



**CITY OF BEACON, NEW YORK  
ONE MUNICIPAL PLAZA  
BEACON, NY 12508**

Mayor Randy Casale  
Councilmember Lee Kyriacou, At Large  
Councilmember George Mansfield, At Large  
Councilmember Terry Nelson, Ward 1  
Councilmember John E. Rembert, Ward 2  
Councilmember Jodi M. McCredo, Ward 3  
Councilmember Amber J. Grant, Ward 4  
City Administrator Anthony Ruggiero

**City Council Workshop Agenda  
June 11, 2018  
7:00 PM**

**Workshop Agenda Items:**

1. Events in Beacon
2. Dumpster License Agreements
3. Discussion of posting of project plans at construction sites
4. A proposed local law to amend Section 223-15 of Code of the City of Beacon, concerning sign regulations.
5. A proposed local law to create Chapter 97 and amend Chapters 192 and 223 of the Code of the City of Beacon concerning Driveways
6. A proposed local law to amend Chapter 191, Article II and Chapter 192, Section 30 concerning Street Opening Permits.
7. Proposal for Grant Services
8. Milling and paving
9. Budget Amendments

**City of Beacon Workshop Agenda**  
**6/11/2018**

**Title:**

**Events in Beacon**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Fee Structure for City Events	Cover Memo/Letter
Bacon Fest	Backup Material

CITY OF BEACON

CITY COUNCIL

RESOLUTION No. 55 OF 2009  
FOR FEE STRUCTURE FOR CITY OF BEACON EVENTS

**WHEREAS**, the City of Beacon City Council has determined that it is necessary to implement a permit fee structure for certain events in the City of Beacon where the City is likely to incur additional expenses; and

**WHEREAS**, there are five general categories which describe such events: “Alcohol Event”, “Not For Profit Event”, “City Organized Event”, “Community Event” and “Commercial Event”, as further defined below.

**WHEREAS**, it is intended that: for an Alcohol Event as identified in A (1) (b) below the sponsor shall pay a permit fee of one-half of the additional City of Beacon expenses, all other alcohol events, as identified in A (1) (a) the sponsor shall pay a permit fee of all additional City of Beacon expenses; for a Not For Profit Event, including certain “Community” events described in A(5) herein, the sponsor will pay a permit fee of one-half of the additional City of Beacon expenses; for a City Organized Event, or those events identified in A (4) below as determined by the City Administrator there will be no charge; for a Commercial Event, the sponsor shall pay a permit fee of all additional City of Beacon expenses; the permit fee covering a specific event shall be determined by the City Administrator.

NOW THEREFORE, BE IT RESOLVED as follows:

A. Definitions:

- (1) “Alcohol Event” means (a) an event where alcohol consumption is the main purpose of the event; an alcohol event does not include events where alcohol consumption is an incidental aspect of the event, for example, a wedding, an organization meeting, a reception or a private house party, (b) an alcohol event sponsored by a City business for charitable or City Economic Development purposes, as determined by the Administrator
- (2) “Not For Profit Event” means an event organized primarily by a not-for-profit entity for charitable, educational, or entertainment purposes.
- (3) “Additional City of Beacon expenses” means where the City has any expenses which would not have occurred except for the event taking place.
- (4) “City Organized Event” means an event sponsored or organized primarily by the City of Beacon or event that the City will co-sponsor for the economic development of Main Street businesses as determined by the City Administrator

(5) “Community Event” means a not for profit event requiring additional City of Beacon expenses, e.g. police coverage for a block party, unless such community event is designated as a “City Event” because of its size and purpose.

(6) “Commercial event” is a sponsored for profit event (e.g., filming production for movies).

B. For a foregoing event not sponsored by an organization and not a City event as defined herein, payment of the fee charged is the responsibility of the individual or individuals sponsoring the event.

C. The “Event Fee” shall be based on an estimate by the Police Chief of the number of overtime hours likely to be utilized by the City Police for police coverage of the event, and an estimate of any other City expenses by the Administrator.

D. Failure to comply with the above may result in denial of a permit until fee is paid.

The foregoing fee structure policy and definitions are hereby adopted.

Resolution No. <u>51</u> of 2009				Date: <u>March 2, 2009</u>			
<input type="checkbox"/> Amendments				<input type="checkbox"/> 2/3 Required.			
<input type="checkbox"/> Not on roll call.				<input type="checkbox"/> On roll call.			
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
<b>X</b>		<b>Leake, Deanna</b>	<b>X</b>				
		<b>Kelly, Charles P.</b>	<b>X</b>				
		<b>Thompson, Eleanor</b>					<b>X</b>
		<b>Fredericks, Marlene</b>	<b>X</b>				
		<b>Casale, Randy J.</b>	<b>X</b>				
	<b>X</b>	<b>Pasti, Sara</b>	<b>X</b>				
		<b>Mayor Steve K. Gold</b>	<b>X</b>				
		<b>Motion Carried</b>	<b>X</b>				



# Memo

**To:** City Council  
**From:** Mark Price  
**CC:** Lisa Edelson  
**Date:** June 5, 2018  
**Re:** Review of proposed ticketed event at Riverfront Park

Attached is a request from BAP Events the organizer of the proposed event for Riverfront Park. In summary;

Park: **Riverfront Park**  
Date proposed: **October 6-7, 2018**  
Time of Event: **TBD**

Event: **Bacon Bash**  
Type of Event: **Ticketed food and beverage festival**  
Estimated attendance: **1000 plus**

Organizer: **BAP Events**  
Contact: **Angelo Notaro**  
Phone: **845-590-1915**  
Email: **Bigangelo1970@yahoo.com**

The event will include amplified sound, staging and tenting, food and alcohol sales and merchandise sales. The first annual event was held in 2017 at the Farmers Museum in Orange County. Estimated park fees to be collected for this event depending on attendance would be \$725 to \$2725. An estimate for a required police presence is still pending.



# City of Beacon Recreation Department Facility Request

rev122915

## Facility Information

Facilities Requested: <u>Riverfront</u>	
Dates of Event: <u>10-6/7</u>	Time of event: <u>BACON Festival</u>

## Applicant Information

Name of Sponsoring Organization: <u>BAP Events</u>	
Address: <u>32 EAST ROCK CUT RD</u>	Email: <u>BigAng1970@beacon.com</u>
Phone: <u>845-590-1915</u>	
Circle One: <input type="radio"/> Resident	<input checked="" type="radio"/> Non-Resident
Designated contact: <u>Angelo Notaro</u>	
Address: <u>SAME</u>	Email:
Phone:	Cell:

## Event Information

Event Name: <u>Bacon Bash</u>	Type of event: <u>Bacon Fest</u>	
Estimated Attendance: <u>1000 Plus</u>		
Activities Planned: <u>Bacon Tastings</u>		
How will the event be advertised: <u>K104 - Social media</u>		
Amplified Sound?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Time:
Will there be a stage?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Where:
Will alcohol be served?	<input checked="" type="radio"/> Yes <input type="radio"/> No	If YES, you need separate approval from the Beacon PD
Will alcohol be sold?	<input checked="" type="radio"/> Yes <input type="radio"/> No	If YES, separate NYS ABC permit required at (518)474-0385
Will food be served?	<input checked="" type="radio"/> Yes <input type="radio"/> No	
Will food be sold?	<input checked="" type="radio"/> Yes <input type="radio"/> No	If YES, separate Health Dept. permit required (845)838-4801
Will any goods be sold?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Describe: <u>Food + craft vendors</u>
Will there be a tent or canopy <input checked="" type="radio"/> Yes <input type="radio"/> No Size: <u>3</u> Square Feet: Location:		
Tents and canopies over 200 square feet are subject to separate building department permitting and fees		

## Park Use Fee Schedule

City of Beacon Facility

Non Resident

Resident

Fees for  
your event

Memorial & Green Street Park Facilities		
Athletic Fields- 1 field	\$52.50	\$35.00
Tournament Use-3 fields per day	\$600.00	\$400.00
Light use- any field	\$75.00 per Hour	\$50.00 per Hour
Pavilion- small event	\$75.00	\$50.00
Pavilion- large event	\$150.00	\$100.00
Bathrooms at Pavilion	\$37.50	\$25.00
Hilltop picnic area	\$45.00	\$30.00
Cahill Drive picnic area	\$45.00	\$30.00

Riverfront Park		
Picnic areas	\$45.00	\$30.00
Free/ Public Event-whole park	\$375.00	\$250.00

Additional Amenities any location		
Alcohol Permit-required for any event where alcohol will be served or consumed- <b>NOT FOR SALE.</b>	\$150.00	\$100.00
Portable Toilet	\$115.00	\$115.00
Water Access	\$100.00	\$75.00
Electrical Access	\$100.00	\$75.00
Garbage Dumpster- 4 Yard	\$__ Royal carting quote __	\$__ Royal carting quote __
Recycling Dumpster- 4 Yard	\$__ Royal carting quote __	\$__ Royal carting quote __

Ticketed/ Private Event.		
This includes all events where use and/or access to City of Beacon property is closed to the public and/or in the course of the activity/event, charges are levied for admission, sales, or entry fees. <i>In addition to the park use fees the following fees will apply to this type of event.</i>		
	Estimated attendance	Event Fee
	1,501 – 5,000	\$ 2,000.00
Film Shoot	\$50 Minimum-separate application	
Tenting	\$50 Minimum-separate application	
Alcohol Sale	Separate permit to be issued by The New York State Liquor Authority	
<b>PLEASE NOTE:</b> The City of Beacon in its discretion may impose additional requirements prior to the issuance of this permit as are required by the nature of the use applied for. Any costs associated with these additional requirements will be incurred by the permittee.	\$300.00 Minimum	\$200.00 Minimum

Site Security Deposit		
Small event, less than 100	\$250.00	
Large event or festival, more than 100	\$1500.00	

**Fees Checks payable to the City of Beacon**

375  
150  
100  
100  
725

1500

## Hold Harmless Agreement

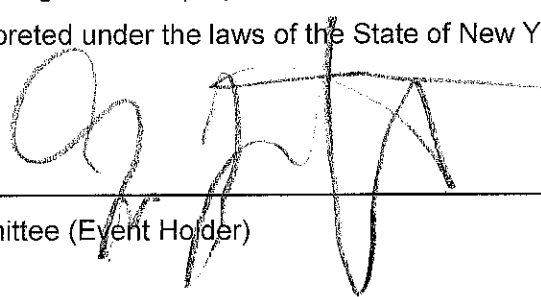
This Hold Harmless and Indemnification Agreement ("Agreement") is entered into by and between, \_\_\_\_\_, hereinafter "permittee", and the City of Beacon, hereinafter "permitter", on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, in Beacon, New York.

### Agreement

For valuable consideration, the receipt of which is hereby acknowledged, permittee and permitter agree as Follows:

Permittee will indemnify and hold harmless permitter from any and all claims, actions, and judgments, including all costs of defense and attorney's fees incurred in defending against same, arising from

\_\_\_\_\_ (insert event) permittee's actions including the acts of permittee's agents and employees. Permitter shall be entitled, in its reasonable discretion, to settle claims prior to suit or judgment, and in such event permittee shall indemnify and hold harmless permitter for any such claims paid, including permitter's reasonable attorneys fees incurred resulting from such claims. In the event any claim or suit is brought against permitter within the scope of this agreement, permittee shall pay for legal counsel chosen by permitter to defend against same. If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this agreement, the prevailing party shall be entitled to a reasonable attorney's fees, which may be set by the court in the same action, or any separate action brought for that purpose, in addition to any other relief such party may be entitled. This agreement shall be interpreted under the laws of the State of New York.

  
\_\_\_\_\_  
By Permittee (Event Holder)

May 8 2018  
\_\_\_\_\_  
Date

\_\_\_\_\_  
By Permitter (the City Of Beacon)

\_\_\_\_\_  
Date

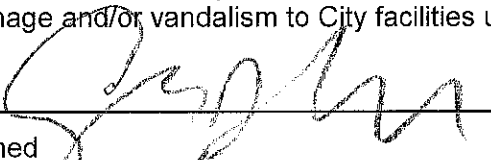


## Application Checklist

Facility Fees		Office Use Only		
\$	Total Facility Fee	Application Received by	Date	
Amenities		Permit Approved by	Yes	No
\$	Total Amenities	Payment Info		
\$	Total Facility & Amenities Check payable to City of Beacon			
\$	Refundable Site Deposit Separate check please	Notes		
Checklist				
Yes	No	Fee check		
Yes	No	Deposit Check	Copy of Approval to	Parks Department
Yes	No	Signed Application		City Administrator
Yes	No	Signed Held Harmless Agreement		Mayor
Yes	No	Insurance Certificate (if applicable)		Chief of Police
Yes	No	Proof of Not-For-Profit Status (if applicable)		Fire Chief

I certify that I am an authorized representative of this organization and that these statements are true to the best of my knowledge. I have read and received a copy of the Special Event rules, and I and/or the organization I represent agree to be bound by all applicable regulations and policies. I and/or the organization I represent understand that any violation of any of these will result in denial of future use of City of Beacon facilities.

I and/ or the organization I represent agree to indemnify, defend, and hold harmless the City of Beacon, its officials, agents, and employees from and against any and all claims, demands, losses and expenses, including legal fees arising in and from my activities and/or those of the organization I represent during the term of the use of City facilities. I and/or the organization I represent agree to pay all reasonable costs of damage and/or vandalism to City facilities used in relation to the event.

Signed 

Date May 8 2018

All fees and deposits are due and payable 30 days in advance of your requested date with your completed application. Please make all checks payable to the **City of Beacon**

Return to:

**Beacon Recreation, 23 West Center Street, Beacon, NY 12508**

**Fax: 845-765-8439 Phone: 845-765-8440**

**mprice@cityofbeacon.org**

## City of Beacon Recreation Department Park Use and Special Event Rules

### (Please Keep)

1. The City of Beacon (Permitter) recognizes that the city facilities belong to the people of the City of Beacon and since the facilities are maintained and operated by funds provided by local taxes, the City of Beacon recognizes and accepts the responsibility for making the facilities available to responsible organizations and associations.
2. The person and organization (Permittee) receiving a Special Event Permit agrees to and acknowledges the responsibility for compliance with all applicable rules, regulations, ordinances, and statutes. The Permittee expressly agrees that it will not use the Facility to which the permit applies for any activity proscribed by the laws of the U.S., State of New York, the County of Dutchess, or the City of Beacon. The Permittee further agrees to accept the total responsibility of preserving proper order and decorum, the protection of City property, and the restoration of the facility to the condition in which it existed prior to the event. The Permittee agrees to comply with the instructions and directions of the Recreation Department Head; his/her designated representatives, and all members of the City of Beacon Parks and Recreation Staff. The commission of any act in violation of Federal, State, County, or local laws by the Permittee shall be deemed a material breach of the terms of the Special Event Permit and shall be sufficient grounds for the Department Head to revoke the Special Event Permit and license to use City Facilities granted therein.
3. The City of Beacon reserves the right to determine to whom permits are issued, and can cancel the permit if the permittee is in violation of the terms and conditions of permit.
4. The City of Beacon in its discretion may impose additional requirements prior to the issuance of this permit as are required by the nature of the use applied for; including:
  - a. When there is a need for uniformed police for traffic control and security. Required Police Department staffing is at the discretion of the Chief of Police.
  - b. When the service of a city employee is required for a special event in addition to their normal working hours, there will be a charge accordingly.
  - c. When there is a need for repair or cleaning of city parks or streets, or any alterations or modifications are made to enable the event.

**PLEASE NOTE: The costs associated with these additional requirements will be incurred by the permittee.**

5. The City of Beacon is not responsible for any sums of money expended by permittee in anticipation of the planned activity.
6. The City of Beacon does not schedule rain dates. A rain date is at the discretion of the Event Holder and requires additional fees. If a reservation must be canceled, a refund may only be issued if we are able to resell the site.
7. The event holder is responsible for maintenance and cleanup during and after the event, and will forfeit the deposit and may be denied future permits if they fail to do so. Please remove all of your garbage. If your garbage is not removed you will be charged .36 per pound for removal and disposal. That amount will be deducted from your security deposit.
8. The use of radios, tape recorders, or other audio devices, including car radios, in such a manner that such devices are audible at a distance of more than twenty-five (25) feet from such device is prohibited. Permission must be obtained for amplified sound.
9. No signs or other forms of advertising are to be displayed for your event without the prior written approval of the Building Department. Failure of the Permittee to remove all approved signage within 24 hours of the event can result in a forfeiture of the security deposit.
10. Parking for your event shall be limited to designated areas.
11. All Annual events must submit their permit applications and fees no later than January 15<sup>th</sup>.
12. For Groups of 50 or more – The permittee shall obtain the following insurance coverage from an insurance company, approved by the Department Head and licensed to do business in the State of New York. Said insurance shall remain in effect for the duration of the event for which the Special Event Permit is issued.
  - a. General Liability Insurance with a minimum limit of liability per occurrence \$1,000,000 for bodily injury naming the City of Beacon as additional insured.
  - b. Workman's Compensation – if applicable
  - c. Product Liability – if applicable

City of Beacon Workshop Agenda  
6/11/2018

Title:

Dumpster License Agreements

Subject:

Background:

**ATTACHMENTS:**

Description	Type
Dumpster License Agreements	Backup Material

## LICENSE AGREEMENT

This License Agreement (the "Agreement"), dated \_\_\_\_\_, 2018, is made by and between \_\_\_\_\_("Licensee"), with a principal place of business located at \_\_\_\_\_ and the City of Beacon, having offices at 1 Municipal Plaza Beacon, NY (the "City")(Collectively, the "Parties").

**WHEREAS**, Licensee has obtained a permit from the City Administrator to place a dumpster or similar large waste container on public property in the City of Beacon ("Dumpster Permit"); and

**WHEREAS**, Licensee desires to obtain the limited right to use City-owned property to maintain a dumpster and other waste containers.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions contained herein, it is agreed as follows.

1. Grant of License. The City does hereby agree to provide Licensee during the term of this Agreement a right for Licensee's employees and invitees to utilize and maintain the area within a portion of City-owned property that the dumpster(s) is located on (the "License Area"). The License Area is identified on **Exhibit A**, which is attached hereto. Under this Agreement, Licensee (or its designee) may also access the License Area for removal of all trash, debris and rubbish from the dumpsters and other waste containers.
2. Term. Unless otherwise terminated as provided for in this Agreement the initial term of this Agreement shall be for a term of one year. The term of this Agreement shall commence as of the effective date hereof. This Agreement may be renewed for additional one-year terms on the written consent of both parties.
3. Maintenance of License Area.
  - a. Licensee shall build an enclosure for the dumpsters and other waste containers to the satisfaction of the City Building Inspector. Licensee shall obtain all required permits and approvals prior to construction of any enclosure. Licensee shall maintain said enclosure and the area in and around the enclosure as approved and to the satisfaction of the City Building Inspector.
  - b. Dumpsters and other waste containers are prohibited from being filled passed their spill line.
  - c. Licensee shall keep the License Area, dumpsters and other waste containers clean and free of litter. All graffiti on the dumpsters, other waste containers or dumpster enclosure shall be removed within 24 hours. Should the Licensee fail to keep the License Area, dumpsters, other waste containers or dumpster enclosure clean and free of litter and graffiti, the City Administrator has the option of terminating this

Agreement and revoking Licensee's dumpster permit. In addition, if the Licensee fails to clean up the License Area after receiving written notice to do so and the City is caused to perform the cleanup, the Licensee is hereby charged the cost incurred by the City plus an administrative fee as set forth on the City of Beacon fee schedule for each such cleanup.

- d. Dumpsters or other waste containers used for garbage and trash shall be covered and watertight at all times. Dumpsters or other waste containers used for construction and other waste shall be covered to prevent dust and debris from blowing out.
  - e. Waste disposed of in dumpsters or other waste containers shall only be generated from the parcel on which the dumpster is located.
  - f. Dumpsters or other waste containers must be emptied or removed once filled or within seven days of notification from the City Building Inspector. Notification shall be by personal service on the property owner and/or the occupant of said parcel.
  - g. Pursuant to Section 102-5 of the Code of the City of Beacon, the fine for any violation of this provision shall be up to \$1,000 per day or a portion thereof.
  - h. Licensee shall comply with all federal, state, county and local laws and regulations.
4. Indemnity. Licensee shall bear all risk of loss and be solely responsible for all claims for personal injury, bodily injury (including, without limitation, death) and property damage that may arise from or in connection with the operation or use of the License Area or accessing the License Area or from or out of any act or omission of Licensee, its officers, directors, agents, guests, patrons, employees or representatives. Licensee agrees to indemnify, defend and hold harmless the City and its officers, appointed or elected officials, employees, volunteers, successors, and assigns from any liability, or loss or expense incurred or suffered in consequence of bodily injury (including death) or damage to any property arising out of or in connection with Licensee's use of the License Area.
5. Insurance. Licensee shall, at its expense, maintain during the term of this Agreement, comprehensive general liability insurance and property damage insurance under policies issued by insurers of recognized responsibility in a form acceptable to the City with limits of not less than \$1,000,000.00 for personal injury, bodily injury, death, or for damage or injury to or destruction of property (including the loss or use thereof). A certificate of such insurance naming the City as an additional insured thereunder shall be provided by Licensee to the City prior to the effective date.
6. Termination. This Agreement shall terminate upon (i) Licensee's failure perform its obligations arising by, through or under the terms of this Agreement, or (ii) Lapsing of the insurance coverages or failure to provide proof of such insurance to the City upon

request; or (iii) upon thirty (30) days advance written notice from one party to the other. Upon termination of this Agreement, Licensee shall remove the dumpsters, any other waste containers and dumpster enclosure within 30 days of written notice and return the License Area to its original condition.

7. Alternations, Improvements and Supplies. Licensee shall not make any alterations or improvements to the License Area, without the prior written consent of the City in each instance, which consent may be withhold in the City's sole and absolute discretion.

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

\_\_\_\_\_, Licensee

City of Beacon, Licensor

By:

Title:

By:

Title:

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

On the    day of \_\_\_\_\_, in the year 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

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

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

On the    day of \_\_\_\_\_, in the year 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

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

# EXHIBIT A

## License Area

DRAFT



**City of Beacon Workshop Agenda**  
**6/11/2018**

**Title:**

**Discussion of posting of project plans at construction sites**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Construction site signage	Backup Material

**CITY OF BEACON  
CITY COUNCIL**

Resolution No. \_\_\_\_\_ of 2018

**RECOMMENDATION FOR CITY COUNCIL AND PLANNING BOARD TO  
CONSIDER REQUIRING THAT ON CERTAIN PROJECTS A COPY OF THE  
SITE PLAN AND ARCHITECTURAL RENDERINGS OF THE PROJECT BE  
POSTED ON THE PROPERTY AT THE COMMENCEMENT OF  
CONSTRUCTION**

**NOW THEREFORE, BE IT RESOLVED**, that in recognition that the public has an interest in the construction of certain projects occurring on real property located in the City of Beacon and that it is beneficial for the dissemination of public information so residents are aware of projects being constructed, the City Council shall and Planning Board is recommended, to consider at the time of approving a land use project whether it is appropriate to require that a copy of the site plan and architectural renderings of the project be posted on a sign to be maintained at the property from the time of commencement of construction until substantial completion of the structure unless required by the Building Department to remove such sign at an earlier time.

**City of Beacon Workshop Agenda**  
**6/11/2018**

**Title:**

**A proposed local law to amend Section 223-15 of Code of the City of Beacon, concerning sign regulations.**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description

LL Beacon signs

Type

Local Law

**DRAFT LOCAL LAW NO. \_\_\_\_ OF 2018**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW TO  
ADD SECTION 223-15 OF THE CODE OF THE  
CITY OF BEACON**

A LOCAL LAW  
to amend Section  
223-15 of Code of  
the City of  
Beacon,  
concerning sign  
regulations.

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

Section 1. Section 223-15 of the Code of the City of Beacon entitled “Signs” is hereby created as follows:

§ 223-15 Signs.

- A. Purpose. The purpose of this section is to promote and protect the public health, safety and welfare by regulating signs of all types within the City of Beacon. This section is intended to protect property values, create a more attractive economic and business climate, ensure pedestrian and vehicular safety, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of the City.
- B. Conformity required. No sign or billboard shall be erected, constructed, displayed, maintained, moved, reconstructed, extended, enlarged or altered, except in conformity with and expressly authorized by the provisions of this chapter.
- C. Permit required.
- (1) Unless specifically exempted from obtaining a permit under the provisions of this section, no person shall erect, construct, replace, relocate or structurally alter any sign within city without first obtaining a sign permit from the Building Inspector and paid required fee to the City Clerk. The repainting, repairing, changing of parts or sign facing, and maintenance of signs shall not require the issuance of a sign permit provided such maintenance, change or alteration does not in any way alter the physical size, design, or nature of the sign.
- (2) The Building Inspector or his duly authorized designee shall issue a permit within a reasonable period of time following receipt of a complete permit application:
- (3) Submission of a permit application shall be on a form issued by the Building

Department and the application fee shall be set forth in the City of Beacon Fee Schedule.

- (4) If a sign is not erected within six months following the issuance of a sign permit for said sign, the sign permit will automatically become void.

A.D. \_\_\_\_\_

~~B. Relationship to a permitted use. All signs must pertain to a use conducted on the same property on which they are located.~~

~~C. Signs in residence districts. In residence districts, the following signs are hereby authorized:~~

- ~~(1) One identification sign stating the name and address of the resident or property or the number of the lot, not exceeding one square foot in area.~~
- ~~(2) One identification sign announcing any profession or occupation permitted as an accessory use on the lot, not exceeding one square foot of area.~~
- ~~(3) For other permitted uses, one sign at each street frontage where the use has an access drive, provided that the total area of such sign does not exceed 50 square feet.~~
- ~~(4) Temporary signs in accordance with Subsection F below.~~
- ~~(5)(1) Interior signs displayed through windows shall not require a permit under this section, and said signs shall not count toward maximum number of signs affixed to a building per establishment. However, interior window signs affixed to or placed so as to be visible through a window shall be limited to the windows of the structure within which the permitted use is situated, facing the principal street giving access to such structure. The total amount of signage shall not exceed 30% of the total glass area. All signs shall be maintained in a legible, neat and orderly fashion.~~

E. Signs exempt from permit requirements

The following signs are exempt from the permit requirements of this section. Unless otherwise limited below such exempt sign shall not exceed four feet in height and shall not exceed six square feet in sign area per sign. Each exempt sign must comply with all other provisions of this section.

- (1) Any official sign, public notice, or warning sign supported by federal, state or local law, including but not limited to signs erected and maintained pursuant to and in discharge of any government functions. There are no size requirements for governmental signs.
- (2) Direction signs that provide direction to pedestrians, bicyclists, or motorists shall not require a sign permit.

- (3) One identification sign stating the name and address of the resident or property or the number of the lot, not exceeding one square foot in area.
- (4) Interior signs. The total amount of signage shall not exceed 30% of the total glass area.
- (5) Traffic control devices and other public safety signs on public streets and highways conforming to the Uniform Manual for Traffic Control Devices;
- (6) Flags. Flags of any nation, or state and seasonal or thematic flags shall not require a sign permit. This does not include flagpoles.
- (7) Historical markers, monuments or signs as recognized by local, state or federal authorities
- (8) One nameplate not exceeding two (2) square feet for customary home occupations, mounted on or within two (2) feet of the door.
- (9) Lawn signs. A single lawn sign shall be allowed on any lot without a permit provided that the sign does not exceed three (3) feet in height and six (6) square feet in area. The lawn sign may not be displayed for more than 30 days. The sign shall be placed at least five feet from all property lines and shall not impede the traffic or visibility of pedestrians, bicyclists, or motorists.
- (10) Sandwich board signs. All sandwich board signs shall be brought in each day at the close of business. Placement of any such sign shall not impede the flow of intersections.

D.F. Sign regulations in residence all districts.

- (1) Animation. No sign shall be mechanically, digitigally or ~~animated~~ electronically animated, such as moving, rotating or revolving.
- (2) Setback. All signs shall be located within the setback lines of the lot or on the building.
- (3) Repair. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition. The City reserves the right to remove any sign considered a danger to public health, safety, or welfare without notice to be held for a period of ten (10) days. If the sign is not claimed within that time, it shall be discarded.
- (4) Illumination. Permitted signs may be internally or externally illuminated, ~~except by means of a neon type electric material~~, provided that such illumination shall not be twinkling, flashing, intermittent, or of changing degrees of intensity or projected outward from the property onto adjacent properties or public rights-of-way and provided that the source of such illumination shall not be visible beyond the boundaries of the lot on which it is located. Notwithstanding the above, neon, LCD and LED signs shall not be permitted in any residential districts, but may be permitted in nonresidential districts.

(5) Placement. No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.

(7) No sign shall be placed in a location that would cause a violation of the provisions of the Americans with Disabilities Act, as may be amended from time to time.

#### G. Prohibited Signs

(1) Signs that contain words or pictures of an obscene or pornographic nature.

(2) Signs that emit audible sounds, odor or visible matter.

(3) Signs placed on a curb, sidewalk, hydrant, utility pole, trees or other objects located on or over any public street unless otherwise permitted. The City reserves the right to remove any sign placed on public property without notice. The following signs are permitted in the public right of way:

i. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

ii. Temporary emergency warning signs erected by a governmental body, public utility company or contractor doing authorized or permitted work within the public right-of-way, provided that such signs shall be located outside of the public vehicular and pedestrian travel ways and shall be placed so as not to create any nuisance or threat to public safety.

(4) Signs that are mounted on wheels or mounted on any structure on wheels.

(5) Signs with mirrors or any other reflective material.

(6) Roof signs

#### H. Signs in residential districts.

(1) The aggregate sign area of all signs on any lot shall not exceed 16 square feet.

~~E-I.~~ Signs in nonresidence districts. In nonresidence districts, the following signs are hereby authorized:

(1) Not more than one sign affixed to the outer wall of the structure within which the permitted use is situated, which outer wall faces the principal street giving access to such structure, provided that:

(a) The aggregate area of each such sign shall not exceed one square foot for

each linear foot of building facing the street.

- (b) No such sign shall exceed two feet in height, except that a vertical projecting wall sign shall not exceed eight feet in height. A vertical projecting wall sign is defined as any sign which is attached to the building wall or structure which is perpendicular to the face of such wall or structure.
  - (c) No sign shall project above the eaves of the building on which it is affixed or, if no eaves exist thereon, the roof, nor shall any sign extend more than six inches into any required yard.
  - (d) No sign shall face an abutting residential zoning district if located within 50 feet of such district.
  - (e) Vertical projecting wall signs shall not have more than two faces.
  - (f) The exterior edge of a vertical projecting wall sign shall not extend more than five feet from the outer wall of the structure or 1/3 the width of the sidewalk, whichever is less.
  - (g) No part of a vertical projecting wall sign shall extend into vehicular traffic areas, and any part over pedestrian areas shall have a minimum clearance of seven feet, six inches.
- (2) Not more than one freestanding sign facing each street on which the lot abuts, provided that:
- (a) The building is set back not less than 50 feet from the street line, in which case the sign shall not exceed 20 square feet in area.
  - (b) The building is set back not less than 100 feet from the street line, in which case the sign shall not exceed 35 square feet in area.
  - (c) No dimension shall exceed 12 feet.
- (3) ~~One identification sign, not exceeding 10 square feet in area, to the outer wall of the structure facing upon a street or parking lot not faced by a sign as permitted in Subsection E(1) above.~~
- (4) ~~In addition to other permitted signs, necessary small directional signs are permitted on access roads and parking areas, provided that the area of each sign shall not exceed two square feet.~~
- (5) ~~Interior signs displayed through windows shall not require a permit under this section, and said signs shall not count toward maximum number of signs affixed to a building per establishment. However, interior window signs affixed to or placed so as to be visible through a window shall be limited to the windows of the structure within which the permitted use is situated, facing the principal street giving access to such structure. The total amount of signage shall not~~



~~exceed 30% of the total glass area. All signs shall be maintained in a legible, neat and orderly fashion.~~

~~(6) Temporary signs in accordance with Subsection F below.~~

F.J. Temporary signs.

(1) All signs of a temporary nature must receive permits before being displayed, except those specified in 123-15E. No more than one temporary sign may be permitted per lot or used at any given time.

(2) Requirements. Any proposed temporary sign shall conform to the following:

- i. Such sign shall not exceed four (4) feet in height and 32 square feet in area in any non-residential district.
- ii. Such sign shall not exceed four feet in height and 16 square feet in area in any residential district.
- iii. Such sign shall not be displayed for more than 60 consecutive days.
- iv. Such sign shall not be illuminated.
- v. Such sign shall maintain at least a five (5) foot setback from all property lines.
- vi. Such sign shall not impede traffic or visibility of pedestrians, bicyclists or motors.

(3) Banners or Pennants. Banners or pennants shall be permitted as temporary signs. No banner shall be displayed over any sidewalk, City street or highway except upon approve by the City Council.

~~(1) A temporary sign is a nonilluminated sign that is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, such as signs displayed during campaigns, drives or events of civic, political, philanthropic, educational or religious institutions. If such sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as "temporary." Unless otherwise provided in this section, signs shall not be considered temporary if they are effectively displayed on an ongoing basis, interrupted by short intervals when they are not displayed. Temporary signs shall not require a permit under this section, unless located in the public right-of-way or on public property.~~

~~(2) Temporary signs must be removed by the individual or organization which posted, or caused to be posted, such temporary signs within seven calendar days after the event for which they are displayed, unless otherwise provided in this~~

~~section.~~

- ~~(3) No temporary sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.~~
- ~~(4) The following temporary signs shall be permitted in all districts, unless otherwise provided in this section:~~
  - ~~(a) Not more than one temporary sign for each street frontage of the lot, identifying the architect, engineer and/or contractor, and not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts, shall be permitted during the course of construction only.~~
  - ~~(b) One "for sale" or one "to let" sign not exceeding six square feet in area for a single lot, or 50 square feet in area for a real estate subdivision, and set back at least 15 feet along the frontage of the street upon which the property is located. A "sold" sign shall not be displayed for more than 30 calendar days.~~
  - ~~(c) Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival or similar event is taking place on the lot where the sign is located, not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts, and limited to one sign for each street frontage of the lot. The sign shall not be posted sooner than two weeks prior to the special event and shall be removed by the individual or organization which posted, or caused to be posted, such sign within three calendar days following the special event.~~
  - ~~(d) Sidewalk signs with no more than two faces, including but not limited to sandwich boards, in nonresidence districts, or in any other district provided the sign is located on Route 52 (Fishkill Avenue and Teller Avenue) or Route 9D (North Avenue and Wolcott Avenue), not exceeding one sign per business and not exceeding two feet in width and three feet in height. Sidewalk signs may be displayed on an ongoing basis, but shall not be displayed between the hours of 11:00 p.m. and 6:00 a.m., shall not include banners, and shall not be tethered. Sidewalk signs shall be located in the front of the business for which the sign is displayed, unless the business is located on a corner lot in which case the sign may be located to the side of the business, or unless the business maintains a rear entrance in which case the sign may be located to the rear of the business.~~
  - ~~(e) Signs for tag, garage or yard sales, not exceeding six square feet.~~
  - ~~(f) Signs conveying a nonpolitical, noncommercial message, not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts and limited to one sign for each street frontage of the lot.~~
  - ~~(g)(a) Political posters, banners, promotional devices and similar political signs.~~

~~G. Sign regulations in nonresidence districts.~~

- ~~(1) — Illumination. Permitted signs may be internally or externally illuminated, provided that such illumination shall not be twinkling, flashing, intermittent, of changing degrees of intensity or projected outward from the property onto adjacent properties or public rights of way and provided that the source of such illumination shall not be visible beyond the boundaries of the lot on which it is located. Notwithstanding the above, neon, LCD and LED signs may be permitted.~~
- ~~(2) — Placement. No sign shall be located so as to obscure any signs displayed by public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.~~
- ~~(3) — Setback. Unless otherwise specified, all signs shall be located within the setback lines of the lot or on the building.~~
- ~~(4) — Repair. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.~~
- ~~(5)(1) Animation. No sign shall be mechanically animated, such as moving, rotating or revolving.~~

~~H. Temporary signs in the public right of way and on public property.~~

- ~~(1) — Permit required. In all districts, no temporary signs shall be erected in the public right of way or on public property without a permit, unless specifically exempted below.~~
- ~~(2) — Exceptions. The following signs shall not be subject to the issuance of a permit:~~
  - ~~(a) — Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.~~
  - ~~(b) — Temporary emergency warning signs erected by a governmental body, public utility company or contractor doing authorized or permitted work within the public right of way, provided that such signs shall be located outside of the public vehicular and pedestrian travel ways and shall be placed so as not to create any nuisance or threat to public safety.~~
  - ~~(c) — Bus stops erected by a public transit company.~~
  - ~~(d) — Informational signs of a public utility regarding its poles, lines, pipes or facilities.~~
- ~~(3) — Permit standards. The Building Inspector or his duly authorized designee shall issue a permit within a reasonable period of time following receipt of a complete permit application for the placement of a temporary sign in the right of way or on public property, provided the following conditions are satisfied:~~

- ~~(a) Submission of a permit application on a form issued by the Building Department and payment of the application fee as set forth in the City of Beacon Fee Schedule.~~
- ~~(b) No sign shall be placed in a location that would cause a violation of the provisions of the Americans with Disabilities Act, as may be amended from time to time.~~
- ~~(c) All signs must comply with the provisions of Subsection F, above.~~
- ~~(d) No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow or means of egress.~~
- (e)(a) The necessity of surety bonds and/or insurance shall be determined by the Building Inspector or his duly authorized designee. If it is determined that such surety bond and/or insurance is necessary, the amount of such surety bond and/or insurance shall be determined by the Building Inspector or his duly authorized designee, in his/her sole discretion, as may be necessary to defray any expense of liability from the City. Surety bonds and/or insurance policies shall be approved as to form by the City Attorney.
- ~~(f) Permits for sidewalk signs shall be valid for one year from the date of issuance and shall not be transferrable.~~

L.K. Violations.

- (1) Noncompliance with any of the foregoing provisions shall constitute an offense, punishable as provided for in § 1-3, General penalty. When a person has received written notice from the Building Inspector or has been served with a summons and complaint in an action to enjoin continuance of any violation, each day in excess of 10 days thereafter that he shall continue to be guilty of such violation shall constitute an additional, separate and distinct offense.
- (2) Any temporary sign installed or placed, except in conformance with the requirements of this section, shall be subject to removal. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of such signs in accordance with the administrative fee set forth in the City of Beacon Schedule of Fees. The fee shall be paid by the individual or entity retrieving the signs from the City. The City shall dispose of the sign(s) after five calendar days from the removal of the sign(s) by the City.
- (3) The display of any sign at a location containing the name or address of a person or entity and a commercial message relating to such person or address shall be presumptive evidence that such person installed, created, erected and maintained the sign at the location where it was displayed. This presumption shall be subject to rebuttal by competent evidence.

**City of Beacon Workshop Agenda**  
**6/11/2018**

**Title:**

**A proposed local law to create Chapter 97 and amend Chapters 192 and 223 of the Code of the City of Beacon concerning Driveways**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description  
LL Driveways

Type  
Local Law

**DRAFT LOCAL LAW NO. \_\_\_\_ OF 2018**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW TO CREATE  
CHAPTER 97 AND AMEND CHAPTERS 192, 195 AND 223 OF THE  
CITY OF BEACON**

A LOCAL LAW to  
create Chapter 97 and  
amend Chapters 192 and  
223 of the Code of the  
City of Beacon  
concerning Driveways.

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

**Section 1.** Chapter 97 of the Code of the City of Beacon entitled “Driveways” is hereby created as follows:

§ 97-1. Driveway construction.

- A. No person, association, corporation or firm shall establish, build, construct, expand, reconstruct or pave a driveway or parking lot for vehicular traffic, which abuts upon, provides access to or adjoins a City highway or street without having first obtained a written permit in accordance with the provisions of this article. Work which consists only of paving or repaving an existing driveway and which does not otherwise alter the driveway, curbing or sidewalk, does not require a driveway permit.
- B. No person shall dig into or across curbing and/or sidewalk adjacent to the premises owned or occupied by him or adjacent to any other premises or cause the same to be done, nor shall any person remove, demolish or change the grade of any curbing adjacent to the premises owned or occupied by him or adjacent to any other premises or cause the same to be done, until the owner or occupant thereof shall have obtained a permit in accordance with the provisions of this article.

§ 97-2. Application for permit.

- A. Applications for a permit under this article shall be made to the Highway Department in writing and shall contain the following information:.

- (1) The full name and address of the applicant.

- (2) The full name and address of the owner or owners of the property in front of which the operation is to be performed.
  - (3) The location by street address, if any, of the property in front of which the operation is to be performed and the Tax Map designation of the same.
  - (4) A statement of the proposed operation and the size thereof and purpose thereof.
  - (5) The date or dates when the proposed operation is to be commenced, and the date or dates when the operation is to be completed.
  - (6) The type of pavement or surface to be disturbed.
  - (7) A sketch of the proposed operation showing the proposed location of all driveway entrances and curb-cuts, and proposed grade of driveway.
  - (8) The estimated cost of the entire proposed operation.
  - (9) Any additional information which may be reasonably required by the Highway Superintendent.
- B. A signed statement by the applicant that said applicant agrees to perform the proposed operation for which the permit may be granted, in full and strict compliance and in accordance with the conditions of the permit, if issued, and any and all provisions of the City Code and other applicable statutes and ordinances of the City of Beacon.

§ 97-3. Inspection prior to permit issuance.

The Highway Superintendent or his authorized representative must inspect the site of the proposed driveway before any permit for construction of the driveway is issued. The Superintendent or his authorized representative shall be notified at least 48 hours in advance of beginning any driveway construction operations.

§ 97-4. Application fee and conditions of permit

- A. The application for a driveway permit shall be accompanied by a fee as set forth in the City of Beacon fee schedule for each driveway permit.
- B. A permit shall be obtained no less than one week before any work is performed.
- C. Before issuance of a permit for the construction or alteration of a driveway, the applicant shall post with the Highway Superintendent a bond in an amount determined by the Highway Superintendent to be equal to the cost of the work

proposed pursuant to this article, but in no event less than \$500 for a new driveway or \$150 for the alteration of an existing driveway.

- D. When notified of its completion, the Highway Superintendent shall inspect said driveway to assure its completion in accordance with said permit to construct or alter. When the Highway Superintendent is satisfied that the conditions of said permit have been met, the Highway Superintendent shall issue a certificate of compliance. Upon issuance of the certificate of compliance, the Highway Superintendent shall certify the claim of the applicant for the return of the bond. It shall be unlawful to use such driveway for any purpose other than construction until a certificate of compliance has been issued.
- E. No certificate of occupancy shall be issued by the Building Inspector if a driveway permit has been issued until such certificate of compliance is also issued.
- F. Any such permit, when issued, shall be effective for such period of time, not to exceed 30 consecutive calendar days, as specified thereon. Such specified period of time may be extended for the completion of the work, if so requested in writing by the applicant prior to the expiration date thereof, for such additional period or periods of time authorized by the Highway Superintendent.

§ 97-5. Driveway and curbing specifications.

These specifications shall apply to the construction of new driveways and shall also apply to the reconstruction and/or paving of existing driveways, except that in the latter case the Highway Superintendent may waive certain requirements contained herein if he finds that extraordinary and unnecessary hardships may result from strict compliance with these specifications.

- A. A driveway or access road serving private property and intersecting with a highway or street shall be constructed in such a manner that it does not interfere with the existing drainage, the movement of traffic or the removal of snow from the abutting highway or street.
- B. The driveway shall be constructed in such a manner that it does not permit the runoff of water from the abutting highway or street to enter into the property of the owner or adjacent properties.
- C. Developers and home builders shall design and construct all driveways within the limits of the right-of-way with sufficient sight distance (in both directions) and with a grade no more than one-half inch per foot from curb to the right-of-way line (see § 192-9B). The minimum width of the driveway pavement at the curb or street pavement line shall be 14 feet, tapering to a minimum of 10 feet at the right-of-way line. All driveways shall have a six-inch run-of-bank gravel foundation course from curb to right-of-way line and no less than three inches bituminous penetration



macadam wearing course from curb or street pavement line to right-of-way line which shall be applied during or after the laying of the street pavement. (Section 192-9.F(1))

- D. All driveways shall be graded so as to slope away from the City Street at one-half inch per foot (whether up or down). Grading shall be to the satisfaction of the Highway Superintendent and the City Engineer prior to the surfacing of such driveways. Where required by the Highway Superintendent, a culvert or drainage system shall be provided, with the pipe size and material to be as acceptable to the City Superintendent of Streets. Pipe size shall not be less than 15 inches in diameter, and shall have a minimum coverage of 12 inches over the pipe. (Section 192-9.F(2))
- E. The maximum grade for any new driveway accessory to a single-family dwelling and connecting its off-street parking area to a street shall be 14%, except that, where it can be demonstrated to the satisfaction of the approving authority that, because of practical difficulty or unreasonable hardship affecting a particular property, the construction of a driveway shall be permitted, provided that the increase in driveway grade is the minimum increase required and further provided that in no case shall such driveway grade be permitted to exceed 17%. (Section 223-26.I(2)(a)).
- F. The maximum grade for new driveways accessory to uses other than single-family dwellings and connecting the required off-street parking area to the street shall not exceed 7%, except that the Highway Superintendent shall have the power to permit increased grades, provided that such grades in no case exceed 10%. (Section 223-26.I(2)(b)).
- G. No driveway serving a single-family dwelling shall have a grade in excess of 4% within 35 feet of the center line of the traveled-way of the street or within 10 feet of the right-of-way line of the street, whichever distance is greater. (Section 223-26.I(2)(c)).
- H. No driveway serving a use other than a single-family dwelling shall have a grade in excess of 3% within 50 feet of the center line of the traveled-way of the street or within 25 feet of the property line of the street, whichever distance is greater. The City Council may require increased platform areas of this type in situations where, because of the nature of the proposed use, substantial traffic volumes are anticipated. (Section 223-26.I(2)(d)).
- I. Driveway alignment and location. Any driveway entering onto a street shall be located and aligned in such a way as to create the minimum possible traffic hazard. The platform portion of the driveway, shall be aligned approximately at right angles to the street. (Section 223-26.I(3)).

- J. Clear visibility shall be provided in both directions at all exit points in accordance with Section 192-9B, so that the driver of an automobile stopped on the platform portion of any new driveway will have an unobstructed view of the highway for a reasonable distance (commensurate with the speed and volume of traffic on such highway) and so that the driver of an automobile traveling on the highway shall have a similar view of the automobile in the driveway. (Section 223-26.I(4))

§ 97-6. Indemnification of City.

The owner and owner's contractor shall hold the City, the Superintendent and their agents and employees harmless against any action for personal injury or property damage sustained by reason of the exercise of this permit.

§ 97-7. Penalties for offenses.

Any person, firm or corporation or his or its representative, agent or employee who shall violate any of the provisions of this article shall be punished by the imposition of a penalty as prescribed in § 1-3.

**Section 2.** Chapter 192, Section 9, Subsection F entitled “Driveways” is hereby deleted:

§ 192-9. Design Standards for new streets.

...

**F. Driveways**

- ~~(1) Developers and home builders shall design and construct all driveways within the limits of the right-of-way with sufficient sight distance (in both directions) and with a grade no more than one inch per foot from curb to the right-of-way line (see § 192-9B herein). The minimum width of the driveway pavement at the curb or street pavement line shall be 15 feet, tapering to a minimum of 10 feet at the right-of-way line. All driveways shall have a six-inch run-of-bank gravel foundation course from curb to right-of-way line and no less than three inches bituminous penetration macadam wearing course from curb or street pavement line to right-of-way line which shall be applied during or after the laying of the street pavement.~~
- ~~(2) All driveways shall be graded so as to slope away from the City Street at 1/2 inch per foot for a minimum of four feet. Grading shall be to the satisfaction of the City Superintendent of Streets and the City Engineer prior to the surfacing of such driveways. Where required by the City Superintendent of Streets, a culvert or drainage system shall be provided, with the pipe size and material to be as acceptable to the~~

~~City Superintendent of Streets. Pipe size shall not be less than 15 inches in diameter, and shall have a minimum coverage of 12 inches over the pipe.~~

**Section 3.** Chapter 192, Section 22, Subsection A is hereby amended as follows:

§ 191-22. Sidewalks

- A. On major, suburban and local streets, six-inch reveal Portland cement concrete curbs (detail in Appendix A of this chapter[1]) shall be constructed on both (reveal) sides of the street, prior to laying street pavement to the dimensions and specifications required. A compacted base course of six inches in thickness, free of stone over two inches in thickness, shall be laid under all curbing and sidewalks. A concrete mix of 3,500 psi after 28 days shall be used and shall be finished, ~~and~~ cured and sealed to the satisfaction of the City Superintendent of Streets and the City Engineer. The developer at his own expense shall replace any curbing that has settled, cracked, scaled or has become damaged in any way by the developer before and within the one-year maintenance period after dedication. Curb shall be depressed five inches at all driveways. Stone curbs may be substituted on approval of the City Superintendent of Streets and the City Engineer.

**Section 4.** Chapter 195, Article V, Section 24, Subsection H entitled “Driveways” is hereby amended as follows:

§ 195-24 Lots and driveways.

...

H. Driveways.

- (1) All driveways shall be constructed in accordance with the provisions set forth in § 97-5.
- (2) ~~The developer and/or owner shall design and construct all driveways within the limits of the right-of-way with sufficient sight distance in accordance with Section 192-9B, and with a grade of no more than one-half inch per foot from the curbline or edge of roadway pavement a point 20 feet from the curbline or edge of roadway pavement, unless otherwise specified. The minimum width of the driveway pavement at the curb or street line shall be 14 feet, tapering to a minimum of 10 feet at the right-of-way line.~~
- (3)(2) All driveways shall be graded to the satisfaction of the Street Superintendent and City Engineer prior to the surfacing of such driveways.

- ~~(4)(3)~~ The driveway surface shall be constructed of a dust-free surface material and shall be six inches in depth.

**Section 5.** Chapter 223, Article III, Section 26, Subsection I of the Code of the City of Beacon entitled “Driveways” is hereby amended as follows:

§ 223-26 Off-street parking, loading and vehicular access.

...

~~I. — Driveways.~~

- ~~(1)I. Driveways. General.~~ For reasons of traffic and pedestrian safety, both on and off street, as well as to provide for possible future road widening or other improvements, all new driveways and sidewalk crossings entering onto any street shall comply with all requirements of Chapter 97, “Driveways” ~~these regulations~~ and shall be subject to the approval of the Highway Superintendent City Engineer, except where such are part of a use subject to special permit or site development plan approval, in accordance with §§ 223-18 and 223-25, in which case they shall be subject to the Planning Board and/or City Council.

~~(2)(1) — Driveway grades.~~

- ~~(a) The maximum grade for any new driveway accessory to a single-family dwelling and connecting its off-street parking area to a street shall be 14%, except that, where it can be demonstrated to the satisfaction of the approving authority that, because of practical difficulty or unreasonable hardship affecting a particular property, the construction of a driveway shall be permitted, provided that the increase in driveway grade is the minimum increase required and further provided that in no case shall such driveway grade be permitted to exceed 17%.~~
- ~~(b) The maximum grade for new driveways accessory to uses other than single-family dwellings and connecting the required off-street parking area to the street shall not exceed 7%, except that the approving authority shall have the same power to permit increased grades here as in Subsection I(2)(a) above, provided that such grades in no case exceed 10%.~~
- ~~(c) Notwithstanding the maximum permitted grades specified in Subsection I(2)(a), no driveway serving a single-family dwelling shall have a grade in excess of 4% within 35 feet of the center line of the traveled-way of the street or within 10 feet of the right-of-way line of the street, whichever distance is greater.~~

- (d) ~~Notwithstanding the maximum permitted grades specified in Subsection I(2)(b), no driveway serving a use other than a single-family dwelling shall have a grade in excess of 3% within 50 feet of the center line of the traveled way of the street or within 25 feet of the property line of the street, whichever distance is greater. The City Council may require increased platform areas of this type in situations where, because of the nature of the proposed use, substantial traffic volumes are anticipated.~~
- ~~(3)(2) Driveway alignment and location. Any driveway entering onto a street shall be located and aligned in such a way as to create the minimum possible traffic hazard. The platform portion of the driveway, as required by Subsection I(2) above, shall be aligned approximately at right angles to the street.~~
- ~~(4)(3) Sight distance. Clear visibility shall be provided in both directions at all exit points in accordance with Section 192-9B, so that the driver of an automobile stopped on the platform portion of any new driveway will have an unobstructed view of the highway for a reasonable distance (commensurate with the speed and volume of traffic on such highway) and so that the driver of an automobile traveling on the highway shall have a similar view of the automobile in the driveway.~~

## **Section 6. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapters 192, 195 and 223 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

## **Section 7. 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 8. 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 9. Effective Date**

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

**City of Beacon Workshop Agenda**  
**6/11/2018**

**Title:**

**A proposed local law to amend Chapter 191, Article II and Chapter 192, Section 30 concerning Street Opening Permits.**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Street opening permits LL	Local Law

**DRAFT LOCAL LAW NO. \_\_\_\_ OF 2018**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND  
CHAPTER 191, ARTICLE II AND CHAPTER 192 OF THE CODE OF  
THE  
CITY OF BEACON**

A LOCAL LAW to  
amend Chapter 191,  
Article II and  
Chapter 192, Section  
30 concerning Street  
Opening Permits.

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

**Section 1.** Chapter 191, Article II of the Code of the City of Beacon entitled “Street Openings” is hereby amended as follows:

§ 191-14. Written permission to tunnel required.

No person having a permit secured under this article shall, under any circumstances, tunnel under macadam, asphalt macadam, concrete or similarly paved roads for the purpose of connecting to water or sewer facilities, or for connecting gas services, unless written permission from the Highway Superintendent of Streets shall first have been secured.

§ 191-15. Openings into water or sewer facilities.

All openings into any water or sewer facilities or gas services shall be made only by plumbers duly licensed by the City.

§ 191-16. Compliance with directions of Highway Superintendent of Streets required.

Any person to whom a permit is issued under the terms of this article must comply with all directions of the Highway Superintendent, or his or her designee, of Streets designed to secure the safety of persons and their property lawfully using the streets of the City. Such directions may be given orally or in writing by the Superintendent or his representative.



§ 191-17. Penalties for offenses.

- A. Any person, firm or corporation or his or its representative, agent or employee who shall violate any of the provisions of this article shall be punished by the imposition of a penalty as prescribed in § 1-3.
- B. Additionally, the Highway Superintendent may withhold the issuance of permits if restoration work required with respect to previously issued street opening permits has not been satisfactorily completed.

§ 191-18. Permit required.

No person or association of persons, municipal corporation, public utility corporation or corporation, without having first secured a permit therefor from the Highway Department City Clerk as provided in this article, shall:

- A. Fill in or raise or cause to be filled in or raised any street or any part thereof.
- B. Take up, remove or carry away or cause to be taken up, removed or carried away any asphalt or ~~asphalt blocks~~ paver blocks, flagstones, turf, stone, gravel, concrete, sand, clay or earth from any street or part thereof.
- C. Open or dig up any City street or any private street which is open to public motor vehicular traffic, or any street, road or highway or part thereof in and over which the City shall have jurisdiction or shall in any way alter any curbing, gutters, gutter basins, drainage lines or other works within such a street or highway for any purpose.
- D. Lay, repair or disturb any sidewalk in any public street.

§ 191-19. Application for permit.

~~Any person may apply to the Highway Department City Clerk for a permit required by this article to open a street.~~

- A. Application for a permit under this article shall be made to the Highway Department in writing and shall contain the following information:
  - (1) The full name and address of the applicant.
  - (2) The full name and address of the owner or owners of the property in front of which the operation is to be performed.
  - (3) The location by street address, if any, of the property in front of which the operation is to be performed and the Tax Map designation of the same.
  - (4) A statement of the proposed operation and the size thereof and purpose thereof.

- (5) The date or dates when the proposed operation is to be commenced, and the date or dates when the operation is to be completed.
- (6) The type of pavement or surface to be disturbed.
- (7) A sketch of the proposed operation showing location on lot or streets; location, if any, of any tiles or drainage system or water mains or other public utility conduits, etc, which may be within the area of the proposed construction
- (8) The estimated maximum quantity to be excavated and/or removed, and the estimated part thereof that will be used for regrading or filling.
- (9) The rehabilitation proposed.
- (10) A schedule of the proposed work.
- (11) A confirmation notice from Dig Safely New York.
- (12) The estimated cost of the entire proposed operation.
- (13) Any additional information which may be reasonably required by the Highway Superintendent.
- (14) A signed statement by the applicant that said applicant agrees to perform the proposed operation for which the permit may be granted, in full and strict compliance and in accordance with the conditions of the permit, if issued, and any and all provisions of the City Code and other applicable statutes and ordinances of the City of Beacon.

§ 191-20. Fee and work rules.

- A. The applicant for a permit under this article or the person for whose benefit the excavation or opening is to be made shall pay a fee as set forth in the City of Beacon fee schedule ~~to the Superintendent of Streets~~ for each street opening.
- B. A permit shall be obtained no less than ~~24 hours~~ one week before any work is performed. All work shall be done during regular work hours of the Highway Department, Monday-Friday 7 a.m to 3p.m. The Highway Superintendent ~~of Streets~~ may waive these requirements in the event of an emergency.
- C. The opening shall be backfilled with ~~item~~ Item 4 (NYSDOT Item No. 304.12) and tamped in eight-inch lifts maximum before applying blacktop in accordance with Chapter 129. ~~one-foot lifts before applying four inches of blacktop.~~ All openings shall be square cut, and edges shall be cleaned, and all edges shall be tack coated before patching. Openings in concrete roads shall be filled with Item

~~4 K-Crete or approved equal~~ from the bottom of the trench to the bottom of the concrete, two inches below the riding surface. Then the concrete shall be repaired in the method selected by the Highway Superintendent of either pouring a new 5,000 psi concrete patch that is doweled into the adjacent concrete slab(s), or the installation of pavement to the thickness of the existing concrete to two inches below the riding surface. The riding surface shall consist of two inches of blacktop. The opening shall be properly maintained at all times during construction and the quality of the work (in case of settlement) shall be guaranteed for a period of one year. The seams of the completed work shall be sealed with a polymer modified crack sealant to prevent the intrusion of water into the pavement. During construction, barricades, lights, flaggers and other safety devices shall be employed as required by law or custom in the construction industry.

D. The applicant shall notify the Highway Superintendent or his or her designee:

- (1) Three business days before any opening.
- (2) Three business days before any backfilling or temporary filling of any opening.
- (3) Three business days before any permanent restorations.

E. Issuance of and the continued effectiveness of such permit shall be conditioned on the following terms:

- (1) Throughout the course of the work, a clear, sufficient and safe passageway for all pedestrians and vehicular traffic will be maintained.
- (2) The work site will be properly guarded, both day and night, so as to prevent accidents or danger.
- (3) Upon completion of work, the site thereof will be restored by applicant and the restoration work guaranteed for two years.

§ 191-21. Bond and insurance.

A. Before a permit may be granted under this article by the Highway Superintendent of Streets to any person to open any City street, the applicant for such permit shall execute a continuing bond to the City in the amount determined by the Highway Superintendent, or his or her designee, to be equal to the cost of the work, but in no event less than sum of \$10,000, to be executed by a recognized and responsible surety company authorized to do business in Dutchess County, New York, subject to the same conditions as contained in a plumber's bond.

- B. ~~Before a permit may be granted under this article by the Highway Superintendent of Streets to any person duly licensed as a plumber by the City to open any water and sewer facility, the applicant for such permit shall execute a continuing bond to the City in the amount determined by the Highway Superintendent, or his or her designee, to be equal to the cost of the work, but in no event less than sum of \$10,000, to be executed by a recognized and responsible surety company authorized to do business in Dutchess County, New York.~~
- C. ~~Before a permit may be granted, the applicant must submit to the Superintendent of Streets a certificate of insurance providing a minimum coverage of \$500,000 for any one injury, accident or occurrence, naming the City of Beacon as an additional insured. Coverage shall be provided for bodily injury and property damage, underground collapse and explosion resulting in any way from the applicant's performance of work under its permit and for the applicant's completed operations.~~

No permit issued pursuant to this article shall be issued by the Highway Department until the applicant therefor shall have first placed on file with the Highway Department satisfactory evidence of the following types of coverage and limits of liability:

- (1) Commercial general (CGL) coverage with limits of insurance of not less than \$1,000,000 each occurrence and \$2,000,000 annual aggregate.
  - (a) If the CGL coverage contains a general aggregate limit, such general aggregate shall apply separately to each project.
  - (b) CGL coverage shall cover liability arising from premises, operations, independent contractors, products/completed operations, personal and advertising injury and blanket contractual, including injury and to subcontractors' employees.
  - (c) The City of Beacon and its agents, officers, directors and employees shall be included as additional insured. The coverage must be underwritten by an insurance company with at least an A-7 Best rating, as defined by A.M. Best. Coverage for the additional insureds shall apply as primary and noncontributing insurance before any other insurance or self-insurance, including any deductible, maintained by or provided to the additional insureds.
  - (d) The applicant and/or contractor shall maintain CGL coverage for itself and all additional insureds for the duration of the project and maintain completed operations coverage for itself and each additional insured for at least two years after completion of the work.

- (2) Automobile liability: business auto liability with limits of at least \$1,000,000 each accident.
  - (a) Business auto coverage must include coverage for liability arising out of all owned, leased, hired and nonowned automobiles.
  - (b) The City of Beacon and its agents, officers, directors and employees shall be included as insured on the auto policy.
- (3) Workers' compensation and employers liability: employers' liability insurance limits per statutory requirements.
- (4) The applicant shall not sublet any part of his work without assuming full responsibility for requiring similar insurance from his subcontractors and shall submit satisfactory evidence to that effect to the Highway Department. Each such insurance policy, except the workers' compensation policy, shall include the City of Beacon and its agents, officers, directors and employees as an additional insured.
- (5) Certificates shall provide that 30 days' written notice prior to cancellation be given to the City of Beacon. Policies that lapse and/or expire during the term of occupancy shall be recertified and received by the City of Beacon no fewer than 30 days prior to cancellation or renewal.

§191-22. Obstruction of streets and sidewalks.

Any street, lane, road or sidewalk within the City, whether paved or unpaved, improved or unimproved, and any driveway or other means of ingress to or egress from any street, lane, road or sidewalk within the City shall not be blocked or obstructed at any time in order to provide a safe, convenient and passable means of ingress to and egress from the same for all private, public and emergency vehicles of any kind.

§ 191-23. Notice to other persons affected.

- A. If the work to be undertaken by the applicant is such that it will affect the use of properties abutting or adjoining the project, the Highway Superintendent, or his or her designee, shall require the applicant to submit a list of the names and addresses of the owners and/or tenants of such properties.
- B. The applicant shall notify the affected property owners and/or tenants of the proposed work to be done at the time the applicant submits his or her street opening permit application.
- C. If the work to be undertaken by the applicant will affect other subsurface installations in the vicinity of the proposed opening, the applicant shall notify the owners of such

facilities of the proposed work at the time the applicant submits his or her street opening permit application.

§ 191-24. Notice to police and fire authorities.

Upon receipt of a street opening permit and prior to the start of any construction, the applicant, shall notify, in writing, the City police and fire authorities that he or she has received a street opening permit. Such notification shall include a copy of the permit, and state the nature of the work to be done, the proposed beginning and completion dates and the location of such project.

§ 191-25. Construction specifications.

The Highway Department shall be notified at all stages of the work for the purpose of inspection. At a minimum, compliance with the City of Beacon specifications and regulations for the making of street openings, backfilling, maintenance, replacement of pavement and curbing shall be acceptable for the performance of said work and shall be performed to the satisfaction of the Highway Superintendent or his or her designee.

§ 191-26. Term of permit.

- A. All work for which a permit has been issued shall be completed prior to the expiration date of the permit.
- B. A permit shall expire unless work pursuant thereto has to be commenced within 10 days of the date of issuance.
- C. A permit shall be valid for 30 days from the initial excavation and backfill.
- D. A permit shall continue in effect during the time required for the settling of backfill and restoration of permanent pavement, but no even shall the permit continue in effect later than four months after the date of issuance unless the Highway Superintendent shall further extend the time for good cause.

§ 191-27. Pavement Restoration

- A. All excavations shall be backfilled with materials approved by the Highway Superintendent.
- B. If a new patch is to be made where there is an existing patch, the entire pavement area shall be removed and replaced.
- C. Restoration of pavement shall be curb to curb and shall extend at least two feet on either side of the trench. Where no curb exists, the restoration shall extend to the existing pavement limits.

- D. If any excavation for which a permit has been issued hereunder exceeds 25 feet in length, the applicant shall be responsible for resurfacing the street from curb to curb over the entire area in such manner as required by the Highway Superintendent on a case-by-case basis. Where no curb exists, the resurfacing shall extend to the exiting pavement limits.
- E. If there are multiple patches and the area of disturbance exceeds 20% of the length of a street block multiplied by one foot, then the entire road in the block shall be resurfaced in a manner and with materials required by the Highway Superintendent.
- F. Any work performed within a roadway that has been paved within the past three years will require full curb to curb restoration for the length of work plus a minimum of 20 feet on both sides, exact limits will be set by the Highway Superintendent or his or her designee.
- G. The Highway Superintendent may waive the requirements set forth in this section upon good cause shown.

§ 191-28. Replacement of curbing.

Any curbing removed by any person shall be reset or replaced pursuant to the specifications set forth in § 191-22.

§191-29. Work in City rights-of-way.

- A. No individual, agency, corporation or other entity shall commence any excavation or construction, or make any alteration to existing structures, within any City right-of-way, including the placement of new utility poles or the addition of appurtenances, fixtures, or facilities to existing utility poles, without first having obtained approval from the City Council. This provision shall not apply to routine maintenance of existing structures and/or utility poles in the City rights-of-way.

§191-30. Revocation of permit.

- A. The Highway Superintendent shall have the power to revoke a permit issued hereunder whenever he or she shall find that the applicant has refused or failed to comply with any provisions of this article. There shall be no refunds of any application fees provided for any revoked permit.
- B. Written notice of any such violation or condition shall be served upon the applicant or his or her agent engaged in the work. The notice shall contain a brief statement of the grounds relied upon for revoking the permit. Notice may be given either by personal delivery thereof or registered United States mail addressed to the person notified.

- C. An applicant may be granted a period of three days from the date of the notice to correct the violation and proceed with the diligent prosecution of the work authorized by the permit before said permit is revoked.
- D. When any permit has been revoked and the work authorized by the permit has not been completed, the Highway Superintendent, or his or her designee, shall do such work as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. All expenses incurred by the City shall be recovered from the deposit or bond the applicant has made or filed with the City.

**Section 2.** Chapter 191, Article IV of the Code of the City of Beacon entitled “Honorary Street Names,” is hereby amended as follows:

§ 191-~~31-23~~ Basic Criteria for consideration.

The City Council may consider a petition to designate a secondary honorary name for an existing street or portion of existing street in the City upon such petition meeting the following basic criteria: The person whose name is proposed for such honorary naming shall have resided in the City of Beacon for at least five continuous or noncontinuous years during his/her lifetime, during which time such person shall have preferably resided on the street in question.

§ 191-~~32~~ 24 Procedure for designation of honorary name for existing street; referral to City Historian for report.

- A. Upon the City Council receiving a petition which meets the basic criteria set forth in § 191-~~31-23~~, such petition shall be referred to the City Historian/City Historical Society for his/her or its report to the City Council regarding the following:
  - (1) Such person's history of contributions to the City of Beacon, County of Dutchess, State of New York.
  - (2) Such person's history of residence in the City, including duration and location of such residence.
- B. Upon the City Council reviewing such report from the City Historian/City Historical Society, it may designate the petitioned secondary honorary name for the existing street.

**Section 3.** Chapter 192, Section 30 of the Code of the City of Beacon entitled “Work in existing city streets” is hereby amended as follows:

- A. All work to be performed within an existing City street shall be subject to the approval of the City. The contractor, developer or other such person performing the work shall be required to obtain a ~~road~~ street opening permit and pay any and all such fees that may apply in relation to the same.



- B. The contractor or person performing the work shall be required to submit to the City a certification of insurance listing the City of Beacon as additional insured (providing primary coverage), providing liability and property damage insurance with a limit of liability not less than \$1,000,000.
- C. All work shall be subject to the review of City representatives, and the contractor or person performing the work shall schedule such work as to permit the necessary reviews and inspections. Where applicable, a fee shall be paid to the City for such reviews and inspections.
- D. All work shall be in accordance with generally accepted and recognized guidelines and the specifications for ~~road~~ street opening permit guidelines in effect at the time of the work. This shall include OSHA regulations.

#### **Section 4. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapter 191 and Chapter 192 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

#### **Section 5. 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 6. 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 7. Effective Date**

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

City of Beacon Workshop Agenda  
6/11/2018

Title:

Proposal for Grant Services

Subject:

Background:

**ATTACHMENTS:**

Description	Type
Millenium Ltr	Cover Memo/Letter
Millenium Contract	Backup Material

# MILLENNIUM

## STRATEGIES

June 7, 2018

Mr. Anthony Ruggiero  
City Administrator  
City of Beacon  
One Municipal Plaza  
Beacon, New York 12508

**RE:    *Proposal for Continuation of Grant Consulting Services***

Dear Mr. Ruggiero:

Millennium Strategies, LLC is pleased to submit the following proposal to the City of Beacon for a continuation of grant consulting services. Millennium has had the privilege of serving the City as its Grants Consultant since March 2015, and welcomes the opportunity to continue working with its staff. During our tenure, we have secured \$1,472,641.51 in alternative funding sources for the City. In addition, 13 recently submitted grant applications remain under review by their respective funding agencies, representing an additional \$14,596,815.60 in potential grant funding.

### **COMPANY PROFILE**

Founded in 2005, Millennium Strategies is the largest full-service grants consulting firm in the region. We currently represent 88 municipalities, counties, school districts and non-profit entities in New Jersey, New York, Pennsylvania and Delaware. Since our inception, Millennium has procured over \$350 million in both public and private grant funding.

What sets Millennium Strategies apart is our comprehensive and aggressive approach to grant research, grant writing and grant management. We help our clients meet their complex challenges by securing funding for a wide range of projects which fall within the following categories:

- Arts and Culture
- Community and Human Services
- Disaster Recovery and Resiliency
- Downtown Revitalization
- Economic Development
- Environmental Planning
- Historic Preservation
- Open Space Preservation
- Parks and Recreation
- Public Safety
- Sustainability
- Tourism
- Transit Oriented Development
- Transportation Infrastructure

### **SERVICE TEAM:**

As Millennium's CEO and a former Chief of Staff to a United States Congressman, Ed Farmer has spent his career shepherding critical projects to completion with federal, state, and county agencies. Ed's partner, Susan Scavone, has more than 25 years of experience in government and grant writing. She also leads the firm's Disaster Recovery practice with substantial experience assisting clients following Hurricane Irene and Superstorm Sandy, as well as more recently declared disasters. Together, they have assembled an accomplished team which includes 1 full-time research associate, 14 grant writers, and the support staff necessary to meet the demands of timely, professional, and competitive submissions. Should we have the privilege of continuing our work with the City of Beacon, I will remain as the Director of the account, and Nealon Isaacs will remain as Grants Manager. Since founding, Ed and Sue have remained the sole Principals of Millennium Strategies.

## **PROPOSED SERVICES**

Millennium Strategies proposes to continue to provide our full suite of grant writing and consulting services to the City of Beacon. These services will include, but may not be limited to the following:

- ***Evaluation of Grant Funding Goals:*** Millennium Strategies will meet with key personnel to evaluate and creatively assess key projects and programs that the City is desirous to obtain grant funding for.
- ***Notification of All Available Grant Opportunities:*** Millennium Strategies will regularly notify the City of available grant funding opportunities as well as provide a detailed recommendation for pursuing each grant opportunity. This includes all appropriate federal, state, county, and foundation grants.
- ***Complete Grant Writing:*** Millennium Strategies will complete all grant applications, both presented by Millennium and identified by the City, in accordance with funding guidelines established by the granting entity, on a continuing basis, on behalf of Beacon.
- ***Monthly Reporting:*** Millennium Strategies will submit a detailed monthly report detailing all activities undertaken by this office on behalf of the City of Beacon as well as a monthly invoice for services rendered. These reports will provide a status update of grants awarded, grants submitted, grants in progress, grants noticed, and grants denied to allow an ongoing assessment of funding goals and the flexibility to respond to changing circumstances.

## **FEE PROPOSAL**

Millennium Strategies proposes to provide all of the above referenced services for a flat monthly retainer fee of \$2,833 beginning June 1, 2018 through December 31, 2019. Our fees include all travel time and expenses as well as attendance at all meetings. There are no hidden costs associated with our fee structure.

All members of Millennium Strategies are in good standing with the State of New York and its grant agencies. None have ever had their professional licenses suspended or revoked in New York or any other state. No professional liability claims have ever been brought against Millennium Strategies. In addition, Millennium Strategies is not now, nor has it ever been involved in any bankruptcy or reorganization proceedings. Lastly, no principal or employee of Millennium Strategies is related to any employee or elected official of the City of Beacon, nor are any of our employees unionized.

Thank you for your thoughtful review and consideration of Millennium Strategies. If you should have any questions or require further information, please do not hesitate to contact me at 973-226-3329.

Sincerely,



Dave Jenkins  
Director of Business Development & Client Services  
Millennium Strategies LLC

**Millennium Strategies LLC  
60 Columbia Road  
Morristown, New Jersey 07960**

This Agreement is made and entered into on June 6, 2018 between **MILLENNIUM STRATEGIES LLC** (herein referred to as “Consultant”) located at 60 Columbia Road, Morristown NJ 07960, and the **CITY OF BEACON** (herein referred to as “Client”) located at 1 Municipal Plaza, Beacon NY 12508.

**SCOPE OF SERVICES**

Consultant will provide full suite of Grant Research and Writing Services including but not limited to the following:

- Ongoing evaluation of the City’s funding procurement efforts -- this process will include necessary meetings with key personnel to evaluate and determine past successes compared to future funding goals.
- Notification of all available governmental and non-governmental funding opportunities – The City will receive detailed memoranda of potential funding opportunities that include an explanation of what Millennium Strategies will do and what the City’s responsibilities are in order to complete the grant application and produce the best possible product for submission.
- Research, preparation (writing), submission and follow up including stakeholder support of all available governmental and non-governmental funding applications.
- Representation of the City with stakeholder and governmental officials and their offices pertaining to grant and funding procurement services that Millennium undertakes on your behalf.

**TERM**

The term of this Agreement shall commence on June 1, 2018 and shall run through December 31, 2019. Either party may terminate this contract with or without cause upon a 30-day written notice via certified mail.

**COMPENSATION**

Consultant shall receive a monthly retainer of \$2,833 to provide the services described above. Consultant’s fee is not contingent upon the successful awarding of funds for these grant applications. There are no hidden costs associated with this fee structure which includes all travel time and expenses.

**Millennium Strategies LLC  
60 Columbia Road  
Morristown, New Jersey 07960**

**HOLD HARMLESS**

Each party hereby agrees to defend, indemnify and hold the other party harmless from any expense, loss, liability, or claim incurred directly or indirectly by the responsible party with respect to any actions or omissions, authorized or unauthorized, of such party, its employees, agents, servants, subcontractors, or assignees with respect to this Agreement. Indemnification shall include, but not be limited to fees, claims, demands, and losses, court costs, settlement costs, and counsel fees whatsoever the nature, without limitation.

**ASSIGNABILITY**

This Agreement is not assignable without the prior written consent of all parties.

**BINDING**

This Agreement shall be binding upon each party's successors or assignees.

**LAW**

The terms of this Agreement shall be governed by the laws of the State of New York.

**DISPUTES**

The parties hereto stipulate and agree that any dispute between them, whether equitable or legal relief is sought shall be venued in the Superior Court of New York. Each of the parties to this Agreement further stipulate and agree to the personal and subject matter jurisdiction of the Superior Court of New York, in such dispute or proceeding.

**AGREED TO AND ACCEPTED BY:**

Date:

**MILLENNIUM STRATEGIES, LLC**

\_\_\_\_\_

By: \_\_\_\_\_  
Ed Farmer, President and CEO

Date:

**CITY OF BEACON**

\_\_\_\_\_

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

**City of Beacon Workshop Agenda**  
**6/11/2018**

**Title:**

**Milling and paving**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Milling and paving memo	Cover Memo/Letter





# CITY OF BEACON New York

Anthony J. Ruggiero, M.P.A.  
City Administrator

OFFICE OF CITY ADMINISTRATOR

845-838-5000

To: Mayor Casale and City Council

From: Anthony J. Ruggiero, MPA, City Administrator

Date: June 11, 2018

Re: **Proposed Milling and Paving Streets**

Below is a list of the proposed Streets for Milling and Paving:

Road Name	Length (Feet)	Width (Feet)	Square Feet
Water Street	395	15	5,925
Maple Street	1470	20	29,400
First Street	320	20	6,400
Ryan Avenue	330	12	3,960
Wesley Avenue	1375	17	23,375
Grace Street	675	17	11,475
DeWindt Street	1240	21	26,040
South Cedar Street	945	20	18,900
Knevels Avenue	1400	18	25,200
State Street	255	17	4,335
Phillips Street	845	20	16,900

Additionally, we will be doing approximately 39 ADA Compliant Curb/Ramps on the following streets:

Road Name	Number of ADA Curb/Ramps
Water Street	4
East Main Street	2
Spring Valley Street	2
Maple Street	2 at Fishkill Avenue
DeWindt Street	4 South Brett 4 South Walnut 3 South Elm
State Street	2 Fishkill Avenue
Phillips Street	2 Madison 2 Vail
DeWindt Street	2 South Chestnut 3 South Cedar

	2 Cliff
South Cedar Street	2 Main Street 4 Catherine 3 Beacon

Please review and let me know if you have any additional questions. Thank you.

**City of Beacon Workshop Agenda**  
**6/11/2018**

**Title:**

**Budget Amendments**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description

Budget Amendment

Type

Cover Memo/Letter

Council Budget Amendments  
June 18, 2018 Meeting

1. Amend the 2018 General Fund Budget to repair bridge from accident. Below is the proposed budget amendment:

**Transfer to:**

A -05-5110-447300-	REPAIR OF REAL PROPERTY	<u>\$ 42,245</u>
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**Transfer from:**

A -01-1990-400001-	CONTINGENCY FUND	<u>\$ 42,245</u>
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Respectfully submitted,  
Susan K. Tucker CPA