requesting installation of sewer or water utilities. The City of Beacon was required to pay for up to 150% of the standard average cost for the installation of water and/or sewer utilities on a city street where no water or sewer utilities exist upon review of certain criteria. The law also permitted the City to install water and sewer utilities on City streets created by prescription. The proposed local law repeals Chapter 191, Article III to eliminate the City's responsibility to install water and/or sewer utilities on existing city streets or city streets created by prescription. The proposed action does not result in any impacts to the environment. The local law removes the City's obligation to undertake the responsibility to install and replace water and sewer utilities on certain City streets. Therefore, the proposed action will not result in a significant adverse environmental impact.

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

City of Beacon City Council

September 18, 2017

Name of Lead Agency

Date

Anthony Ruggiero

City Administrator

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

City of Beacon Council Agenda
9/18/2017

Title:

Proposed Local Law to Amend the Charter

Subject:

Background:

ATTACHMENTS:

Description

LL Charter Amendments

Type

Local Law

Draft: 8/16/17

DRAFT LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

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

A LOCAL LAW to
amend the City of
Beacon Charter.

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

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

Chapter C. Charter

Article 1. Title; Powers of City; Boundaries

Sec. 1.00. Short title.

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

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

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

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

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

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

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

Sec. 1.~~070~~4. Authorization to sell or convey city-owned property.

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

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

Sec. 1.~~080~~5. Vested rights and duties.

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

Sec. 1.~~064~~9. Construal.

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

Sec. 1.~~420~~7. Intergovernmental relations.

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

Sec. 1.~~460~~8. Boundaries of the wards.

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

~~Ward One:~~

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

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

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

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

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

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

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

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

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

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

~~Ward Two:~~

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

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

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

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

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

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

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

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

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

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

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

~~Ward Three:~~

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

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

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

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

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

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

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

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

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

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

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

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

~~Ward Four:~~

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

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

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

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

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

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

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

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

Article 2. City Council

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

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

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

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

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

The salary for each of the six (6) Council members shall be ~~nine-eleven~~ thousand dollars (\$~~911,000-~~) per annum, and for the Mayor ~~twenty-five~~thirty thousand ~~dollars-five hundred dollars~~ (~~\$2530,000~~500) per annum. ~~The Council may determine the compensation of the Council members and for the Mayor by ordinance. This includes, but is not limited to, salary, health insurance and/or other fringe benefits.~~ Council members and the Mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office. In addition, the Council members and the Mayor shall have the option of receiving individual health insurance ~~coverage~~benefits, individual or family coverage, through the City of Beacon's health insurance plan, such insurance policy type shall be determined by the Director of Finance. A Council member who receives health insurance benefits through the City's health insurance plan shall receive a reduced salary of nine thousand dollars (\$9,000) per annum, and for the Mayor twenty-five thousand dollars (\$25,000) per annum. The City's contribution toward the premium cost of providing ~~this individual coverage, individual or family,~~ shall be at the same percentage contribution rates as is provided to the City's department heads with the balance being paid for by the Council member or the Mayor who elected such health insurance coverage. Council members and the Mayor may secure family coverage through the City's insurance plan but such person is responsible for any such cost above the individual coverage cost. ~~This shall take effect on January 1, 2018 with respect to Council members and the Mayor.~~

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

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

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

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

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

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

Sec. 2.0804. Vacancies in elective office.

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

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

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

Sec. 2.~~1405~~. Judge of qualifications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2.~~2211~~. Franchises.

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

Sec. 2.~~2412~~. Emergency ordinance.

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

Sec. 2.~~2613~~. Publication of ordinances and resolutions.

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

Article 3. Mayor; Administrator

Sec. 3.00. Powers and duties of Mayor.

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

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

Sec. 3.01. Acting City Administrator.

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

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

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

Sec. 3.02. City Administrator.

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

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

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

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

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

Sec. 3.0403. Removal of Administrator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 4. Administrative Departments

Sec. 4.00. General provisions.

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

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

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

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

The City Clerk shall:

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

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

Sec. 4.0603. Department of Finance.

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

Sec. 4.0804. Department of Public Works.

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

Sec. 4.1005. Fire Department.

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

Sec. 4.10.1. Fire and Inspection Coordinator.

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

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

Sec. 4.1206. Police Department.

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

Sec. 4.1407. Office of Assessor.

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

~~Sec. 4.16. City Officers:~~

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

Article 5. Financial Procedures

Sec. 5.00. Fiscal year.

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

Sec. 5.0201. Submission of budget and budget message.

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

Sec. 5.0402. Budget message.

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

Sec. 5.0603. Budget.

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

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

- (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures.
 - (2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each.
 - (3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition. Subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.
 - (4) All equipment budget lines must include a separate itemized list of proposed equipment purchases for that budget year with proposed expenditures for each piece of equipment. No equipment may be purchased during the course of the fiscal year that is not included on said itemized list, unless the Council approves, upon a roll-call vote, any addition or deletion from said list.
- B. Balanced budget. The total of proposed expenditures shall not exceed the total of estimated income.
- C. Notice and hearing. The Council shall publish in the official newspaper of the city and one (1) or more newspapers of general circulation in the city the general summary of the budget and a notice stating:
- (1) The times and places where copies of the message and budget are available for inspection by the public; and
 - (2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.
- D. Amendment before adoption. After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service.
- E. Adoption. The Council shall adopt the budget on or before the 31st day of the last month of the fiscal year. In the event that the Council fails to adopt a budget by said

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

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

Sec. 5.~~9804~~. Capital program and action.

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

Sec. 5.~~0540~~. Amendments after adoption.

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

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

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

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

~~Sec. 5.14. Public moneys:~~

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

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

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

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

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

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

Article 446. Collection of Taxes

Sec. 446.00. Levy and collection of taxes.

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

Sec. 446.021. Procedures for enforcement of collection of delinquent taxes.

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

Article ~~67~~. Planning

Sec. ~~67.00~~. Comprehensive Plan.

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

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

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

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

Sec. ~~67.0402~~. Planning Board.

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

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

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

Article ~~78~~. Nominations and Elections

Sec. ~~78.00~~. Regular election.

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

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

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

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

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

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

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

Article ~~89~~. Finances, Taxation, Local Assessments and Improvements

Sec. ~~89.00~~. Indebtedness and taxation.

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

Sec. ~~89.0201~~. Bond referendum.

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

Sec. ~~89.0403~~. Notice of adoption.

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

Sec. ~~89.0604~~. Referendum procedures.

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

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

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

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

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

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

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

Sec. ~~82.1006~~. Exceptions to referendum.

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

Sec. ~~82.1207~~. State and county taxes.

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

Article 910. General Provisions

Sec. 910.00. Personal financial interest.

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

Sec. 910.0201. Prohibitions.

A. Activities prohibited.

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

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

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

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

Sec. 910.042. Charter review.

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

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

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

Sec. 910.0804. Penalty for violation.

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

Sec. 910.4005. Limitation of actions against city.

A. No action or proceeding to recover or enforce any claim, debt or demand against the city shall be brought until the expiration of thirty (30) days after the same has been presented, in writing, to the City Council. All actions brought against the city, upon any contractual liability, express, ~~or~~ implied or quasi-contract, must be begun within one (1) year and ninety (90) days from the time when the cause of action accrued; or, for injury to a person or property because of negligence, within one (1) year from the time of receiving such injuries; and, in all other cases, within six (6) months after the cause of action accrued. No civil action shall be maintained against the city for damages or injuries to persons or property sustained in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, path or place or in consequence of any street, highway, bridge, culvert, sidewalk, crosswalk, grating, opening, drain or sewer being of faulty design or construction, defective, out of repair, unsafe, dangerous or obstructed unless, previous to the occurrence resulting in such damages or injuries, written notice of the existence of such snow or ice at the particular place or of the defects or unsafe, dangerous or obstructed condition of the particular place shall have been filed in the office of the City Administrator of the city, and it shall be made to appear that there was a failure or neglect within a reasonable time after the filing of such notice to remedy the condition.

B. No civil action shall be maintained against the City of Beacon for damages or injuries to person or property sustained in consequence of the existence of a defect in any of the playground equipment, playing fields, paths, grounds of any playground or public park owned, operated or maintained by the City of Beacon or for a defect in any such equipment, place or facility maintained at a public bathing beach, skating rink or pond owned, operated or maintained by the City of Beacon unless, prior to the occurrence resulting in such damage or injury, written notice of the existence of such defect relating to the particular equipment, playing fields, paths, grounds of any playground or public park owned, operated or maintained by the City of Beacon shall have been filed in the office of the City Administrator of the city and unless it shall be made to appear that there was a failure or neglect to remedy or repair such alleged defect or condition in the equipment, facility or place or to cause the equipment, facility or place to be otherwise made reasonably safe within a reasonable time after the filing of such notice.

C. All claims against the city for damages or injuries to person or property alleged to have been caused by the misfeasance or negligence of the city or any of its officers or employees shall be presented to the City Council, in writing, within ~~thirty ninety~~ (30) days after the happening of the accident or injury out of which the claim arose. Such writing shall describe the time when, the particular place where and the circumstances under which the damages or injuries were sustained and the cause thereof; it shall also state, so far as then practicable, the nature and extent of the damages or injuries; shall also state the place of residence of the claimant by street and number, and, if there be

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

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

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

Article 10. Transitional Provisions

~~Sec. 10.00. Charter replacement.~~

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

~~Sec. 10.02. Transitional provisions.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~Sec. 10.10. Severability.~~

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

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

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

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

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

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

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

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

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

Article 11. Collection of Taxes

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

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

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

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

Section 3. Ratification, Readoption and Confirmation

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

Section 4. Numbering for Codification

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

Section 5. Severability

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

Section 6. Effective Date

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

City of Beacon Council Agenda
9/18/2017

Title:

Proposed Local law Regarding Ward Boundaries

Subject:

Background:

ATTACHMENTS:

Description

LL Ward Boundaries

Type

Local Law

DRAFT LOCAL LAW NO. ____ OF 2017

CITY COUNCIL
CITY OF BEACON

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

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

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

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

Article VII Wards

§5-19. Purpose

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

§5-20. Ward boundaries established.

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

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

C. Ward Two.

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

D. Ward Three.

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

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

E. Ward Four

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

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that

any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

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

Section 5. Effective Date

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

City of Beacon Council Agenda
9/18/2017

Title:

Proposed Local Law to Enact a Residential Building Moratorium

Subject:

Background:

ATTACHMENTS:

Description	Type
LL Moratorium	Local Law
DC Review of LL re Moratorium	Cover Memo/Letter
PB Review of LL re Moratorium	Cover Memo/Letter

LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW REGARDING
ENACTMENT OF A MORATORIUM**

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

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

SECTION 1. TITLE

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

SECTION 2. LEGISLATIVE INTENT AND PURPOSE

The City Council hereby finds as follows:

1. The City of Beacon adopted a Comprehensive Plan in 2007 and updated it in 2017. These Comprehensive Plans encouraged development within the City of Beacon, with a special focus on opportunities for residential development along Main Street’s Central Business District, the Central Main Street, Linkage and Waterfront Districts. However, in the past approximately three years 1,027 residential units have been approved or are pending approval. The City is concerned that such a large number of housing in such a short time will stress the City’s water supply. The City’s vision was that development would be more gradual and take place over a period of years. The accelerated development of housing within the City will lead to greatly increased consumption of services and resources. The City’s water supply is of special concern. Accordingly to the 2007 Comprehensive Plan, the City has enough water to maintain a population of approximately 17,800 people, and the additional units (approved, but

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

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

SECTION 3. MORATORIUM

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

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

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

SECTION 4. ADMINISTRATIVE RELIEF FROM MORATORIUM.

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

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

SECTION 5. SEPARABILITY

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

SECTION 6. EFFECTIVE DATE

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

Dutchess County Department of Planning and Development		To _____ Dept _____ Fax # _____	Date 9/8 From _____ Phone # _____	# pgs 1
239 Planning/Zoning Referral - Exemption Communities				
Municipality: City of Beacon				
Referring Agency: <input type="checkbox"/> Planning Board <input type="checkbox"/> Zoning Board of Appeals <input checked="" type="checkbox"/> Municipal Board				
Tax Parcel Number(s): _____				
Project Name: LL Moratorium on Residential Development				
Applicant: City of Beacon				
Address of Property: _____				
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%; border: 1px solid black; padding: 5px;"> Parcel(s) within 500 feet of: <input type="checkbox"/> State Road _____ <input type="checkbox"/> County Road _____ <input type="checkbox"/> State Property (w/public building or recreation area) <input type="checkbox"/> County Property (w/public building or recreation area) <input type="checkbox"/> Municipal Boundary <input type="checkbox"/> Farm operation in an Agricultural District </div> <div style="width: 30%; border: 1px solid black; padding: 5px;"> Actions Requiring 239 Review <input type="checkbox"/> Comprehensive/Master Plans <input type="checkbox"/> Zoning Amendments (standards, uses, definitions, district regulations, etc.) <input type="checkbox"/> Rezoning involving all map changes <input checked="" type="checkbox"/> Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.) <input type="checkbox"/> Site Plans (all) <input type="checkbox"/> Special Permits for all non-residential uses <input type="checkbox"/> Use Variances for all non-residential uses <input type="checkbox"/> Area Variances for all non-residential uses </div> <div style="width: 35%; border: 1px solid black; padding: 5px;"> Exempt Actions:* 239 Review is NOT Required <ul style="list-style-type: none"> Administrative Amendments (fees, procedures, penalties, etc.) Special Permits for residential uses (accessory apts, home occupations, etc.) Use Variances for residential uses Area Variances for residential uses Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals Subdivisions / Lot Line Adjustments Interpretations </div> </div>				
9/17/17				
Date Response Requested (if less than 30 days): _____				
If subject of a previous referral, please note County referral number(s): _____				

* These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

FOR COUNTY OFFICE USE ONLY			
Response from Dutchess County Department of Planning and Development			
No Comments: <input checked="" type="checkbox"/> Matter of Local Concern <input type="checkbox"/> No Jurisdiction <input type="checkbox"/> No Authority <input type="checkbox"/> Project Withdrawn <input type="checkbox"/> Exempt from 239 Review		Comments Attached: <input type="checkbox"/> Local Concern with Comments <input type="checkbox"/> Conditional <input type="checkbox"/> Denial <input type="checkbox"/> Incomplete — municipality must resubmit to County <input type="checkbox"/> Incomplete with Comments — municipality must resubmit to County <input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)	
Date Submitted: 9/5/17	Date Received: 9/5/17	Date Requested: 9/17/17	Date Required: 10/4/17
Date Response Faxed: 9/8/17		Referral #: ZR 17-327	
<input type="checkbox"/> Also mailed hard copy		Reviewer: [Signature]	

Print Form

Reset Form



Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

FROM: Etha Grogan
for Planning Board Chairman Sheers and Planning Board Members

RE: City Council Request to Review Local Law on Proposed Moratorium

DATE: September 15, 2017

As requested the Planning Board reviewed the proposed local law on the proposed moratorium at its September 12, 2017 meeting. The City Attorney's office provided a memorandum outlining details of the proposal and a comprehensive review of the law took place. After some consideration members voted unanimously to recommend the City Council proceed with the proposed moratorium as outlined. If you have any questions, please feel free to contact me.

**City of Beacon Council Agenda
9/18/2017**

Title:

Resolution Adopting a Local Law Regarding Water Cross Connections

Subject:

Background:

ATTACHMENTS:

Description

Res. adopt LL Cross Connections

Type

Resolution



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. _____ OF 2017

**A RESOLUTION TO ADOPT A LOCAL LAW TO AMEND CHAPTER 219, ARTICLE III,
SECTION 12 CONCERNING CROSS CONNECTIONS**

NOW, THEREFORE, BE IT RESOLVED, that the City Council in accordance with 6 NYCRR Part 617 and upon review of the Short Environmental Assessment Form and all other materials prepared, hereby adopts the attached Negative Declaration for the proposed action.

BE IT FURTHER RESOLVED, that the Beacon City Council hereby adopts a local law to amend Chapter 219, Article III, Section 12 concerning cross connections.

Resolution No. _____ of 2017			Date: <u>September 18, 2017</u>				
<input type="checkbox"/> <input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> <input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
Motion Carried							

City of Beacon Council Agenda
9/18/2017

Title:

Resolution Adopting a Local Law Regarding the Installation of Water and Sewer Utilities

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. to adopt LL re water and sewer utilities	Resolution



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. _____ OF 2017

**A RESOLUTION TO ADOPT A LOCAL LAW TO REPEAL CHAPTER 191, ARTICLE III,
CONCERNING THE INSTALLATION OF WATER AND SEWER UTILITIES**

NOW, THEREFORE, BE IT RESOLVED, that the City Council in accordance with 6 NYCRR Part 617 and upon review of the Short Environmental Assessment Form and all other materials prepared, hereby adopts the attached Negative Declaration for the proposed action.

BE IT FURTHER RESOLVED, that the Beacon City Council hereby adopts a local law to amend Chapter 191, Article III concerning the installation of water and sewer utilities.

Resolution No. _____ of 2017			Date: <u>September 18, 2017</u>				
<input type="checkbox"/> <input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> <input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
Motion Carried							

City of Beacon Council Agenda
9/18/2017

Title:

Resolution to Adopt a Local Law to Amend the City Charter

Subject:

Background:

ATTACHMENTS:

Description

Res. to adopt LL re Charter

Type

Resolution



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. _____ OF 2017

A RESOLUTION TO ADOPT A LOCAL LAW TO AMEND THE CITY CHARTER

NOW, THEREFORE, BE IT RESOLVED that the Beacon City Council hereby adopts a local law to amend the City Charter.

BE IT FURTHER RESOLVED, that the Mayor's salary shall increase during his term of office as proposed in Section 2.01 of the City Charter, subject to a permissive referendum.

BE IT FURTHER RESOLVED, that this local law shall take effect immediately upon filing with the Office of the Secretary of State, except that Section 2.01 shall take effect under passage and upon expiration of the time period for filing a petition for permissive referendum. In the event that a petition is duly filed and a referendum held, Section 2.01 shall take effect after said referendum has been duly passed by a majority of voters and said Section has been duly filed with the Department of State.

Resolution No. _____ of 2017			Date: <u>September 18, 2017</u>				
<input type="checkbox"/> <input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> <input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
Motion Carried							

**City of Beacon Council Agenda
9/18/2017**

Title:

Resolution to Adopt a Local Law Concerning the City's Ward Boundaries

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. to adopt LL re Ward Boundaries	Resolution



CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. _____ OF 2017

**A RESOLUTION TO ADOPT A LOCAL LAW PURSUANT TO MUNICIPAL HOME RULE
LAW SECTION 10, TO ENACT A MORATORIUM WITH RESPECT TO LAND USE
APPROVALS ASSOCIATED WITH RESIDENTIAL DEVELOPMENT**

NOW, THEREFORE, BE IT RESOLVED that the Beacon City Council hereby adopts a local law to enact a moratorium with respect to land use approvals associated with residential development.

Resolution No. _____ of 2017			Date: <u>September 18, 2017</u>				
<input type="checkbox"/> <input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
		Motion Carried					

City of Beacon Council Agenda
9/18/2017

Title:

Resolution to Adopt a Local Law Enacting a Residential Building Moratorium

Subject:

Background:

ATTACHMENTS:

Description

Res. to adopt a LL re moratorium enactment

Type

Resolution



CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. _____ OF 2017

**A RESOLUTION TO ADOPT A LOCAL LAW PURSUANT TO MUNICIPAL HOME RULE
LAW SECTION 10, TO ENACT A MORATORIUM WITH RESPECT TO LAND USE
APPROVALS ASSOCIATED WITH RESIDENTIAL DEVELOPMENT**

NOW, THEREFORE, BE IT RESOLVED that the Beacon City Council hereby adopts a local law to enact a moratorium with respect to land use approvals associated with residential development.

Resolution No. _____ of 2017			Date: <u>September 18, 2017</u>				
<input type="checkbox"/> <input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
Motion Carried							

City of Beacon Council Agenda
9/18/2017

Title:

Resolution Authorizing a PILOT Agreement with the Kearney Group

Subject:

Background:

ATTACHMENTS:

Description

Res. PILOT

Type

Resolution

CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. _____ OF 2017

**PROSPECTIVE REAL PROPERTY TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES
(PILOT) AGREEMENT UNDER
OF THE PRIVATE HOUSING FINANCE LAW -**

**WEST END LOFTS
KEARNEY REALTY & DEVELOPMENT GROUP, INC.
(Parcel ID Nos. 5954-26-688931 and 5954-26-708967)**

WHEREAS, the City of Beacon has been requested by Kearney Realty & Development Group, Inc. (“Applicant”) to entertain and consider the issuance of a tax exemption and corresponding Payment in Lieu of Taxes (PILOT) Agreement under the provisions of the Private Housing Finance Law of the State of New York (PHFL) with regard to a portion of a project known as “West End Lofts;” and

WHEREAS, the West End Lofts project is to include three (3) multi-story buildings containing a total of ninety-eight (98) apartments on property located on Wolcott Avenue, which is presently designated as Parcel ID Nos. 5954-26-688931 and 5954-26-708967; and

WHEREAS, two of the buildings within the West End Lofts project are to contain affordable housing subject to income-testing requirements, for which funding is to be sought by Applicant under the PHFL through an application to New York State Homes and Community Renewal; and

WHEREAS, if such funding is secured, a New York private housing finance law corporation will be formed by Applicant under Article XI of the PHFL, which will acquire this portion of the West Ends Loft project for the purpose of a “housing project” as that term is defined in the PHFL; and

WHEREAS, should this occur and the requirements of the PHFL satisfied, this portion of the West End Lofts project will be eligible for a real property tax exemption issued by the City Council of the City of Beacon (the “City Council”), as the local legislative body of the City of Beacon, under §577 of the PHFL; and

WHEREAS, the Applicant has advised that, if such an exemption is issued, the proposed private housing finance law corporation and its partners or affiliates, if any, will enter into a PILOT Agreement with City of Beacon, providing for, among other terms, an initial annual PILOT payment of \$170,000 to increase over time in proportion to any increase in rents charged for units within the two (2) income-restricted buildings in the West End Lofts project; and

WHEREAS, the City of Beacon desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for persons of limited income and to provide for affordable housing opportunities within the community; and

WHEREAS, in recognition and furtherance of this objective, the City Council supports the funding application to be made by Applicant to New York State Homes and Community Renewal for this portion of the West End Lofts project; and

WHEREAS, the City Council is therefore prepared to issue the proposed real property tax exemption and enter into a PILOT agreement containing terms consistent with those proposed by Applicant and summarized above, provided this portion of the West Ends Loft project satisfies the requirements of the PHFL;

NOW THEREFORE, BE IT RESOLVED that the City Council expresses its support for the funding application to be submitted by Applicant to New York State Homes and Community Renewal for that portion of the West End Lofts project to be comprised of income-restricted housing; and

BE IT FURTHER RESOLVED, the City Council is prepared to issue a tax exemption and enter into a PILOT agreement, containing terms consistent with those summarized above and in a final form acceptable to the City Council, City Administration and the City Attorney, provided the income-restricted portion of the West Ends Loft project satisfies the requirements of the PHFL.

Resolution No. _____ of 2017			Date: <u>September 18, 2017</u>				
<input type="checkbox"/> <input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> <input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
Motion Carried							

City of Beacon Council Agenda
9/18/2017

Title:

Resolution to Schedule a Public Hearing for October 2, 2017 to Receive Comments on the 2018 CDBG Grant Program

Subject:

Background:

ATTACHMENTS:

Description

Res. Sched PH re CDBG

Type

Resolution



CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. _____ OF 2017

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR OCTOBER 2, 2017 TO RECEIVE
PUBLIC COMMENT ON THE PROPOSED 2018 CDBG PROGRAM**

BE IT RESOLVED that the City of Beacon hereby schedules a public hearing for October 3, 2017 at 7:00 p.m. at City Hall, One Municipal Plaza, Beacon, New York 12508 to receive public comment concerning the proposed 2018 CDBG Program.

Resolution No. _____ of 2017		Date: <u>September 18, 2017</u>					
<input type="checkbox"/> <input type="checkbox"/> Amendments		<input type="checkbox"/> 2/3 Required					
<input type="checkbox"/> <input type="checkbox"/> Not on roll call.		<input type="checkbox"/> On roll call					
<input type="checkbox"/> <input type="checkbox"/> Not on roll call.	<input type="checkbox"/> <input type="checkbox"/> On roll call	<input type="checkbox"/> <input type="checkbox"/> 2/3 Required	<input type="checkbox"/> <input type="checkbox"/> 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
		Motion Carried					

City of Beacon Council Agenda
9/18/2017

Title:

Resolution to Express the City of Beacon's Opposition to the Elimination of the Deductibility of State and Local Taxes

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. opposing the elimination	Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ - 2017

**RESOLUTION OPPOSING THE ELIMINATION OF THE
DEDUCTIBILITY OF STATE AND LOCAL TAXES**

WHEREAS Congress is giving serious consideration to eliminating the federal income tax deduction for state and local taxes;

WHEREAS this deduction, which has been in place for more than 100 years, is heavily utilized by residents of our community and our State;

WHEREAS New York residents already pay more into the federal treasury than the federal government returns to New York;

WHEREAS the state and local tax deduction is a fundamental principle of federalism and without it our residents would be faced with double taxation as they would be forced to pay federal income taxes on the taxes they pay to state and local governments;

WHEREAS this federal cost shift onto local governments would place extreme pressure on municipal budgets, including diminished revenue for essential local government investments, including public safety and public infrastructure; and

WHEREAS increased federal taxation and reduced municipal services will harm our local housing market, decrease home values and erode our local tax base,

NOW THEREFORE BE IT RESOLVED THAT the City of Beacon, New York expresses its strong opposition to any tax reform proposal that would eliminate the State and Local Tax (SALT) Deduction and urges Representative Sean Patrick Maloney to join us in publicly opposing any such proposal.

Resolution No. _____ of 2017			Date: <u>September 18, 2017</u>				
<input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy Casale					
Motion Carried							

City of Beacon Council Agenda
9/18/2017

Title:

Minutes of September 5, 2017

Subject:

Background:

ATTACHMENTS:

Description	Type
September 5, 2017 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 September 5, 2017. Please note that the video recording of this meeting is available at <http://vimeo.com/channels/40154>.

Council Members Present:

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

Council Members Absent/Excused:

Omar Harper, Ward Two

Also Present:

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

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

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

Speakers:

Samantha Britton: Spoke about the recent Bike Day situation and feels that the school deserves an apology. The Central Main Street zoning needs to adjusting so that buildings like the monstrous one at 244 Main will not be permitted.

Paulette Meyers Rich: Relocated here from Minnesota Cares about the history, the arts and the River. Concerned about permitting 4-5 story buildings on Main Street. Opposed to the addition to building next to the Howland Center.

Theresa Kraft: The Planning Board and Zoning Board of Appeals must stop granting variances. The Developers and their lawyers are allowed to intimidate.

Priscilla Kelly: Gave a chronology of the events that occurred on Bike Day. Described the incident and her dissatisfaction with the City and the Police Department.

Lisa Dultch: Spoke as a parent of a child that goes to the New Covenant Learning Center. Feels that if the City does not take action against the woman who moved the barricades, they do not care about the children.

Kelly Ellenwood: Gave the Beacon Art quarterly update. (See attached)

Jodi McCredo: Questions the motives of the developers who are against the moratorium.

Arthur Camins: Supports a careful approach to development. Threats from developers should be ignored. Asks that the City consider development proposals carefully.

Pru Posner: Urged the Council to support Councilman Kyriacou's proposal. This proposal would building on the excellent work of the Council so far.

Zoe Markwalter: Thanked the council for appointing her to the Conservation Advisory Committee. Advised about a serious safety concern in her neighborhood and a recent accident where a car hit a jogger. (See attached)

Susan Paytin: Gave another account of the seriousness of the safety concern in the Herbert and Main Street neighborhood. Asked for improved signage.

John Kelly: Lives in the Herbert and Main Street area. The traffic has increased and drivers do not slow down. There are many children walking to school in the neighborhood.

Community Segment:

Frank Skartados advised that he secured \$500,000 in funding for the South Avenue Bridge through a multi-model grant. Suggested that it should be a one-lane vehicle bridge with pedestrian crossing on both sides. Speed should be limited to five mph. Offered his assistance to the City in finding the balance of the funds necessary to complete the project.

Presentation:

Mayor Casale read the proclamation about Sickle Cell Awareness Month. Jessica Salamon gave details about sickle cell disease and how a bone marrow transplant cured her son. She also advised about the Sickle Cell walk scheduled for September 30. Jessica thanked the Mayor for the proclamation.

Public Hearings

No. 1 Local Law Concerning the Disclosure of Information from City Applicants

City Attorney Nick Ward-Willis explained the intent of the local law.

Theresa Kraft: Applauded the council for initiating this requirement.

Pru Posner: Is in favor of this requirement.

Motion to close: Council Member Ross, second Council Member Mansfield

No. 2 Local Law to Enact a "No Knock Law".

Mayor Casale explained the intent of the local law. Noting that seniors are particularly vulnerable when it comes to solicitors. One should always ask to see the peddlers permit and if the peddler does not have a permit, they should call the police. The mayor added that the City will offer stickers to members of the public who register for the "No Knock" option.

Kelly Ellenwood asked if it included Girl Scouts. City Attorney answered that it does not apply to political or charitable organizations.

Michal Mart: Asked that the list of licensed peddlers be added to the website along with an example of a peddlers permit for reference.

Council Member Reports:

Ali Muhammad: School starts tomorrow and everyone should be mindful of kids on their way to and from school. If you have a volunteer idea for kids, contact the Recreation Department. Would like to ask for volunteers for his committee looking to bring a BOCES satellite to Beacon. There were complaints from the community about the police not getting out of their cars during basketball games. Feels like we made a mistake with regard to the situation on Bike Day. Agrees with the Mayor's suggestion of letting the neighborhood know in advance if we were going to close the street. Asked how we can get create a business improvement district. Can we incentivize a tech-makers space? We need a crosswalk sign across from Hammond Plaza. Suggested promotional sign at the train station with paperless information (scan). K104 is sending a truck to Texas with relief supplies.

Omar Harper: Absent.

Lee Kyriacou: Thanked Assemblyman Skartados and Steve Gold for the multi-model grant money for the bridge. (See attached)

George Mansfield: Warned that residents are receiving mail from companies interested in buying their property for cash. Wants everyone to be careful with whom you do business. Has been attending the meetings regarding the Texaco Chevron site. The development of this property has the potential to greatly affect the region. Urges the public to participate.

Pam Wetherbee: The Traffic Safety Committee will be discussing the Herbert and Main Street issue. Asks if a crosswalk can be added. Is there a way to improve the signage for the businesses on E. Main Street? Asks if we can review the policy regarding street closures. Asked for a Ten-Year Capital Projects Report.

Peggy Ross: Thanked the Assemblyman and former Mayor for their assistance with securing funding for the South Avenue Bridge. Welcomed the new members to the CAC. Has been reading about Houston's lack of planning – the poor suffer during weather events. Brian Difeo has begun a natural resource inventory. Asked about a sidewalk grant. Mayor Casale answered that we are in planning stages of the project. Recalled how the slate sidewalks were removed years ago but we are going to put sidewalks there.

Mayor Randy Casale: Thanked the Assemblyman and Steve Gold for the funds for the bridge. Added that he hopes to have secured the money for the entire project by the end of this year.

Ratified volunteer firefighters Gallo and Schlussman.

City Administrator Anthony Ruggiero: Announced that we have update our water billing software and that we have a goal of on line billing for next year. Councilman Kyriacou asked if we could use the State's online billing site.

Resolutions, Ordinances and Local Laws:

1. Resolution to Adopt a Local Law amending the City Code as it Relates to the Disclosure of Information by Applicants
 - Motion by Council Member Muhammad, second by Council Member Mansfield
6-0
2. Resolution to Adopt a Local Law the City Code as it Relates to Peddling and Soliciting
 - Motion by Council Member Mansfield, second by Council Member Muhammad
6-0
3. Resolution Appointing Zoe Markwalter as a Member of the Conservation Advisory Committee
 - Motion by Council Member Muhammad, second by Council Member Wetherbee
6-0
4. Resolution Appoint Robert Lieblein as a Member of the Conservation Advisory Committee
 - Motion by Council Member Mansfield, second by Council Member Wetherbee
6-0
5. Resolution Approving and a Grant Under the Hudson River Valley Greenway Grant Program for the Project Known as the Beacon Hudson River Trail
 - Motion by Council Member Wetherbee, second by Council Member Mansfield
6-0
6. Resolution Authorizing the Sale of City Owned Property Located at 36 N. Cedar Street in the City of Beacon
 - Motion by Council Member Mansfield, second by Council Member Muhammad
6-0
7. Resolution to Schedule a Public Hearing for September 18, 2017 to Receive Comment on a Proposed Local Law to Amend the City Charter
 - Motion by Council Member Wetherbee, second by Council Member Mansfield
6-0
8. Resolution to Schedule a Public Hearing for September 18, 2017 Regarding a Local Law to Enact a Moratorium on Residential Development
 - Motion by Council Member Mansfield, second by Council Member Kyriacou
6-0

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

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

Approval of Minutes: August 7 and 21, 2017

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

Budget Amendments: September 5, 2017

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

Second Opportunity for Public Comments:

Lou Amaroso: Has noticed political signs in inappropriate places. Saw the firetrucks confirming that they can reach the top floors of the new building. Years ago, he was denied a seat on the Planning Board.

Michal Mert: Wants to make sure we are selling City-owned property to those who are intending to get zoning variances and hopes that the City is selling at market rate prices.

Kathleen Mazza: Is in favor of the skateboard park proposal. Believes that BMX bikes are not safe.

Maria, 502 Main Street: Stated that East Main does not get the attention that the rest of Main Street gets. There are no flowers, no holiday lights, etc. Hopes that E. Main will become integrated into Main Street.

Adjournment:

8:55 PM - Motion by Council Member Muhammad, second by Council Member Ross

Next Workshop: September 11, 2017

Next Meeting: September 18, 2017

BeaconArts Report to City Council

9/5/2017

Promoting the cultural vibrancy that has become Beacon, New York's trademark is our mission at BeaconArts, a nonprofit organization founded in 2002 to organize, promote and nurture the city's multi-faceted arts community.

BeaconArts has over 160 artist members and 91 business members. **Second Saturday**, organized and promoted collaboratively between the two, draws hundreds of visitors over two days each month. The next **Second Saturday** is coming this next Saturday, September 9. In addition to all of the regular 2Sat activity, BeaconArts has been bringing live music to the Visitor's Center between 5 – 7 pm, since June. Performances will continue through October.

*Our fall season is in full swing – you may have noticed the sculptures along and near Main Street. Initially launched in 2013 to commemorate Beacon's Centennial, **Beacon 3D** is a public art project now in its 5th year. For the first time in **Beacon 3D's** history, we were able to site a sculpture on City property. Lori Merhige's "Effluence" stands so beautifully as a symbol of energy, movement and momentum - a symbol of Beacon, and the arts in our community. The sculptures will remain in place through October.

*Soon you will see painted pianos mysteriously appearing all along Main Street, and other locations throughout the city, as part of our **Keys to the City** project – so gather 'round the spinet! Everyone is invited to play them.

*The **Beacon Independent Film Festival** is back for its 5th year at the University Settlement Camp, September 15-17. Tickets are available now through brown paper tickets at beaconarts.org.

As fiscal sponsor of these grassroots projects, BeaconArts is intrinsically involved in their planning and promotion.

*The 12th annual **Windows on Main Street** is being re-launched this fall as a BeaconArts mission-aligned creative campaign, and as such is supported by our membership. **Windows on Main Street** (aka WOMS) is a special public exhibition in which artists partner with local businesses to transform Beacon's streetscape. This year, 40 artists will work with business owners to use storefront displays as a means to engage the community with their work. By pairing these two distinct groups, BeaconArts aims to foster dialogue at multiple scales: between the artist and business-owner for the creation of site-specific work; between the specific work and passersby; and between the collective exhibition and the greater community at large. This year's request for proposals

encouraged artists to explore themes of art as cultural currency. As the economic landscape of this city changes, WOMS is an opportunity to raise awareness of the vital but sometimes invisible role artists play. As part of WOMS BeaconArts will also be incorporating art into 3 of the city bus stops this year, with the intention of doing an even more extensive “creative placemaking” project to transform the bus shelters in the future. Windows on Main launches on September 22.

Here's what else we do:

- Publish and distribute **an illustrated, annotated map** of Beacon four times a year for galleries and business members, distributed throughout the city and beyond.
- Serve as Beacon's ad hoc **advertising agency, publicity agent and tour guide**, working closely with Arts Mid-Hudson, Dutchess County Tourism and a variety of ^{media outlets} ~~publications~~ to ensure that Beacon is literally on the map as a destination in the Hudson Valley.
- We are fiscal sponsors of the **Beacon Arts and Education Foundation** a coalition of parents, educators, businesses and other organizations that raise funds for enhanced art programming and other special opportunities for the students of the **Beacon City School District**.

BeaconArts is **the artery through which much of the city's creative efforts flow and manifest**, with expenses offset mostly by business owners and arts minded individuals who recognize the economic value in supporting local arts and culture.

To that point, I'm here tonight to add our voice to the discussion regarding the proposal put forth by Lee Kyriacou and the City Council vis a vis zoning changes, particularly relating to proposal #1, to “Tighten Central Main Street Zone.” I think we can all agree that that one of the overwhelming reasons why Beacon is now in “the drivers seat” is because of the arts and our arts community. One of the “public benefits” that we believe should be explicitly included in this proposal is to encourage developers to make space for art installations, and further, to contribute to a 1% for the Arts fund. My time is up, but I look forward to having a more in depth discussion surrounding this idea in the very near future.

Thank you.

Kelly Ellenwood
President, BeaconArts
kellenwood@beaconarts.org
(845) 863-9964

And the opportunity afforded by the proposed moratorium
The arts are conspicuously missing from the proposal

Thank you for selecting me to serve on the Conservation Advisory Committee. I will do my best to support a diversely sustainable Beacon in the interest of the city as a whole. I stand before the City Council this evening on a personal matter, and as a neighbor to each of you.

I have lived at the intersection of Herbert and Main Streets for eight years. I have many conversations, including with some of you, about the awkwardness of the intersections of Herbert and Main, Herbert and Blackburn, and Blackburn and 52. I am technically in an office business zone, but on the equivalent of my square block there are mostly residences and a nursery school.

One block to the northwest begins a residential district. Two blocks to the north there are Ron's ice cream and Memorial Park. Across the street from my home to the southeast is a space designated as a parking lot, but being used as a park.

I have observed a beautiful evolution in my neighborhood at the east end of town – with the development of the roundhouse, the homes at 1 East Main, and the Lofts at Beacon Falls. What was once a desolate industrial unloved section of Beacon is now a thriving community on the outer-edge of the Main Street zone. My neighbors are primarily residents, and the foot traffic is comprised of families and children – mostly local, and some visitor; heading for a frozen treat, returning from a softball game, coming home from school; warming up for track, going on a field trip, walking to work, or as was the case last Saturday morning, going for a jog.

Ten days ago I was sitting in my living room, which is directly on the corner. I heard an abnormal collision that drew people from a block away in two directions. When I got outside to investigate, there was a woman's figure laying face down. Motionless. Constricted. Flat. Her body was at the center of Main, and at the end of my driveway. The car that hit her was just inside the middle of my intersection. My neighbors and I estimated that the pedestrian was thrown close to 30 feet from the point of impact to where she landed. I sat with her and did my best to keep her from moving until the medics arrived, and while they checked her vitals. She was nonverbal the entire time. The man driving the car was from out of town, doing what many drivers do, particularly on the weekend, and heading into my dead-end to regain his bearings. He called 911 himself, crushed under the weight of what he had just done. I am haunted by my own experiences last Saturday, and this I'm sure, pales in comparison to what the victim and her family are going through. As of last Tuesday I hear she was still in the hospital.

I am here to request more city-wide signage specific to hotels, culinary tourism, hiking, etc. on the southern and eastern ends of town. Specific to my neighborhood we need a two-way stop at Main where it meets Herbert. Currently there is only one leaving the dead-end, but that is not the direction from which the damage was done. We also need yield to pedestrian signs at the crosswalk that crosses Herbert, and at the very least, crosswalks and yield to pedestrian

signs at all corners of Herbert and Blackburn where cars coming off of 52 often use the turn as an acceleration zone.

Per the Administrator's instruction, I will submit a statement with request/recommendation from myself and neighbors, to the lead committee about how we might mitigate this kind of accident again in the future. I am here this evening to ask each of you to consider these details and encourage a speedy and thorough effort for this quickly evolving section of town. Please lead the charge to prioritize pedestrian safety city wide as you move forward in consideration of all development. I am proud of the strides that Beacon has made, and I thank each of you for your earnest efforts.