



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

March 5, 2018  
7:00 PM  
City Council Agenda

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Public Comment:**

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

**Public Hearings:**

- Public Hearing to receive public comment on a proposed Local Law to amend Chapter 204 of Code of the City of Beacon, concerning Tree Preservation and Tree Removal
- Public Hearing to receive public comment on a proposed Local Law to amend Chapter 106, Article I of Code of the City of Beacon to amend the Sustainable Energy Loan Program in the City of Beacon

**Reports:**

- Council Member Amber J. Grant
- Council Member John E. Rembert
- Council Member Lee Kyriacou
- Council Member George Mansfield
- Council Member Jodi M. McCredo
- Council Member Terry Nelson
- City Administrator, Anthony Ruggiero
- County Legislators
- Mayor Randy Casale

**Local Laws and Resolutions:**

1. Resolution to appoint Sergeant Thomas Figlia to Provisional Lieutenant in the City of Beacon Police Department
2. Resolution to appoint Jason Walden to Permanent Sergeant in the Beacon Police Department
- 3.

Resolution to adopt a local law to amend Chapter 199 to add Article XII, concerning the tax assessment of converted condominium units within the City of Beacon

4. Resolution to adopt an agreement to exempt West End Lofts Housing Development from real property taxes to the extent authorized by Section 577 of the PHFL and approve a proposed PILOT Agreement between and among the City of Beacon, the Partnership and the HDLC
5. Resolution to adopt a local law to amend Chapter 106, Article I of Code of the City of Beacon to amend the Sustainable Energy Loan Program in the City of Beacon
6. Resolution to adopt local law to amend Chapter 204 of the Code of the City of Beacon, concerning Tree Preservation and Tree Removal
7. Resolution to Adopt National Day of Action

**Approval of Minutes:**

- Approval of Minutes from February 5, 2018
- Approval of Minutes from February 20, 2018

**2nd Opportunity for Public Comments:**

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

**Adjournment:**

**City of Beacon Council Agenda**  
**3/5/2018**

**Title:**

**Public Hearing to receive public comment on a proposed Local Law to amend Chapter 204 of Code of the City of Beacon, concerning Tree Preservation and Tree Removal**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
LL Tree Preservation	Local Law

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

CITY COUNCIL  
CITY OF BEACON

PROPOSED LOCAL LAW TO  
AMEND CHAPTER 204 OF THE CODE OF THE  
CITY OF BEACON

A LOCAL LAW to  
amend Chapter 204 of  
Code of the City of  
Beacon, concerning  
Tree Preservation and  
Tree Removal.

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

**SECTION 1.** Chapter 204 of the Code of the City of Beacon entitled “Sand and Gravel Excavation and Tree Removal” is amended as follows:

**ARTICLE I. DEFINITIONS**

§ 204-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**APPLICANT**

Any individual or individuals, firm, partnership, association, corporation, company, organization or other legal entity of any kind, filing an application pursuant to this chapter.

**DBH (DIAMETER AT BREAST HEIGHT)**

The diameter or caliper of a tree measured at a point 4 ½ feet above ground, or at the highest measurable point of the remaining stump if less than 4 ½ feet, on the uphill side of the tree.

**DEAD TREE**

A tree that lacks vitality, is lifeless and without foliage

## **EXCAVATION or GRADING**

~~Excavation or grading by blasting or by use of power-assisted machinery or equipment. The excavation, grading, removal or processing of topsoil, clay, sand, gravel, rock or other earth materials; dumping, filling or depositing of such earth materials or fill of any kind.~~

## **SLASHING OF TREES**

~~The cutting down, grubbing or other removal of any three or more live trees in any calendar year, when such trees are located within less than 100 feet of each other and have a caliper DBH of six inches or more at height of three feet above ground.~~

## **TREE**

A living, woody plant with an erect perennial trunk and a definitely formed crown of foliage.

## **TREE REMOVAL**

Any act which will cause a tree to be cut down or removed or to die within a one-year period.

## **TREE REMOVAL PERMIT**

A permit granted pursuant to the requirements of this chapter which allows the removal of one or more trees.

## **ARTICLE II. EXCAVATION AND GRADING PERMIT**

~~§ 204-2 Regulated activities: temporary permit.~~ Excavation or Grading Permit.

Excavation or Grading activities on any lot are regulated under this article and are permitted only under an Excavation or Grading Permit granted by the Building Inspector.

~~On any lot, excavation, grading or removal of topsoil, clay, sand, gravel, rock or other earth materials; dumping, filling or depositing of such earth materials or fill of any kind; and slashing of trees are activities regulated under this chapter and are permitted only under a temporary permit granted by the City Engineer under §§ 204-3 through 204-9 or as one of the exemptions hereinafter specified. Within 20 days after the Building Inspector City Engineer has granted a temporary permit under this chapter, the City Council may, at its discretion, approve, modify and approve or disapprove the temporary permit. Any failure by the City Council to take action within said twenty-day period shall be deemed to be an approval by the City Council.~~

~~§ 204-3 Application for temporary permit~~ Excavation or Grading Permit.

Before any ~~temporary~~ permit for Excavation or Grading shall be granted, a written application shall be submitted to the Building Department City Engineer, together with an application fee in accordance with the City of Beacon Fee Schedule, a cost estimate of the project and maps and plans, prepared by and bearing the seal of a land surveyor or professional engineer licensed to practice in the State of New York, showing the following:

- A. The area to be excavated or graded.
- B. Existing contour lines on the premises and proposed contour lines resulting from the intended excavation or removal, shown on a map drawn to a scale of not less than 100 feet to the inch and with a contour interval not to exceed two feet.
- C. Existing and proposed drainage on the premises.
- D. Existing state or federally regulated wetlands, rivers, streams or watercourses on or adjacent to the premises.
- E. Adjoining properties and streets.
- F. Proposed truck access to the property.
- G. Such additional information as the Building Inspector or City Engineer may deem necessary in order to decide upon such application.
- H. Erosion and sediment control to be employed during operations and restoration.

§ 204-4 Referral of application to City Engineer.

- A. Each application for an Excavation or Grading Permit shall be referred to the City Engineer by the Building Department within five days of the date of application. Within 30 days of the date of referral, the City Engineer shall forward its recommendation to the Building Inspector and shall indicate whether the application should be approve, disapproved or approved with modifications. The City Engineer shall take into consideration whether such excavation will result in the creation of any sharp declivities, pits or depressions, soil erosion or fertilize problems, decrease property values, create any drainage or sewerage problems or other considerations which would impair the use of the property in accordance with the Zoning Ordinance.
- B. The applicant is responsible for reimbursing the City for the cost of professional review fees in connection with an application submitted to the City in accordance with the procedure set forth in § 223-61.1.

§ 204-4~~5~~ Criteria for issuance of temporary permit for an Excavation or Grading Permit.

In acting on any application for an Excavation or Grading Permit, the Building Inspector shall take into consideration the recommendations of the City Engineer. The City Engineer Building Inspector may grant an temporary permit Excavation or Grading Permit for a limited period of time, not exceeding two years, if he or she shall determines find that such excavation will not result in the creation of any sharp declivities, pits or depressions, soil erosion or fertility problems, depressed land values nor create any drainage or sewerage problems or other conditions which would impair the use of the property, in accordance with the Zoning Ordinance, and that such excavation will be in harmony with the general purpose and intent of the Zoning Ordinance, and if the City Engineer Building Inspector further finds that the temporary permit Excavation or Grading Permit to be granted is capable of being completed within the time provided in the permit.

§ 204-5 ~~6~~ Standards and conditions for issuance of a temporary permit for Excavation or Grading.

An temporary permit Excavation or Grading Permit shall be granted only subject to the following standards and conditions:

- A. That the premises shall be excavated and graded in conformity with the proposed contour plan, as approved.
- B. That slopes shall not exceed 30° to the horizontal or such lesser slope that the City Council may specify as necessary for the public health or safety, soil stability or for the reasonable use of the property after completion of the excavation.
- C. That no fixed machinery shall be erected or maintained in connection with the excavation and that no building shall be erected on the premises except temporary shelters for machinery and a field office.
- D. That there shall be no excavation or removal within 50 feet of any street or property line, except that, where the property to be excavated is considerably above street grade at the street line, removal may take place at a lesser distance from the street line if approved by the Building Inspector or City Engineer.
- E. That no regulated wetlands or required buffers be disturbed without proper state or federal approvals and that there shall be no sharp declivities, pits or depressions and that proper drainage will be provided to avoid stagnant water, soil erosion and water pollution.
- F. That after excavation or removal, the premises shall be cleared of debris within the time provided in the permit.
- G. That the top layer of arable soil for a depth of six inches shall be set aside and retained on the premises and shall be respread over the premises and that a suitable

ground cover shall be planted and grown to an erosion-resistant condition, upon the completion of the excavation or removal, in accordance with the approved contour lines, and that such work shall be completed within the time provided for in the permit.

- H. If required by the Building Inspector or City Engineer, that the area to be excavated or a portion thereof shall be enclosed within a fence of such type, height and location as the Building Inspector ~~City Engineer~~ may specify.
- I. That the Building Inspector or City Engineer may establish a schedule to be filed with the records of such application and ~~temporary permit~~ Excavation or Grading Permit showing limitations on the day of the week or the hours of the day during which any work may be performed on the premises; limitations as to the size and type of machinery to be used on the premises; place and manner of disposal of excavated material; and requirements as to the control of dust, noise and lighting, if permitted, so as to prevent results injurious or offensive to the general public.
- J. That the Building Inspector ~~City Engineer~~ may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or professional engineer licensed to practice in the State of New York, showing the status and progress of the excavation, and may require the applicant to pay to the City an inspection fee in an amount deemed necessary by the Building Inspector or City Engineer to defray the cost of inspection of the operation.

#### § 204-6-7 Performance bond.

The applicant shall file with the City Clerk a performance bond, in form and with surety acceptable to the City Council, in such amount as the Building Inspector or City Engineer may deem sufficient to insure the faithful performance of the work to be undertaken.

#### § 204-7 8 Revocation or suspension of Excavation or Grading Permit ~~temporary permits~~.

Any ~~temporary permit~~ Excavation or Grading Permit issued pursuant to the provisions of this ~~article~~ chapter may be revoked by the Building Inspector ~~City Engineer~~, after written notice to the applicant, notice, in writing, and a hearing, for violation of any conditions of the ~~temporary permit~~ Excavation or Grading Permit; violation of any provision of this ~~article~~ chapter, or any other law or ~~other~~ regulation relating to the work permitted; or the existence of any condition or the doing of any act constituting or creating a nuisance or endangering the life or property of another. Written notice shall be served by registered mail, return receipt requested, and by regular mail, to the applicant at the address shown on the application. The notice shall describe the reasons why the City is revoking the permit.

- ~~A. Notice. The notice shall describe the violation charged and may be either delivered personally or mailed postage prepaid to the address appearing on the application.~~



- ~~B. Suspension. Any temporary permit may be suspended for cause by the Building Inspector for a period not exceeding five days without a hearing. All work under any special permit shall be suspended following notice of hearing to revoke as provided for in this section.~~

§ 204-8 2 Exemptions.

~~An temporary permit~~ Excavation or Grading Permit is not required for conduct of one or more of the aforesaid regulated activities in the following cases, provided that the activity is conducted and completed in such a manner as to cause no danger to the public health and safety and no stagnant water, soil erosion, sedimentation, water pollution, excessive drainage runoff or flooding problems:

- A. In connection with a bona fide landscaping or other site improvement on a lot, provided that no fill is deposited within a watercourse, water body, swamp or other wetlands, and provided that disturbed areas are properly graded and reseeded or otherwise planted.
- B. In connection with the grading of land in or the construction and installation of roads, drainage and other improvements in a subdivision plat granted final approval by the Planning Board and only in accordance with plans as approved by the Planning Board.
- C. In connection with the construction, reconstruction, enlargement, moving or structural alteration of a building or other structure, including construction and installation of site improvements related thereto, for which an application for a certificate of occupancy and/or building permit shall have been approved by the Building Inspector, and only in accordance with plans accompanying such approved application or permit.
- D. In connection with a bona fide farming or forest management operation.
- ~~D. In connection with a bona fide landscaping or other site improvement on a lot, provided that no fill is deposited within a watercourse, water body, swamp or other wetlands, and provided that disturbed areas are properly graded and reseeded or otherwise planted.~~

§ 204-9 10 Penalties for offenses.

Any person who shall violate any provision of this ~~article chapter~~ shall be liable to a fine of not more than ~~\$2350~~ or imprisonment for not exceeding 15 days, or both such fine and imprisonment.

### **ARTICLE III TREE REMOVAL PERMITS**

#### § 204-12. Tree removal permit required; approving authority.

- A. A tree removal permit will be required when Slashing of Trees is proposed or occurs.
- B. The approving authority for all applications under this article shall be the Building Inspector except where tree cutting or removal is proposed in connection with any site plan, subdivision approval, or special use permit approval submitted to the Planning Board, trees shall be cut or removed from the subject property only in conjunction with an approved final subdivision plat, final site plan, or final special use permit approval, in which case a separate tree removal permit shall not be required.
- C. The Building Inspector shall issue the permit, after consulting with the City Engineer and when deemed necessary, the City Arborist, upon finding that removal of the tree is being done in a manner and with the imposition of conditions deemed necessary, so as to ensure control of erosion and sediment and prevent damage to the property and adjoining property.

#### § 204-13. Tree Committee

The Mayor shall appoint, subject to confirmation of the City Council, a five (5) member Tree Committee, with each person serving a two year term. The initial terms shall be staggered such that two (2) members are appointed to a one year term and three (3) to a two year term. One member shall be from the Conservation Advisory Committee and one member shall be an arborist. The Mayor shall appoint the Chairperson. The Tree Committee shall meet as requested by the Mayor or Building Inspector for such purposes as they direct.

#### § 204-14 Penalties for offenses.

- A. Any person, firm, corporation, or other entity who or which undertakes any regulated activity without a tree removal permit required by this article or who violates any condition attached to a tree removal permit, or who otherwise violates any of the provisions of this article shall be guilty of an offense punishable by a fine of not more than \$350. Each tree cut or removed without a tree removal permit required by this article or in violation of any condition attached to a tree removal permit or otherwise in violation of this article shall constitute a separate offense subject to the \$350 penalty. For a second and each subsequent violation within a one-year period, the violator shall be guilty of an offense punishable by a fine of not more than \$1,000 or a term of imprisonment of not more than 15 days, or both. In addition, the court may order or direct a violator to replace any or all trees cut or removed illegally, with a size and type of native tree (s) selected by the Building Inspector, who shall consult with the Tree Committee as to the number, size and type of tree and the location to

be planted on the affected property or public property. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the Building Inspector.

- B. Each violation of the provisions of this article shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

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

Except as specifically modified by the amendments contained herein, Chapter 204 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

## **SECTION 3. 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 therefrom.

## **SECTION 4. Effective Date**

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

**City of Beacon Council Agenda**  
**3/5/2018**

**Title:**

**Public Hearing to receive public comment on a proposed Local Law to amend Chapter 106, Article I of Code of the City of Beacon to amend the Sustainable Energy Loan Program in the City of Beacon**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
LL Sustainable Loan Program Energize NY	Local Law

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

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW TO  
AMEND CHAPTER 106, ARTICLE I OF THE CODE OF THE  
CITY OF BEACON**

A LOCAL LAW to amend Chapter 106, Article I of Code of the City of Beacon to amend the Sustainable Energy Loan Program in the City of Beacon.

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

**SECTION 1.** Chapter 106, Article I of the Code of the City of Beacon entitled “Energize NY Benefit Financing Program” is amended as follows:

**§106-1. Legislative findings, intent and purpose; authority; title**

- A. It is the policy of both the City of Beacon and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City of Beacon finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of Renewable Energy Systems and Energy Efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the City of Beacon pursuant to the municipal agreement to be entered into between the City of Beacon and EIC pursuant to Article 5-G of the New York General Municipal Law (the “Municipal Agreement”), to make funds available to Qualified Property Owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this article and fulfilling an important public purpose.
- B. The City of Beacon is authorized to implement this Energize NY Benefit Financing Program pursuant to the Municipal Home Rule Law and Article 5-L of the New York General Municipal Law.

C. This article shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the City of Beacon”.

## **§ 106-2. Definitions**

For purposes of this article, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

### **AUTHORITY**

The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the Public Authorities Law, or its successor.

### **EIC**

The Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the City of Beacon to implement the Energize NY Benefit Financing Program by providing funds to Qualified Property Owners (as defined in this article) and providing for repayment of such funds from monies collected by the City of Beacon ~~Tax Collector~~ tax collecting officer as a charge to be levied on the real property and collected in the same manner and same form as the City of Beacon taxes.

### **ENERGY AUDIT**

A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

### **ENERGY EFFICIENCY IMPROVEMENT**

Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

### **QUALIFIED PROPERTY OWNER**

An owner of residential or commercial real property located within the boundaries of the City of Beacon that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this article.

## **RENEWABLE ENERGY SYSTEM**

An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the Qualified Property Owner is a commercial entity in which case the system may be used for other properties in addition to the subject property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

## **RENEWABLE ENERGY SYSTEM FEASIBILITY STUDY**

A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

### **§ 106-3 Establishment of an Energize NY Benefit Financing Program**

- A. An Energize NY Benefit Financing Program is hereby established by the City of Beacon, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this article, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency improvements and the verification of the installation of such systems and improvements.
- B. For funds provided to a Qualified Property Owner which is a commercial entity, not-for-profit organization, or entity other than an individual, EIC shall have the authority to impose requirements on the maximum amount of funds to be provided, which may consider factors including but not limited to the property value, projected savings, project cost, and existing indebtedness secured by such property.
- C. For financings made to a Qualified Property Owner who is an individual, ~~t~~The funds provided shall not exceed the lesser of: (i) 10% of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or (ii) the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

### **§ 106-4. Procedures for eligibility**

- A. Any property owner in the City of Beacon may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City of Beacon offices.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City of Beacon, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in

~~Subsection A of~~ § 106-5 of this article. EIC may also request further information from the property owner where necessary to aid in its determination.

- C. If a positive determination on an application is made by EIC acting on behalf of the City of Beacon, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under § 106-6 of this article; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

### § 106-5. Application criteria

Upon the submission of an application, EIC acting on behalf of the City of Beacon, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective based on guidelines issued by the Authority;
- B. ~~(1) The proposed property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;~~
- C. ~~(2) The proposed energy efficiency improvements and/or renewable energy systems will generate an estimated annual cost savings greater than the annual charge payments; The amount financed under the Energize NY Benefit Financing Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;~~
- D. ~~(3)~~ Sufficient funds are available from EIC to provide financing to the property owner;
- E. ~~(4)~~ The property owner is current in payments on any existing mortgage;
- F. ~~(5)~~ The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
- G. ~~(6)~~ Such additional criteria, not inconsistent with the criteria set forth above, as the City of Beacon, or EIC acting on its behalf, may set from time to time.

### § 106-6. Opt-in: ~~E~~nergize ~~NY~~ ~~F~~inance ~~A~~greement

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an Energize NY Finance Agreement made by and



between the Qualified Property Owner and EIC, acting on the behalf of the City of Beacon (the “Energize NY Finance Agreement”).

- B. Upon execution of the Energize NY Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of City of Beacon, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of § 106-7 of this article have been met.
- C. The Energize NY Finance Agreement shall include the terms and conditions of repayment set forth under § 106-8 of this article.

#### **§ 106-7. Energy audit, renewable energy system feasibility study**

- A. No funds shall be made available for energy efficiency improvements unless determined to be appropriate through an energy audit as defined in § 106-2.
- B. No funds shall be made available for a renewable energy system unless determined to be feasible through a renewable energy system feasibility study as defined in § 106-2.
- C. The cost of such energy audit and/or renewable energy system feasibility study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

#### **§ 106-8. Terms and conditions of repayment**

The Energize NY Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the City of Beacon, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their City of Beacon tax bill and shall be levied and collected at the same time and in the same manner as City of Beacon property taxes, provided that such charge shall be separately listed on the tax bill. The City of Beacon shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the date the payment is due to be made to the City of Beacon ~~tax due date~~.
- B. The term of such repayment shall be determined at the time the Energize NY Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the City of Beacon.

- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the City of Beacon at the time the ~~E~~nergize ~~NY~~ ~~F~~inance ~~A~~greement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program as set forth in Article 5-L of the General Municipal Law and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

#### **§ 106-9. Verification and report**

- A. EIC shall be responsible for verifying and reporting to the City of Beacon on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such program.
- B. The City of Beacon shall verify and report on the installation and performance of Renewable Energy Systems and energy efficiency improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

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

Except as specifically modified by the amendments contained herein, Chapter 106 of the City of Beacon Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

#### **SECTION 3. 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 4. Effective Date**

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

**City of Beacon Council Agenda**  
**3/5/2018**

**Title:**

**Resolution to appoint Sergeant Thomas Figlia to Provisional Lieutenant in the City of Beacon Police Department**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution appointing Thomas Figlia	Resolution

CITY OF BEACON  
CITY COUNCIL

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

**RESOLUTION APPOINTING LIEUTENANT ON A PROVISIONAL BASIS**

**WHEREAS**, Thomas Figlia is currently employed in the position of Sergeant with the City of Beacon Police Department; and

**WHEREAS**, there is currently a vacancy for the position of Lieutenant of the City of Beacon Police Department and there is no appropriate Civil Service eligible list for this title; and

**WHEREAS**, Thomas Figlia otherwise meets the qualifications for the position of Lieutenant; and

**WHEREAS**, based on the recommendation of the Chief of Police, the Mayor wishes to appoint/promote Thomas Figlia to the position of Lieutenant in the City of Beacon Police Department; and

**WHEREAS**, the Mayor seeks to appoint Thomas Figlia as Lieutenant of the City of Beacon Police Department on a provisional basis.

**BE IT RESOLVED THAT** the Mayor hereby appoints, with the consent of the City Council, Thomas Figlia as Lieutenant of the City of Beacon Police Department on a provisional basis, effective March 5, 2018.

Resolution No. _____ of 2018		Date: <u>2018</u>					
<input type="checkbox"/> Amendments		<input type="checkbox"/> 2/3 Required					
<input type="checkbox"/> Not on roll call.		<input type="checkbox"/> On roll call <input type="checkbox"/> 3/4 Required					
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy Casale					
<b>Motion Carried</b>							

**City of Beacon Council Agenda**  
**3/5/2018**

**Title:**

**Resolution to appoint Jason Walden to Permanent Sergeant in the Beacon Police Department**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution appointing Jason Walden	Resolution

CITY OF BEACON  
CITY COUNCIL

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

**RESOLUTION APPOINTING SERGEANT**

**WHEREAS**, Jason Walden is currently employed in the position of Detective with the City of Beacon Police Department; and

**WHEREAS**, Jason Walden meets the qualifications for the position of Sergeant; and

**WHEREAS**, based on the recommendation of the Chief of Police, the Mayor wishes to appoint/promote Detective Jason Walden to the position of Sergeant in the City of Beacon Police Department; and

**WHEREAS**, the City Council wishes to approve the Mayor's appointment/promotion of Detective Jason Walden to the position of Sergeant in the City of Beacon Police Department;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the City Council approves the Mayor's appointment of Jason Walden to the position of Sergeant with the City of Beacon Police Department, effective as of March 5, 2018.

**IT IS FURTHER RESOLVED** that such appointment is subject to a probationary period of fifty-two weeks.

Resolution No. _____ of 2018		Date: <u>2018</u>					
<input type="checkbox"/> Amendments		<input type="checkbox"/> 2/3 Required					
<input type="checkbox"/> Not on roll call.		<input type="checkbox"/> On roll call <input type="checkbox"/> 3/4 Required					
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy Casale					
<b>Motion Carried</b>							

**City of Beacon Council Agenda**  
**3/5/2018**

**Title:**

**Resolution to adopt a local law to amend Chapter 199 to add Article XII, concerning the tax assessment of converted condominium units within the City of Beacon**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Condo Conversion	Resolution
LL Condo Assessment	Local Law



**CITY OF BEACON**

**CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ OF 2018**

**A RESOLUTION TO ADOPT A LOCAL LAW TO ADD CHAPTER 199, ARTICLE XII TO THE CODE OF THE CITY OF BEACON CONCERNING TAX ASSESSMENT OF CONVERTED CONDOMINIUM UNITS WITHIN THE CITY OF BEACON**

**NOW, THEREFORE, BE IT RESOLVED**, that the Beacon City Council hereby adopts a local law to add Chapter 199, Article XII to the Code of the City of Beacon concerning the tax assessment of converted condominium units in the City of Beacon.

<b>Resolution No. _____ of 2018</b>			<b>Date:</b>				
<input type="checkbox"/> <input type="checkbox"/> <b>Amendments</b>						<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <b>Not on roll call.</b>			<input type="checkbox"/> <b>On roll call</b>			<input type="checkbox"/> <b>3/4 Required</b>	
<b>Motion</b>	<b>Second</b>	<b>Council Member</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Reason</b>	<b>Absent</b>
		<b>Terry Nelson</b>					
		<b>John Rembert</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy Casale</b>					
<b>Motion Carried</b>							



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

CITY COUNCIL  
CITY OF BEACON

PROPOSED LOCAL LAW TO ADD  
CHAPTER 199, ARTICLE XII TO THE CODE OF THE  
CITY OF BEACON

A LOCAL LAW to amend Chapter 199 to add Article XII to the Code of the City of Beacon, concerning the tax assessment of converted condominium units within the City of Beacon.

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

**Section 1.** Chapter 199, Article XII is hereby added as follows

**Article XII. Assessment of Converted Condominiums**

**§ 199-56. Authority.**

This article is enacted pursuant to the authority contained in New York State Real Property Tax Law § 581(1)(c) and New York State Real Property Law § 339-y(f)(1).

**§ 199-57. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

**CONVERTED CONDOMINIUM**

A dwelling unit held in condominium form of ownership that has previously been on an assessment roll as a dwelling unit in other than condominium form of ownership.

**§ 199-58. Assessment of converted condominiums.**

The provisions of Real Property Tax Law § 581(1)(a) and Real Property Law § 339-y(1)(f) shall not apply to converted condominium units within the City of Beacon.

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

Except as specifically modified by the amendments contained herein, Chapter 199 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

## **Section 3. Numbering for Codification**

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

## **Section 4. Severability**

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

## **Section 5. Effective Date**

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

**City of Beacon Council Agenda**  
**3/5/2018**

**Title:**

**Resolution to adopt an agreement to exempt West End Lofts Housing Development from real property taxes to the extent authorized by Section 577 of the PHFL and approve a proposed PILOT Agreement between and among the City of Beacon, the Partnership and the HDFC**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution WEL PILOT	Resolution
WEL_PILOT agreement	Agreement

**CITY OF BEACON**

**CITY COUNCIL**

**REAL PROPERTY TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT  
UNDER SECTION 577 OF THE PRIVATE HOUSING FINANCE LAW -  
WEST END LOFTS HOUSING DEVELOPMENT FUND COMPANY, INC. AND  
WEST END LOFTS LIMITED PARTNERSHIP -**

**WEST END LOFTS PROJECT**

**(Lot 1 of West End Lofts Subdivision - Tax Parcel ID To Be Assigned)**

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

**WHEREAS**, the City of Beacon has been requested to consider the issuance of a tax exemption and corresponding Payment in Lieu of Taxes Agreement under the provisions of the Private Housing Finance Law of the State of New York ("PHFL") with regard to a portion of a proposed housing development known as "West End Lofts;" and

**WHEREAS**, the West End Lofts development includes three (3) multi-story buildings containing a total of ninety-eight (98) apartments on property located on Wolcott Avenue, which encompasses portions of City-owned, tax exempt property presently designated as Parcel ID Nos. 5954-26-688931 and 5954-26-708967; and

**WHEREAS**, the West End Lofts development is the subject of a two-lot subdivision application; and

**WHEREAS**, two of the buildings within the West End Lofts project will contain housing subject to income-testing requirements, for which funding will be obtained under the provisions of the PHFL (to be located on one of the two lots created through the aforementioned subdivision), and the third building will contain market rate housing (which will be located on the remaining lot); and

**WHEREAS**, the buildings housing income-restricted housing will be sited on the parcel designated as "Proposed Lot 1" on the map entitled "Preliminary Plat for West End Lofts" dated January 30, 2017 and last revised January 30, 2018, as approved by the Planning Board of the City of Beacon by Resolution of Amended Final Subdivision Approval and Amended Site Plan Approval for West End Lofts adopted on February 14, 2018 (the "Subject Parcel"); and

**WHEREAS**, the Subject Parcel will be the subject of a Tax Lot ID Number to be assigned upon the recording of the aforementioned subdivision plat;

**WHEREAS**, West End Lofts Housing Development Fund Company, Inc., a to-be- formed Article XI New York private housing finance law corporation and a New York not-for-profit corporation (the “HDFC”), and West End Lofts Limited Partnership, a New York limited partnership (the “Partnership”), have identified the Subject Parcel for the purpose of constructing a housing project for persons of restricted income, said project to consist of: (i) the acquisition of the Subject Parcel; (ii) the construction thereon of seventy-three (73) units of housing for persons of restricted income, including one superintendent’s unit, to be known as West End Lofts (the “Improvements”); and (iii) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the “Equipment”, and collectively with the Land and the Improvements, the “Project”); and

**WHEREAS**, the HDFC will be formed for the purpose of providing residential rental accommodations for persons of restricted income; and

**WHEREAS**, the HDFC will acquire fee title to the Subject Parcel, as nominee for the Partnership, and will convey its equitable and beneficial interests in the Subject Parcel to the Partnership in furtherance of the development of the Project; and

**WHEREAS**, the HDFC’s and the Partnership’s plan for the use of the Subject Parcel constitutes a “housing project” as that term is defined in the PHFL; and

**WHEREAS**, the HDFC is a “housing development fund company” as the term is defined in Section 572 of the PHFL; and

**WHEREAS**, Section 577 of the PHFL authorizes the City Council of the City of Beacon (the “City Council”), as the local legislative body of the City of Beacon, to exempt the Subject Parcel, as improved by the Project, from real property taxes; and

**WHEREAS**, the HDFC will be a co-general partner of the Partnership; and

**WHEREAS**, the Partnership and HDFC are willing to enter into a Payment In Lieu of Taxes Agreement (“PILOT Agreement”), whereby they will make annual payments in lieu of taxes to the City as set forth in a proposed PILOT Agreement presented to the City Council; and

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

**WHEREAS**, the Project advances this objective, and does so through the acquisition and use of municipally owned property that is currently tax exempt;

**NOW THEREFORE, BE IT RESOLVED** that the City hereby exempts the Subject Parcel and Project from real property taxes to the extent authorized by Section 577 of the PHFL and approves a proposed PILOT Agreement between and among the City of Beacon, the Partnership

and the HDFC, in substantially the same form presented at this meeting, subject to further review and approval by the City Attorney and City Administrator, providing for annual payments as set forth in such agreement; and

**BE IT FURTHER RESOLVED**, that the Mayor of the City is hereby authorized to execute and deliver the foregoing PILOT Agreement, in final form in accordance with this Resolution, on behalf of the City; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

Resolution No. _____ of 2018		Date: <u>2018</u>					
<input checked="" type="checkbox"/> Amendments		<input type="checkbox"/> 2/3 Required					
<input checked="" type="checkbox"/> Not on roll call.		<input type="checkbox"/> On roll call <input type="checkbox"/> 3/4 Required					
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy Casale					
<b>Motion Carried</b>							

**AGREEMENT FOR PAYMENT IN LIEU OF TAXES  
BETWEEN AND AMONG  
THE CITY OF BEACON, NEW YORK, WEST END LOFTS HOUSING  
DEVELOPMENT FUND COMPANY, INC. AND  
WEST END LOFTS LIMITED PARTNERSHIP**

**THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES** (the “PILOT Agreement” or “Agreement”), dated as of the \_\_\_\_ day of March, 2018, between and among the **CITY OF BEACON, NEW YORK**, a municipal corporation organized and existing under the laws of the State of New York, having its principal office located at Beacon City Hall, 1 Municipal Plaza, Beacon, New York 12508 (the “City”), **WEST END LOFTS HOUSING DEVELOPMENT FUND COMPANY, INC.**, a New York not-for-profit corporation and entity organized pursuant to Article XI of the Private Housing Finance Law of the State of New York, having its principal place of business at c/o Hudson River Housing, Inc., 313 Mill Street, Poughkeepsie, New York 12601 (the “HDFC”), which HDFC will hold title to the Property (as hereinafter defined) for the benefit of **WEST END LOFTS LIMITED PARTNERSHIP**, a New York limited partnership, having its principal office located at c/o The Kearney Realty & Development Group Inc., 34 Clayton Boulevard, Suite A, Baldwin Place, New York 10505 (the “Partnership”).

**WHEREAS**, the HDFC is the bare legal or record owner, and the Partnership is the beneficial and equitable owner, of certain real property located at 1117-1163 Wolcott Avenue, City of Beacon, County of Dutchess, and State of New York more particularly described in Exhibit A attached hereto and incorporated herein (the “Property”); and

**WHEREAS**, the Property consists of that tax parcel to be created by way of a certain subdivision of lands within the City of Beacon, and identified as “Proposed Lot 1” on the map entitled “Preliminary Plat for West End Lofts” dated January 30, 2017 and last revised January 30, 2018, a copy of which (in reduced size format) is attached hereto and incorporated herein as Exhibit B;

**WHEREAS**, the HDFC is a corporation established pursuant to Section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (“PHFL”); and

**WHEREAS**, the HDFC is the co-general partner of the Partnership; and

**WHEREAS**, the HDFC and the Partnership have each been formed for the purpose of providing residential rental accommodations for persons of low-income; and

**WHEREAS**, the Partnership will develop, own, construct, maintain and operate a housing project for persons of low income at the Property (the “Project”); and

**WHEREAS**, the HDFC’s and the Partnership’s plan for the use of the Property constitutes a “housing project” as that term is defined in the PHFL; and

**WHEREAS**, the HDFC is a “housing development fund company” as the term is defined in Section 572 of the PHFL; and

**WHEREAS**, pursuant to Section 577 of the PHFL, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in a completed project; and

**WHEREAS**, the City Council of the City of Beacon, New York (the “City Council”), being the local legislative body of the City, by Resolution No. \_\_\_\_ of 2018 duly adopted on March \_\_, 2018, exempted the Property from real property taxes, as authorized under Section 577 of the PHFL, and further approved and authorized the execution of this PILOT Agreement;

**NOW, THEREFORE**, it is agreed as follows:

1. Pursuant to Section 577 of the PHFL and Resolution No. \_\_\_\_ of 2018 adopted by the City Council on March \_\_, 2018, the City exempts from local and municipal taxes, other than assessments for local improvements, one hundred percent (100%) of the value of the Property, including both land and improvements. “Local and Municipal Taxes” shall mean any and all real estate taxes that may be levied by the County of Dutchess (the “County”), the City, the Beacon City School District (the “School District”) and/or any other taxing jurisdiction (collectively the “Taxing Jurisdictions”) upon the Property, other than as specified in Paragraph “2” below.

2. The tax exemption granted under Resolution No. \_\_\_\_ of 2018 and under this PILOT Agreement shall remain in effect for a period of thirty-two (32) years from date of the HDFC’s acquisition of the Property. This Agreement shall not limit or restrict the HDFC’s or Partnership’s right to apply for or obtain any other tax exemption to which it might be entitled upon the expiration of this Agreement. The parties understand that the exemption extended pursuant to Section 577 of the PHFL and this Agreement does not include an exemption from special assessments and/or special ad valorem levies. During the period of this Agreement, the Partnership shall pay any service charges, special ad valorem levies, special assessments and improvement district charges or similar tax equivalents which are or would be levied upon or with respect to the Property, as improved by the Project, by the Taxing Jurisdictions or any other taxing authority.

3. So long as the exemption remains in effect, the Partnership shall make annual payments in lieu of taxes (“PILOT”) in the amount specified and in accordance with the terms and provisions of this Agreement. The annual PILOT shall be applicable to a calendar year period (January 1<sup>st</sup> to December 31<sup>st</sup>), and shall be tendered in arrears in the following calendar year as specified in Paragraph “4” below. The first PILOT shall be due in the calendar year following the year in which a Certificate of Occupancy (or the equivalent thereof) is issued by the City authorizing the use and occupancy of the Project.

4. The annual PILOT shall be tendered by the Partnership to the Director of Finance of the City of Beacon (the “Finance Director”), or his or her designee, within thirty (30) days of the Partnership’s receipt of a PILOT bill to be issued to the Partnership on an annual basis by the City. The annual PILOT bill shall be issued by the City on or after March 1<sup>st</sup> of each calendar year during the term of this Agreement in which a PILOT is due and owing. Payments shall be mailed via First Class mail through the United States Postal Service or personally delivered to



the City of Beacon, Attention Director of Finance, 1 Municipal Plaza, Beacon, New York 12508, or such other address as the City may specify in writing.

5. The Finance Director shall, within sixty (60) days of receipt of the PILOT proceeds, distribute the PILOT proceeds to the Taxing Jurisdictions that could otherwise levy real property taxes upon the Property, but for the exemption. The Finance Director shall distribute the PILOT proceeds in due proportion to the amount of real property taxes that would have been levied by each of the Taxing Jurisdictions upon the Property in the year the PILOT proceeds are tendered. As an example of this apportionment, if a PILOT is tendered on April 1, 2020, it shall be proportionally allocated among the Taxing Jurisdictions based upon the tax rate applied in the School District's levy of 2019-20 school taxes and the City and County's levy of 2020 City and County taxes.

6. The initial PILOT to be paid by the Partnership shall be in the amount of One Hundred Seventy Thousand and 00/100 Dollars (\$170,000.00). The first PILOT tendered by the Partnership shall be prorated based upon the number of months in the prior calendar year in which the Certificate of Occupancy (or the equivalent thereof) authorizing use and occupancy of the Project was in effect (as an example, if the Certificate of Occupancy is issued in October, the first PILOT shall be prorated on a one-quarter basis to account for the three calendar months [October, November and December] in which the Certificate of Occupancy was in effect). The PILOT shall thereafter increase annually at the same percentage rate of increase, if any, in the annual cumulative rent attributable to the Project. Cumulative rent shall mean gross rental income that may be obtained from the Project, assuming one-hundred (100%) occupancy, without deduction for vacancy, credit loss or expenses attributable to the operation of the Project.

7. For purposes of ascertaining PILOT increases, if any, the Partnership shall, on or before February 1<sup>st</sup> of each calendar year following submission of the first PILOT, provide to the Finance Director, or his or her designee, an annual rent roll for the Project for the preceding calendar year (January 1<sup>st</sup> to December 31<sup>st</sup>) specifying the rent(s) charged for units comprising the Project during this time period. The first such rent roll shall be submitted on February 1<sup>st</sup> of the year following the first PILOT made by the Partnership in the amount of \$170,000.00 (or as may be prorated under Paragraph "6" above). Upon receipt of this rent roll, the Finance Director shall compute the percentage increase, if any, in the annual cumulative rent attributable to the Project. This percentage increase, if any, shall then determine the amount of the annual PILOT to be billed to and paid by the Partnership. Any increase to the annual PILOT shall be set forth in the annual bill to be issued by the City under Paragraph 4" above. The Partnership shall have the same rights to contest any increase and the underlying computation as does a taxpayer contesting an annual assessment.

8. The amount of the PILOT shall never be less than \$170,000.00. In the event of a decrease in the cumulative rent attributable to the Project, the PILOT shall remain in the same amount paid by the Partnership in the preceding year.

9. So long as the tax exemption remains in effect, tenant rental charges for the Project shall not exceed the maximum established or allowed by law, rule or regulation, and the Property and Project shall be operated in conformance with the provisions of Article XI of PHFL.

10. The tax exemption provided by this Agreement will continue for the term described above provided that (a) the Property and Project continue to be used as housing facilities for persons of low-income in accordance with the income and rent limitations attached hereto and incorporated herein as Exhibit C, and (b) any of the following occur (i) the HDFC and the Partnership operate the Property in conformance with Article XI of the PHFL; or (ii) the HDFC assumes sole legal and beneficial ownership of the Property and operates the Property in conformance with Article XI of the PHFL; or (iii) in the event an action is brought to foreclose a mortgage upon the HDFC, and the legal and beneficial interest in the Project shall be acquired at the foreclosure sale or from the mortgagee, or by a conveyance in lieu of such sale, by a housing development fund corporation organized pursuant to Article XI of the PHFL, or by the Federal government or an instrumentality thereof, or by a corporation which is, or by agreement has become subject to the supervision of the superintendent of banks or the superintendent of insurance, such successor in interest, such successor in interest shall operate the property in conformance with Article XI of the PHFL.

11. The failure to make any PILOT in accordance with the terms of this Agreement shall be deemed a failure to make payment of real property taxes and will be governed by the same provisions of law as apply to the failure to make payment of such taxes, including but not limited to the enforcement and collection of taxes to the extent permitted by law. This includes the imposition of any additional late payment charge(s) in the full amount permitted by law, as well as the imposition of interest on any unpaid PILOT that shall accrue at the interest rate authorized by law with regard to unpaid real property taxes levied within the City and County.

12. In addition to failure to pay any PILOT when due, HDFC and the Partnership shall be in default of this Agreement in the event of material failure to observe and perform any other covenant, condition of agreement on its part to be observed and performed hereunder, which breach or default is not cured within thirty (30) days of the HDFC and Partnership's receipt of written notice specifying the nature of such breach or default and requesting that it be remedied; provided, however, that if efforts to cure a non-monetary breach are commenced within such thirty (30) day period and are thereafter diligently prosecuted to completion, such period shall be extended for a period of time not to exceed three (3) months; or in the event any warranty, representation or other statement by or on behalf of HDFC or the Partnership contained in this Agreement shall prove to have been false or untrue in any material respect on the date when made or on the effective date of this Agreement. Any notice issued under this Paragraph "12" shall also be issued contemporaneously to CPC Funding SPE 1 LLC, NYS Homes and Community Renewal and Raymond James Tax Credit Funds, Inc., their respective successors and/or assigns, in the manner and at the addresses specified in Paragraph "16" below. Whenever any event of default under this Agreement shall have occurred and be continuing, the City shall have the following remedies: (a) it may terminate this Agreement and exercise all of the rights and remedies available for failure to pay property taxes as and when due had this Agreement not been in effect and/or (b) it may take whatever action at law or in equity as may appear necessary or desirable to collect the amount then in default or to enforce the performance and observance of the obligations, agreements and covenants of HDFC and the Partnership under this Agreement, and the Partnership shall further pay the reasonable fees and disbursements of such attorneys as the City shall engage for the enforcement of performance or observance of any obligation, covenant or agreement on the part of HDFC and the Partnership and all other expenses, costs and disbursements so incurred.

13. No remedy herein conferred reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

14. No delay or omission in exercising any remedy shall impair any such remedy or construed to be a waiver thereof. It shall not be necessary to give any notice other than as expressly required under this Agreement. In the event any provision contained in this Agreement should be breached and thereafter duly waived by the party or parties so empowered to act, such waiver shall be limited to the particular breach so waived and shall not be deemed to be a waiver of any other breach hereunder.

15. It is acknowledged and agreed that the School District and County are third-party beneficiaries of this Agreement and thereby entitled to the rights and benefits of its terms and, accordingly, may enforce the provisions of this Agreement as if they are parties hereto, and obtain the same remedies against the Partnership and HDPC as afforded the City under the terms of this Agreement.

16. All notices and other communications hereunder, with the exception of the annual PILOT bill to be issued under Paragraph "4" above, shall be in writing and shall be sufficiently given when delivered by registered or certified mail, return receipt requested or by such other means as shall provide the sender with documentary evidence of such delivery, to the following:

To The City of Beacon, New York:

City Administrator  
City of Beacon  
Beacon City Hall  
1 Municipal Plaza  
Beacon, New York 12508

To West End Lofts Housing Development Fund Col, Inc.:

c/o Hudson River Housing, Inc.  
313 Mill Street  
Poughkeepsie, New York 12601

To West End Lofts Limited Partnership:

c/o The Kearney Realty &. Development Group Inc.  
34 Clayton Boulevard, Suite A  
Baldwin Place, New York 10505

To CPC Funding SPE 1 LLC:

CPC Funding SPE 1 LLC  
28 East 28<sup>th</sup> Street  
New York, New York 10016-7943

To NYS Homes and Community Renewal:

NYS Homes and Community Renewal  
38-40 State Street  
6<sup>th</sup> Floor, Hampton Plaza  
Albany, New York 12203

To Raymond James Tax Credit Funds, Inc.:

Raymond James Tax Credit Funds, Inc.  
535 Madison Avenue, 9<sup>th</sup> Floor  
New York, New York 10022

Notices shall be issued to the successors and/or assigns of any of the above-listed entities, at addresses specified in writing to all parties to this Agreement pursuant to the notice provisions of this Paragraph "16."

17. This Agreement shall inure to the benefit of and shall be binding upon the City, the Partnership and the HDFC and their respective successors and assigns, including the successors in interest of the Partnership and the HDFC. There shall be no assignment of this Agreement except with consent of the other party, which consent shall not be unreasonably withheld, provided that the assignee or its general partner shall be a housing development fund company subject to Article XI of the PHFL, the assignee shall have assumed the obligations of this Agreement in writing reasonably satisfactory to the City, and the assignee shall have provided such financial and other information as shall be reasonably requested by the City in order to assure the proper completion and operation of the housing project and the compliance with the terms of this Agreement and all applicable laws, regulations and covenants.

18. If any provision of this Agreement or its application is held invalid or unenforceable to any extent, the remainder of this Agreement and the application of that provision to other persons or circumstances shall be enforced to the greatest extent permitted by law.

19. It is acknowledged and agreed that this Agreement is a mutual undertaking of counsel for all parties and, accordingly, to the extent any ambiguity exists with respect to the terms and conditions stated herein, such terms and conditions shall not be automatically construed against any party hereto.

20. This Agreement may be executed in any number of counterparts with the same effect as if all the signing parties had signed the same document. All counterparts shall be construed together and shall constitute the same instrument.

21. This Agreement constitutes the entire agreement of the parties relating to payments in lieu of taxes with respect to the above-described property and supersedes all prior contracts, or agreements, whether oral or written, with respect thereto.

22. This Agreement may only be supplemented, amended or modified upon the mutual agreement of the parties hereto. No such supplement, amendment or modification shall

take effect and be binding except in written form signed by the parties.

23. Each of the parties individually represents and warrants that the execution, delivery and performance of this Agreement, (i) has been duly authorized by proper action of its governing body and does not require any other consent or approval for the execution thereof by such municipality, (ii) does not violate any law, rule, regulation, order, writ, judgment or decree by which it is bound, and (iii) will not result in or constitute a default under any agreement or instrument to which it is a party. Each such party represents that this Agreement shall constitute the legal, valid and binding agreement of such party enforceable in accordance with its terms.

24. The Partnership and HDFC jointly and severally make the following representations, warranties and covenants:

(i) Each of the HDFC, a “housing development fund company” under Article XI of the PHFL, and the Partnership is organized, validly existing and in good standing under the laws of the State of New York and is authorized under the laws of the State of New York to do business in the State, has the power to enter into this Agreement and to perform the transactions contemplated hereby and its obligations hereunder and by proper action has duly authorized the execution and delivery of this Agreement and the performance of its obligations hereunder, and the execution, delivery and performance of this Agreement does not require any other consent or approval. This Agreement shall constitute the legal, valid and binding agreement of HDFC and the Partnership enforceable in accordance with its terms.

(ii) Neither the Partnership nor HDFC is in default under, or in violation of, any indenture, mortgage, declaration, lien, lease, contract, note, order, judgment, decree or other instrument of any kind to which any of its assets are subject, and the execution, delivery and compliance by the Partnership or HDFC with the terms and conditions of this Agreement do not and will not conflict with or constitute or result in a default by the Partnership or HDFC in any material respect under or violation of, (1) the entity’s organizational documents, (2) any agreement or other instrument to which such entity is a party or by which, to such entity’s knowledge, it is bound, or (3) any constitutional or statutory provision or order, rule, regulation, decree or ordinance of any court, government or governmental authority having jurisdiction over the Partnership or HDFC or its property, and no event has occurred and is continuing which, with the lapse of time or the giving of notice, or both, would constitute or result in such a default or violation.

(iii) The Partnership has provided to the City true and complete financial information with respect to the Property, including without limitation project costs, financing sources, rents and income limitations.

(iv) The Partnership covenants and agrees to operate the Property in accordance with all applicable rules and regulations of Article XI of the PFHL, including without limitation applicable rent limits and income limits and in accordance with the plan attached hereto as Exhibit C.

(v) The Partnership covenants and agrees to provide to the City any information or documents reasonably requested in writing by the City in order to provide any federal,

state or local entity with information or reports required under any applicable law, rule or regulation.

25. The City shall file a copy of the fully executed Agreement with the City Assessor. The Partnership shall be responsible for taking such actions as may be necessary to ensure that the Property shall be assessed as exempt upon the assessment rolls of the respective Taxing Jurisdictions, including without limitation ensuring that any required exemption form shall be filed with the appropriate officer or officers of each respective Taxing Jurisdiction. Such exemption shall be effective as of the first taxable status date of the applicable Taxing Jurisdiction following the date of this Agreement, provided that the Partnership shall timely file any requisite exemption forms.

26. This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

*Remainder of page intentionally left blank.*

IN WITNESS WHEREOF, the City, the HDFC and the Partnership have caused this Agreement to be executed in their respective names by their duly authorized representatives and their respective seals to be hereunder affixed, all as of the date above-written.

DATED: \_\_\_\_\_, 2018

CITY OF BEACON, NEW YORK

By: \_\_\_\_\_  
Name: Hon. Randy Casale  
Title: Mayor

DATED: \_\_\_\_\_, 2018

WEST END LOFTS HOUSING  
DEVELOPMENT FUND COMPANY, INC.

By: \_\_\_\_\_  
Name: Christa Hines  
Title: Treasurer

DATED: \_\_\_\_\_, 2018

WEST END LOFTS LIMITED PARTNERSHIP

By: West End Lofts Associates, LLC,  
its managing general partner

By: \_\_\_\_\_  
Name: Kenneth Kearney  
Title: Manager

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

On the \_\_\_\_ day of \_\_\_\_\_, in the year 2018, before me personally appeared Randy Casale, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

---

NOTARY PUBLIC

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

On the \_\_\_\_ day of \_\_\_\_\_, in the year 2018, before me personally appeared Christa Hines, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

---

NOTARY PUBLIC

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

On the \_\_\_\_ day of \_\_\_\_\_, in the year 2018, before me personally appeared Kenneth Kearney, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

---

NOTARY PUBLIC



## EXHIBIT A

**[Insert Meters/Bounds Legal Description]**

## EXHIBIT B

**[Insert Reduced Size Preliminary Plat – West End Lofts]**

## EXHIBIT C

Project Plan: West End Lofts

Property: 1117-1163 Wolcott Avenue

Fifty (50) units of residential, rental restricted income housing, meeting the income limits in accordance with HCR regulations applicable for federal low income housing tax credit (“LIHTC”) and housing trust fund projects, and not exceeding 60% of area median income (“AMI”).

Three (3) units of residential rental low income housing, meeting the income limits in accordance with HCR regulations applicable for state low income housing tax credit (“SLIHTC”) and housing trust fund projects, not exceeding 90% of AMI, which shall initially not exceed 73% of AMI subject to future modification in accordance with applicable law, including the Beacon City Code.

Nineteen (19) units above 90% of residential rental housing pursuant to the Middle Income Housing Program.

One (1) superintendent’s unit.

Subject to the above, with respect to the 50 LIHTC units, rents will be limited to 30% of the percentage of the AMI limit specified by HCR in accordance with LIHTC and SLIHTC program requirements. Income and rent limits will be applicable for the full term of the PILOT Agreement in accordance with the LIHTC and SLIHTC regulatory agreement.

**City of Beacon Council Agenda**  
**3/5/2018**

**Title:**

**Resolution to adopt a local law to amend Chapter 106, Article I of Code of the City of Beacon to amend the Sustainable Energy Loan Program in the City of Beacon**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Sustainable Loan Program	Resolution



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_\_ OF 2018**

**A RESOLUTION TO ADOPT A LOCAL LAW TO AMEND CHAPTER 106, ARTICLE I OF THE CODE OF  
THE CITY OF BEACON**

**BE IT RESOLVED**, that the Beacon City Council hereby adopts a local law to amend Chapter 106, Article I of Code of the City of Beacon to amend the Sustainable Energy Loan Program in the City of Beacon

<b>Resolution No. _____ of 2018</b>								<b>Date: <u>2018</u></b>	
<input type="checkbox"/> Amendments								<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> Not on roll call								<input type="checkbox"/> 3/4 Required	
<input type="checkbox"/> On roll call									
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent		
		Terry Nelson							
		Jodi McCredo							
		George Mansfield							
		Lee Kyriacou							
		John Rembert							
		Amber Grant							
		Mayor Randy J. Casale							
<b>Motion Carried</b>									

**City of Beacon Council Agenda**  
**3/5/2018**

**Title:**

**Resolution to adopt local law to amend Chapter 204 of the Code of the City of Beacon, concerning Tree Preservation and Tree Removal**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Tree Preservation	Resolution



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_\_ OF 2018**

**A RESOLUTION TO ADOPT A LOCAL LAW TO AMEND CHAPTER 204 OF THE CODE OF THE CITY  
OF BEACON**

**BE IT RESOLVED**, that the Beacon City Council hereby adopts a local law to amend Chapter 204 of Code of the City of Beacon, concerning Tree Preservation and Tree Removal

<b>Resolution No. _____ of 2018</b>								<b>Date: <u>2018</u></b>	
<input type="checkbox"/> Amendments								<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> Not on roll call								<input type="checkbox"/> 3/4 Required	
<input type="checkbox"/> On roll call									
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent		
		Terry Nelson							
		Jodi McCredo							
		George Mansfield							
		Lee Kyriacou							
		John Rembert							
		Amber Grant							
		Mayor Randy J. Casale							
<b>Motion Carried</b>									

**City of Beacon Council Agenda**  
**3/5/2018**

**Title:**

**Resolution to Adopt National Day of Action**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution National Day of Action	Resolution
National Day of Action	Backup Material



**CITY OF BEACON**

**CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ OF 2018**

**A RESOLUTION TO JOIN THE NATIONAL DAY OF ACTION ON APRIL 20 TO PROTECT STUDENTS AGAINST GUN VIOLENCE**

**WHEREAS**, on April 20, 2018, the Network for Public Education has organized a National Day of Action Against Gun Violence in Schools to encourage school communities to engage in acts of protest around their schools to demonstrate the school and the local community's determination to keep students safe; and

**WHEREAS**, April 20 is the anniversary date of the shootings at Columbine High School in 1999. Since Columbine, 129 people have been killed in school shootings, including the 17 students and educators who were murdered in February, 2018 at the Marjory Stoneman Douglas High School in Parkland, Florida; and

**WHEREAS**, the City is committed to ensuring that schools in Beacon remain a sanctuary for teaching and learning, and a safe, nurturing environmental for all; and

**WHEREAS**, the City supports legislation, regulation, and public policy intended to reduce gun violence; and

**WHEREAS**, the City supports community action to send a message to elected state and federal government officials to pass tougher guns laws.

**NOW, THEREFORE, BE IT RESOLVED**, that the Beacon City Council hereby declares April 20, 2018 as a National Day of Action; and

**BE IT FURTHER RESOLVED**, that the Beacon City Council calls upon the state and federal governments to enact stricter controls governing the sale, possession and distribution of firearms and other dangerous weapons; and

**BE IT FURTHER RESOLVED**, that such stricter controls should include:

- Legislation to raise the age to purchase a firearm to 21.
- Legislation banning bump stocks.
- Legislation prohibiting the sale, production and importation of assault weapons and large capacity magazines.



- Legislation to prevent certain individuals with mental health conditions from buying firearms, in conjunction with legislation, regulations or public policies that encourage mental health evaluations, including ongoing mental and behavioral health support for students identified as being of imminent threat to themselves or others, and enhanced student access to mental health supports in schools and communities.

**BE IT FURTHER RESOLVED**, that the City shall send a copy of this Resolution to New York State Senator Sue Serino and Assemblyman Frank Skartados, and United States Representative Sean Patrick Maloney and United States Senators Kirsten Gillibrand and Charles Schumer.

Resolution No. _____ of 2018		Date: <u>2018</u>					
<input type="checkbox"/> Amendments		<input type="checkbox"/> 2/3 Required					
<input type="checkbox"/> Not on roll call.		<input type="checkbox"/> On roll call <input type="checkbox"/> 3/4 Required					
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy Casale					
<b>Motion Carried</b>							



**We are many.  
There is power in  
our numbers.  
Together we will  
save our schools.**

## **National Day of Action Against Gun Violence in Schools**



**NATIONAL DAY OF ACTION  
AGAINST GUN VIOLENCE IN SCHOOLS**

**APRIL 20, 2018**



I pledge to join the National Day of Action on April 20 to Protect Students Against Gun Violence. April 20 is the anniversary date of the shootings at Columbine High School. I will urge my friends, family, and neighbors to join the Day of Action as well. The failure to enact rational laws around the purchase of guns that are designed for mass shootings is inexcusable. The time to act is now. Every child deserves to learn in a school that is safe.

**City of Beacon Council Agenda**  
**3/5/2018**

**Title:**

**Approval of Minutes from February 5, 2018**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description

Minutes\_February\_5\_2018

Type

Minutes

**Regular Meeting**

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on January 16, 2018 at 7:00 PM. Please note that the video recording of this meeting is available at [www.cityofbeacon.org](http://www.cityofbeacon.org).

**Council Members Present:**

Lee Kyriacou, At Large  
George Mansfield, At Large  
Terry Nelson, Ward One  
John Rembert, Ward Two  
Jodi McCredo, Ward Three  
Amber Grant, Ward Four  
Randy Casale, Mayor

**Also Present:**

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

**Council Members Absent/Excused:**

*A moment of silence was observed for those who serve and have served in the United States military.*

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

**Speakers:**

Samantha Britton  
Rob Lieblein  
Pat Kelleher  
Fred McVicker  
Elaine Ciaccio  
Arthur Camins  
Perry Pendleton  
Barbara McCaskill  
Lisa Marie Alvarez

**Community Segment**

- **Recognition of 25 and 50 year Volunteer Firefighters**
- **Energize NY**

**Presentations:****Resolution confirming the appointment of Jerry Landisi to the City of Beacon Board of Ethics**

Motion by Councilmember Mansfield, second by Councilmember McCredo  
7-0, motion carried.

**Resolution confirming the appointment of Matthew Dubetsky to the City of Beacon Parking and Traffic Safety Committee**

Motion by Councilmember Nelson, second by Councilmember Mansfield  
7-0, motion carried

**Resolution confirming the appointment of Ali Muhammad to the City of Beacon Human Relations Committee**

Motion by Councilmember Rembert second by Councilmember Nelson  
7-0, motion carried

**Resolution confirming the appointment of Nicholas Durso as Laborer in the Highway Department**

Motion by Councilmember McCredo, second by Councilmember Rembert  
7-0, motion carried

**Resolution confirming the appointment of Bryan Conti as Maintenance Helper in the Water and Sewer Department**

Motion by Councilmember Nelson, second by Councilperson McCredo  
7-0, motion carried

**Resolution confirming the ratification of status change of Terry Davis of the Mase Hook and Ladder Company**

Motion by Councilmember Mansfield, second by Councilmember McCredo  
7-0, motion carried

**Resolution appointing Chief of Police on a provisional basis**

Motion by Councilmember Mansfield, second by Councilmember Kyriacou  
7-0, motion carried

**Resolution appointing Police Captain on a provisional basis**

Motion by Councilmember Rembert, second by Councilmember McCredo  
7-0 motion carried

**Council Member Reports:**

**Amber Grant:** Reported on Green St Park vandalization. Thanked Anthony, Park and Police Departments for their speedy response. Community supports a community mural. Read letter from Noah Spodek encouraging Council and City to consider composting/zero waste recycling.

**John Rembert:** Warned public about the spread of flu and encouraged everyone to be mindful of spreading germs.

**Lee Kyriacou:** No report.

**George Mansfield:** Reported on Chevron-Texaco development meetings – there is a draft final report based on public input that should be available in approximately 2 months.

**Jodi McCredo:** Reported on people travelling in the wrong direction on Leonard and traffic issues on Grove Street.

**Terry Nelson:** Reported on traffic issues on Mackin Ave – with left-hand turns onto Mackin happening at high rates of speed. Also issues at Verplank and Cross with limited visibility when travelling North on Cross.

**Mayor Randy Casale:** Attended Opioid Forum on 1/20. Reported that the Beacon Police and Fire Departments saved a life the past weekend using Narcan. Reported the City of Beacon was awarded \$160K through a Community Development Block Grant to address sidewalk on Hubert to Fishkill Ave. Read a statement announcing National Salute to Veteran's week. Statement entered into record.

**Anthony Ruggiero:** Read an update from the Water Department which has been entered into record. Shared update following HVEA presentation – the "Abbey Road" style crosswalk would work and stay within the budget.

**Resolutions, Ordinances and Local Laws:****1. Resolution granting waiver to provide affordable workforce housing**

- \* Motion by Councilmember Grant, second by Councilmember Nelson
- \* 7-0, motion carried.

**2. Resolution authorizing settlement with Cornerstone Restoration for certain repairs to the City of Beacon Fire Station**

- \* Motion by Councilmember Mansfield, second by Councilmember Nelson
- \* 7-0, motion carried

**3. Resolution Authorizing Entering into Subordination Agreement 6 State**

- \* Motion by Councilmember Rembert second by Councilmember Mansfield
- \* All in favor, motion carried

**4. Resolution ratifying the memorandum of agreement between the IAFF and the City of Beacon**

- \* Motion by Councilmember Nelson, second by Councilmember Rembert
- \* 7-0, motion carried

**5. Resolution approving budget amendments**

- \* Motion by Councilmember McCredo, second by Councilmember Rembert
  - \* 7-0, motion carried

### **Approval of Minutes**

Minutes from January 16, 2018

- \* Motion by Councilmember Nelson, second by Councilmember McCredo

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

#### **Speakers:**

Anthony Tseng  
Arthur Camins  
Dan Aymar-Blair  
Theresa Kraft  
Lisa Marie Martinez  
Josh McKible

### **Adjournment:**

- \* Motion by Councilmember McCredo, second by Councilmember Grant
  - \* All in favor, motion carried

Next Workshop: \*\*Tuesday February 13, 2018 at 7:00 PM

Next Meeting: \*\*Tuesday February 20, 2018 at 7:00 PM

*\*\*due to Monday holidays*

**City of Beacon Council Agenda**  
**3/5/2018**

**Title:**

**Approval of Minutes from February 20, 2018**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description

Minutes\_February\_20\_2018

Type

Minutes



**Regular Meeting**

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on January 16, 2018 at 7:00 PM. Please note that the video recording of this meeting is available at [www.cityofbeacon.org](http://www.cityofbeacon.org).

**Council Members Present:**

Lee Kyriacou, At Large  
George Mansfield, At Large  
Terry Nelson, Ward One  
John Rembert, Ward Two  
Jodi McCredo, Ward Three  
Amber Grant, Ward Four  
Randy Casale, Mayor

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

Anthony Ruggiero, City Administrator  
City Attorney  
County Legislator, Nick Page

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

*A moment of silence was observed for those who serve and have served in the United States military and for all those affected by the shooting in Florida.*

**Speakers:**

Paul Yeaple  
Samantha Britton  
Dennis Pavelock  
Arthur Camins  
Dan Searles

**Community Segment**

- **Beacon Nutrition Advisory Committee**
- **Jimmy Malcolm - Sisters in the Brotherhood Pre-Apprenticeship Program**

**Public Hearings:**

- **Public Hearing to receive public comment on a proposed Local Law to amend Chapter 223 of the Code of the City of Beacon concerning the Fishkill Creek Development District (FCDD)**  
**Speakers:**  
**Theresa Kraft**
  - > **Motion to close Public Hearing by Councilperson Nelson, second by Councilperson Rembert**
    - **All in favor, motion passed**
- **Public Hearing to receive public comment on a proposed Local Law to amend Chapter 223 of the Code of the City of Beacon concerning Public Notice Signs**  
**Speakers:**

None

- > **Motion to close Public Hearing by Councilperson McCredo, second by Councilperson Grant**
  - o **All in favor, motion passed**

#### **Council Member Reports:**

**Amber Grant:** Reported on Green St Park vandalization. Thanked Anthony, Mark and Nate for discussion on Green St Park vandalization. Some work has been done, more to come when weather allows.

**John Rembert:** No report. Recognized Dylan Stackhouse who is a student working on a project for school and wanted to come to the Council meeting.

**Lee Kyriacou:** Looking forward to zoning discussions.

**George Mansfield:** Discussed division occurring in the country online and reflected on a local gathering of community to support a family in time of need. Encouraged community to focus on the things that unite us and importance of compromise.

**Jodi McCredo:** Addressed issues facing current Council, disputed assertion of a leak on Council. Reminded public of her commitment to listening to everyone. Assured public of extensive discussion and research on issues during workshops and on own time – votes are not “rubber stamped”. Recognized Noah Corey for his establishment of 5K fundraiser for families dealing with cancer. “Let it Shine, the American Civil Rights Movement” Thursday night at the Beacon High School at 6:30 and the following evening at 7 the Harlem Wizards vs Beacon staff and teachers.

**Terry Nelson:** Congratulated Rick Rogers who was named President of Beacon Arts.

**Nick Page:** Reflected on the Florida gun shooting and laws being considered to combat gun violence. Dutchess County jail named one of the most problematic in NYS. Overcrowding is an issue. Medical care has also been an issue, County will be issuing RFP for replacement for private medical care company. Local law coming before legislature proposing to raise legal age for nicotine use from 18 to 21.

**Mayor Randy Casale:** Reminded everyone about the “No Knock” list. Advised people interested to call the City Clerk to get on the list and to always ask anyone who knocks if they have a permit. Should there be any difficulties, alert the Beacon Police Department. Thanked the first responders for their work on the fire at 98 Rombout Avenue. Wished the victims well and shared that there is a Go Fund Me on Facebook for the families affected.

**Anthony Ruggiero:** Read an update from the Water Department – all three reservoirs are above drought limit. SCADA system update is almost complete. Gave update on Verizon FiOS – Verizon is not building out the system any longer. It is not the City preventing them from coming to Beacon.

#### **Resolutions, Ordinances and Local Laws:**

1. **Resolution to adopt a local law to amend Chapter 223, Section 41.14, Subsection A of the Code of the City of Beacon, concerning Bulk Regulations in the Fishkill Creek Development District (FCDD)**
  - Motion by Councilmember Mansfield, second by Councilmember Rembert
    - 7-0, motion carried
2. **Resolution to adopt a local law to amend Chapter 223, Section 61.3 to the Code of the City of Beacon, concerning Public Notice Signs**
  - Motion by Councilmember McCredo, second by Councilmember Rembert
    - 7-0, motion carried
3. **Resolution to schedule a public hearing for March 5, 2018 to receive public comment on a proposed local law to amend Chapter 106 of the Code of the City of Beacon to amend the Sustainable Energy Loan Program in the City of Beacon**
  - Motion by Councilperson McCredo, second by Councilperson Nelson
    - All in favor, motion carried

4. **Resolution to schedule a public hearing for March 5, 2018 to receive public comment on a proposed local law to add Chapter 202 to the Code of the City of Beacon and amend Chapter 204 of the Code of the City of Beacon, concerning Tree Preservation and Tree Removal**
  - Motion by Councilmember Nelson, second by Councilmember Rembert
    - All in favor, motion carried
5. **Resolution to schedule a public hearing for March 19, 2018 to receive public comment on a proposed local law to amend Chapter 134 and Chapter 223, Section 24.7 of the Code of the City of Beacon Historic Preservation**
  - Motion by Councilperson Grant, second by Councilperson Nelson
    - All in favor, motion carried
6. **Resolution to schedule a public hearing for April 2, 2018 to receive public comment on a proposed local law to create section 223-26.4 of the Code of the City of Beacon concerning Short-term Rentals**
  - Motion by Councilperson McCredo, second by Councilperson Mansfield
    - All in favor, motion carried
7. **Resolution authorizing settlement of Iannarrelli tax certiorari, 2 Williams Street**
  - Motion by Councilperson Nelson, second by Councilperson Rembert
    - 7-0, motion carried

#### **Approval of Minutes**

Minutes from February 5, 2018

- Motion to table due to errors in the minutes by Councilperson McCredo, second by Councilperson Rembert
  - All in favor, motion carried

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

#### **Speakers:**

Tina Bernstein  
Theresa Kraft  
April Farley

#### **Adjournment:**

- Motion by Councilperson McCredo, second by Councilperson Mansfield
  - All in favor, motion carried

**Next Workshop:** February 26, 2018

**Next Meeting:** March 5, 2018