



**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

May 6, 2019  
12:00 AM  
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 on Proposed Local Law to Delete Chapter 183 and Amend Chapter 223 Sections 15 and 63 of the Code of the City of Beacon Regarding the Sign Law
- Public Hearing Regarding Verizon Wireless Facility at 110 Howland Avenue

**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 Authorizing the Appointment of a Water Department Working Supervisor
2. Resolution to Declare Fairview Tank Replacement Project a Type II Action Under SEQR
3. Resolution Adopting Bond Ordinance Dated May 6, 2019, Authorizing the Issuance of up to \$2,187,468 Aggregate Principal Amount Serial Bonds of the City of Beacon, County of Dutchess, State of New York, Pursuant to the Local Finance Law, to Finance the Costs of the Construction, Reconstruction and Improvement to the Water System, in and for the City
4. Resolution Authorizing the City of Beacon to Enter into a Contract with the International Council for Local Environmental Initiatives (ICLEI) Regarding Green House Gas Emissions Inventory Services
5. Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs of a Transportation Federal-Aid Project, and Appropriating Funds Therefore (Regarding Teller Avenue)
6. Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore (Regarding Fishkill Avenue)
7. Resolution Calling on the State Legislature to Pass, and the Governor to Sign, the "Protect Our Courts Act" (A.2176 / S.425)
8. Resolution Awarding Contract to Sun Up Construction for the Main Street Improvements Project
9. Resolution Approving the City of Beacon's Farmers Market and the Execution of a License Agreement

**Approval of Minutes:**

- City Council Meeting Minutes April 15, 2019

**2nd Opportunity for Public Comments:**

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

**Executive Session:**

1. Real Estate

**Adjournment:**

**City of Beacon Council Agenda**  
**5/6/2019**

**Title:**

**Public Hearing on Proposed Local Law to Delete Chapter 183 and Amend Chapter 223 Sections 15 and 63 of the Code of the City of Beacon Regarding the Sign Law**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
City of Beacon Signs Local Law	Local Law
Updated Chart for Signs Local Law	Backup Material
Dutchess County Planning and Development Memorandum Regarding Signs Local Law	Cover Memo/Letter
City of Beacon Planning Board Memorandum Regarding Signs Local Law	Cover Memo/Letter

**DRAFT LOCAL LAW NO. \_\_\_\_ OF 2019**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW TO  
DELETE CHAPTER 183 AND AMEND  
CHAPTER 223 SECTIONS 15 AND 63 OF THE  
CODE OF THE CITY OF BEACON**

A LOCAL LAW to delete Chapter 183 entitled “Signs” and to amend Chapter 223 Sections 15 and 63 of Code of the City of Beacon, concerning sign regulations in the City of Beacon.

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

**Section 1.** Chapter 134, Section 6 of the Code of the City of Beacon entitled “Certificate of Appropriateness” is hereby amended as follows:

§ 134-6 Certificate of appropriateness.

No person shall carry out any exterior alteration of a landmark or property within an historic district without first obtaining a certificate of appropriateness from the Planning Board or a certificate of economic hardship from the Zoning Board. No certificate of appropriateness is needed for changes to interior spaces, unless they are open to the public, to architectural features that are not visible from a public street or way, public property or public building, or for the installation of a temporary sign as described in § ~~223-15F-15K~~ of the Zoning Ordinance of the City of Beacon if located in a nonresidential district. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within an historic district which does not involve a change in design, material or outward appearance.

**Section 2.** Chapter 183 of the Code of the City of Beacon entitled “Signs” is hereby deleted in its entirety.



**Section 3.** Chapter 223, Section 63 of the Code of the City of Beacon entitled “Definitions” is hereby amended to add the following definitions:

### **SIGN**

Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out of doors, or on the exterior of any building, including window signs located within 18 inches of the window surface and intended to be viewed from the exterior of the building, displaying an advertisement, announcement notice or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, fluttering devices or projecting signs, and shall include any declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business or cause when the same is placed in view of the general public.

~~Any structure or part thereof, or any device attached thereto or painted thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, work, model, banner, emblem, light, device, trademark or other representation used as an announcement, designation, direction, display or advertisement of any person, firm, group, organization, commodity, service, profession or enterprise when placed in such manner that it provides visual communication to the general public out of doors, but not including the following:~~

- ~~A. Signs maintained or required to be maintained by law or governmental order.~~
- ~~B. The flag or insignia of any government or governmental agency.~~
- ~~C. The flag of any civic, political, charitable, religious, fraternal or similar organization, which is hung on a flagpole or mast.~~
- ~~D. Religious or other seasonal holiday decorations which do not contain commercial lettering, wording, designs, symbols or other devices.~~

### **SIGN AREA**

Where a sign consists of a single board or face with information on one or both sides, the area which results by including the outside dimensions of such sign, not including the vertical, horizontal or diagonal supports which may affix the sign to the ground or to a structure or building unless such supports are evidently designed to be part of the sign as defined herein. Where a sign consists of several individual faces, the area shall be the total of the area of all such faces which can be observed from any one point. Where the sign consists of individual letters or symbols attached to or painted on any building, window, or part thereof, the area shall be considered to be that of the smallest basic geometric shape (rectangle, triangle or circle) which encompasses all of the letters, symbols and/or any background of a different color than the color of the building.

### **SIGN, AWNING**

Any visual message incorporated in an awning attached to a building. This sign type does not include canopies over gas pumps.

**SIGN, BANNER**

Any sign constructed of fabric or other flexible material. Flags are not considered banner signs.

**SIGN, BILLBOARD OR OTHER OFF-PREMISES COMMERCIAL SIGN**

Any sign, other than an exempt sign, which advertises or otherwise directs attention to a business, commodity, service, industry or other activity which is not, or is only incidentally, sold, offered or conducted at the real property at which such sign is located.

**SIGN, FREESTANDING**

Any sign independent of any building but permanently affixed, by any other means, to the ground.

**SIGN, LAWN**

Temporary freestanding signs placed or inserted into the ground.

**SIGN, PROJECTING**

Any sign which is attached perpendicular to a building or other structure and extends 12 inches beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

**SIGN, ROOF**

A sign erected on a roof or extending in height above the cornice or projecting eave of the roofline of the building on which the sign is erected.

**SIGN, SANDWICH BOARD**

A two-sided hinged sign, portable in nature and capable of standing without support or attachment. The area of a sandwich board sign shall be the total area of one face of the sandwich board sign.

**SIGN, TEMPORARY**

A banner, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the Building Inspector, or his or her designee, to be displayed for a limited period of time of no more than four months in a twelve month period.

**SIGN, WALL**

Any painted sign or poster or any surface or place that may be affixed to the front, side or rear walls of any building.

**SIGN, WINDOW**

A type of sign applied onto or attached to the inside or outside of a window or a transparent door or within 18 inches of the window or transparent door surface.

**Section 4.** Chapter 223, Section 15 of the Code of the City of Beacon entitled “Signs” is hereby amended as follows:

§ 223-15 Signs.

A. Purpose. The purpose of this section is to promote and protect the public health, safety and welfare by regulating signs of all types within the City of Beacon. This section is intended to protect property values, create a more attractive economic and business climate, ensure pedestrian and vehicular safety, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of the City. It is the City’s policy to regulate signs in a constitutional manner that is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the New York State Constitution.

B. Objectives. These regulations also serve to achieve the following objectives:

- (1) Ensure right to free speech as protected under the Constitution;
- (2) Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
- (3) Provide structures and uses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
- (4) Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
- (5) Minimize the adverse effect of signs on nearby public and private property;
- (6) Avoid personal injury and property damage from unsafe or confusing signs; and
- (7) Establish a clear and impartial process for those seeking to install signs.

C. Conformity required. No sign or billboard shall be erected, constructed, displayed, maintained, moved, reconstructed, extended, enlarged or altered, except in conformity with and expressly authorized by the provisions of this chapter.

D. Substitution clause. A protected noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. This provision applies to all signs, including outdoor general advertising devices, allowed under this Section. Such substitution of message may be made without any additional approval, permitting, registration or notice to the City.

E. Permit required.

- (1) Unless specifically exempted from obtaining a permit under the provisions of this section, no person shall erect, construct, replace, relocate or structurally alter any sign within the City without first obtaining a sign permit from the Building Inspector and paying the required fee to the Building Department. The repainting, repairing, changing of parts or sign facing, and maintenance of signs shall not require the issuance of a sign permit provided such maintenance, change or alteration does not in any way alter the size, illumination or location of the sign on the property.
- (2) Submission of a permit application shall be on a form issued by the Building Department and the application fee shall be set forth in the City of Beacon Fee Schedule. The application shall include plans and/or specification of the sign, including the dimensions, materials and details of construction of the proposed sign.
- (3) If a sign is not erected within six months following the issuance of a sign permit for said sign, the sign permit will automatically become void.
- ~~A. Relationship to a permitted use. All signs must pertain to a use conducted on the same property on which they are located.~~
- ~~B. Signs in residence districts. In residence districts, the following signs are hereby authorized:~~
  - ~~(1) One identification sign stating the name and address of the resident or property or the number of the lot, not exceeding one square foot in area.~~
  - ~~(2) One identification sign announcing any profession or occupation permitted as an accessory use on the lot, not exceeding one square foot of area.~~
  - ~~(3) For other permitted uses, one sign at each street frontage where the use has an access drive, provided that the total area of such sign does not exceed 50 square feet.~~
  - ~~(4) Temporary signs in accordance with Subsection F below.~~
  - ~~(5)(1) Interior signs displayed through windows shall not require a permit under this section, and said signs shall not count toward maximum number of signs affixed to a building per establishment. However, interior window signs affixed to or placed so as to be visible through a window shall be limited to the windows of the structure within which the permitted use is situated, facing the principal street giving access to such structure. The total amount of signage shall not exceed 30% of the total glass area. All signs shall be maintained in a legible, neat and orderly fashion.~~

#### F. Prohibited Signs.

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

- (2) Signs that emit audible sounds, odor or visible matter.
- (3) Signs placed on a curb, sidewalk, hydrant, utility pole, trees or other objects located on or over any public street, public property or within any public right-of-way, unless otherwise permitted. The City reserves the right to remove any sign placed on public property without notice.
- (4) Portable signs, including signs that are mounted on wheels or mounted on any structure on wheels, but not including permitted sandwich board signs.
- (5) Signs with mirrors or any other reflective material.
- (6) Roof signs.
- (7) Billboards or other off-premise commercial signs.
- (8) Signs that are mechanically, digitally or electronically animated.
- (9) Inflated signs, wind-animated banners, tethered balloons, and projected images, except that such signs may be allowed for commercial uses located on Route 52 and Route 9D by permit from the Building Department in commercial and industrial districts only. Such signs remain prohibited in all residential zoning districts.

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

- (1) Any official sign, public notice, or warning sign prescribed by federal, state or local law, including but not limited to signs erected and maintained pursuant to and in discharge of any government functions. The sign must comply with the size restrictions set forth herein, unless otherwise prescribed by federal, state or local law.
- (2) Property identification signs not exceeding two square feet in area, such as signs bearing only the property name, numbers, postal route box numbers, image or logo or names of the occupants of the premises.
- (3) One nonilluminated secondary window signs communicating accessory information such as hours of operation, "in" or "out" signs, and totaling no more than one square foot in size.
- (4) Temporary nonilluminated window signs in non-residential uses. The total amount of signage shall not exceed 20% of the total window surface area. Temporary window signs shall include signs that identify special events and sales.

- (5) Nonilluminated signs used for the purpose of selling, renting or leasing land or buildings, and displayed only on the premises for sale or lease. No such signs shall exceed four feet in height or six square feet in area, shall be limited to one per premises, and shall be removed immediately upon sale, rental or lease of the premises. The top of the sign shall be no more than six feet off the ground. The sign shall be placed at least five feet from all side property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
- (6) One nonilluminated construction sign not exceeding six square feet in area identifying the parties involved in the design, financing and/or provision of labor and materials associated with the labor on the premises where the sign is located, but not including the advertisement of any product. Such sign shall be removed prior to the issuance of a certificate of occupancy authorizing the initiation of intended use of the premises. The sign shall be placed at least five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
- (7) Flags of any nation, state, military, or government, flags of any government-affiliated facility, and seasonal flags shall not require a sign permit. The area of any flag shall not exceed 20 square feet.
- (8) Historical markers, monuments or signs as approved by local, state or federal authorities.
- (9) One nameplate or sign not exceeding two square feet for home occupation and home professional offices uses.
- (10) Lawn signs on any lot provided that the aggregate area of all lawn signs on any lot shall not exceed 32 square feet. The top of the lawn sign shall be no more than five feet off the ground. The lawn sign shall be placed at least five feet from all side property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow. Such signs are to be nonilluminated and shall be displayed for a limited period of time of no more than four months in a twelve month period. Lawn signs shall be removed within seven calendar days after the event for which they are displayed.
- (11) Signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as an athletic field, where such sign is not legible beyond the property lines.

C.H. Sign regulations in ~~residence~~ all districts.

- (1) ~~Animation. No sign shall be mechanically animated, such as moving, rotating or revolving.~~
- (2) Setback. All signs shall be located within the setback lines of the lot or on the



building, unless otherwise permitted.

- (3) Repair. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.-
- (4) Illumination. Permitted signs may be internally or externally illuminated, unless otherwise prohibited, except by means of a neon-type electric material, provided that such illumination shall not be twinkling, flashing, intermittent, or of changing degrees of intensity or projected outward from the property onto adjacent properties or public rights-of-way and provided that the source of such illumination shall not be visible beyond the boundaries of the lot on which it is located. Notwithstanding the above, neon, LCD-fluorescent and LED signs shall not be permitted for any residential use, but may be permitted in nonresidential districts, unless otherwise prohibited. All illumination shall be focused downward from above, shall create no direct glare and shall light only the sign area.
- (5) Placement. No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
- (6) No sign shall be placed in a location that would cause a violation of the provisions of the Americans with Disabilities Act.

#### I. Signs for residential uses.

- (1) No sign for a residential use, including exempt signs under § 223-15G, shall be placed above the first floor.
- (2) The aggregate sign area of all signs with permits on any lot shall not exceed 16 square feet.
- (3) A subdivision, apartment or multi-family housing development consisting of more than 15 dwelling units may display freestanding identification sign at each street entrance to the development, designating only the name of the development, the address and name of the owner and the names of any buildings located therein, provided that the maximum sign area of said sign shall not exceed 24 square feet and shall not be more than six feet in height. The top of the sign shall be no more than eight feet off the ground. Such sign shall maintain at least a five foot setback from all property lines.

#### J. Signs in for nonresidence districts nonresidential uses. In nonresidence districts, tThe following signs are hereby permitted for nonresidential uses: authorized:

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

~~The aggregate area of each such sign shall not exceed one square foot for each linear foot of building facing the street.~~

~~(a)(1) No such sign shall exceed two feet in height, except that a vertical projecting wall sign shall not exceed eight feet in height or ten square feet. A vertical projecting wall sign is defined as any sign which is attached to the building wall or structure which is perpendicular to the face of such wall or structure.~~

~~(b)(a) No sign shall project above the eaves of the building on which it is affixed or, if no eaves exist thereon, the roof, nor shall any wall sign extend more than six inches from the building into any required yard.~~

~~(c) No sign shall face an abutting residential zoning district if located within 50 feet of such district.~~

~~(d)(b) Vertical p~~Projecting wall signs shall not have more than two faces.

~~(e)(c) The exterior edge of a vertical projecting wall sign shall not extend more than five six feet from the outer wall of the structure or 1/3 the width of the sidewalk, whichever is less.~~

~~(f)(d) No part of a vertical projecting wall sign shall extend into vehicular traffic areas, and any part over pedestrian areas shall have a minimum clearance of seven feet, six inches.~~

~~(2)(1) Not more than one freestanding sign facing each street on which the lot abuts, provided that:~~

~~(a) The building is set back not less than at least 50 feet from the street line;~~

~~(a)(b) The area of the sign in which case the sign shall not exceed 20 square feet in area.~~

~~(b) The building is set back not less than 100 feet from the street line, in which case the sign shall not exceed 35 square feet in area.~~

~~(c) No dimension shall exceed 12 feet. The top of the sign shall be no higher than 16 feet off the ground.~~

~~(2) Permanent window signs. The total amount of signage shall not exceed 20% of the total window surface area and shall not exceed four feet in height and 16 square feet in area.~~

~~(3) Awning signs. One sign for each premise shall be allowed. The area of such sign shall not exceed 20% of the area of the awning.~~



~~(4)~~ Sandwich board signs. A single sandwich board sign shall be permitted on any lot provided that such sign does not exceed three feet in height and six feet in area. All sandwich board signs shall be brought in each day at the close of business. Signs shall not be placed in such a way as to obstruct property sight distance or otherwise interfere with pedestrian or traffic flow. A pedestrian clearway of at least six feet shall be maintained in a pedestrian walkway, and a pedestrian clearway of at least eight feet shall be maintained whenever possible.

~~(5)~~ The aggregate area of all signs with permits on any lot shall not exceed two square feet for each linear foot of public street frontage occupied by the front plane of the principal structure utilized by an establishment.

~~(3)(6)~~ The aggregate area of each sign shall not exceed one square foot for each linear foot of public street frontage occupied by the front plane of the principal structure utilized by an establishment.

~~(4)~~ One identification sign, not exceeding 10 square feet in area, to the outer wall of the structure facing upon a street or parking lot not faced by a sign as permitted in Subsection ~~E(1)~~ above.

~~(5)~~ In addition to other permitted signs, necessary small directional signs are permitted on access roads and parking areas, provided that the area of each sign shall not exceed two square feet.

~~(6)~~ Interior signs displayed through windows shall not require a permit under this section, and said signs shall not count toward maximum number of signs affixed to a building per establishment. However, interior window signs affixed to or placed so as to be visible through a window shall be limited to the windows of the structure within which the permitted use is situated, facing the principal street giving access to such structure. The total amount of signage shall not exceed 30% of the total glass area. All signs shall be maintained in a legible, neat and orderly fashion.

~~(1)~~ Temporary signs in accordance with Subsection ~~F~~ below.

~~D.K.~~ Signs in the Historic District and Landmark Overlay Zone. All signs in the Historic District and Landmark Overlay Zone in which a sign permit is required, shall be approved by the Planning Board pursuant to § 134-6.

~~E.L.~~ Temporary signs.

~~(1)~~ All signs of a temporary nature must receive permits before being displayed, except those specified in 123-15G.

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

~~(a)~~ Such sign shall not exceed four feet in height and 32 square feet in

area for any non-residential use. The top of the temporary sign shall be no more than 16 feet off the ground.

(b) Such sign shall not exceed four feet in height and 32 square feet in area for any residential use. The top of the temporary sign shall be no more than six feet off the ground.

(c) Such sign shall not be displayed for more than four months in a twelve month period.

(d) Such sign shall not be illuminated.

(e) Such sign shall maintain at least a five foot setback from all property lines.

(f) Such sign shall be placed in such a way as to not obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.

(3) Banners shall be permitted as temporary signs and shall be subject to the provisions set forth above.

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

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

~~(3) No temporary sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.~~

~~(4) The following temporary signs shall be permitted in all districts, unless otherwise provided in this section:~~

~~(a) Not more than one temporary sign for each street frontage of the lot, identifying the architect, engineer and/or contractor, and not~~

~~exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts, shall be permitted during the course of construction only.~~

- ~~(b) — One "for sale" or one "to let" sign not exceeding six square feet in area for a single lot, or 50 square feet in area for a real estate subdivision, and set back at least 15 feet along the frontage of the street upon which the property is located. A "sold" sign shall not be displayed for more than 30 calendar days.~~
- ~~(c) — Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival or similar event is taking place on the lot where the sign is located, not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts, and limited to one sign for each street frontage of the lot. The sign shall not be posted sooner than two weeks prior to the special event and shall be removed by the individual or organization which posted, or caused to be posted, such sign within three calendar days following the special event.~~
- ~~(d) — Sidewalk signs with no more than two faces, including but not limited to sandwich boards, in nonresidence districts, or in any other district provided the sign is located on Route 52 (Fishkill Avenue and Teller Avenue) or Route 9D (North Avenue and Wolcott Avenue), not exceeding one sign per business and not exceeding two feet in width and three feet in height. Sidewalk signs may be displayed on an ongoing basis, but shall not be displayed between the hours of 11:00 p.m. and 6:00 a.m., shall not include banners, and shall not be tethered. Sidewalk signs shall be located in the front of the business for which the sign is displayed, unless the business is located on a corner lot in which case the sign may be located to the side of the business, or unless the business maintains a rear entrance in which case the sign may be located to the rear of the business.~~
- ~~(e) — Signs for tag, garage or yard sales, not exceeding six square feet.~~
- ~~(f) — Signs conveying a nonpolitical, noncommercial message, not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts and limited to one sign for each street frontage of the lot.~~
- ~~(g) — Political posters, banners, promotional devices and similar political signs.~~

#### ~~F. Sign regulations in nonresidence districts:~~

- ~~(1) — Illumination. Permitted signs may be internally or externally illuminated, provided that such illumination shall not be twinkling, flashing, intermittent, of~~

~~changing degrees of intensity or projected outward from the property onto adjacent properties or public rights of way and provided that the source of such illumination shall not be visible beyond the boundaries of the lot on which it is located. Notwithstanding the above, neon, LCD and LED signs may be permitted.~~

- ~~(2) Placement. No sign shall be located so as to obscure any signs displayed by public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.~~
- ~~(3) Setback. Unless otherwise specified, all signs shall be located within the setback lines of the lot or on the building.~~
- ~~(4) Repair. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.~~
- ~~(5)(1) Animation. No sign shall be mechanically animated, such as moving, rotating or revolving.~~

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

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

satisfied:

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

#### M. Nonconforming signs.

- ~~(1) All nonconforming temporary signs shall be removed or brought into compliance within 90 days of the adoption date of this section.~~
- ~~(2) Any nonconforming sign that is removed from its position or siting and not replaced in-kind within 90 days shall be presumed to be abandoned and discontinued and may not be restored or re-erected except in compliance with this section.~~
- ~~(3) No nonconforming sign may be altered in any way that would increase its nonconformity with the regulations of this section, including but not limited to area, height, setback and illumination.~~
- ~~(4)(4) Nothing herein shall be deemed to prevent maintaining a nonconforming sign in good repair and safe condition.~~

#### H.N. Violations.

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

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

Except as specifically modified by the amendments contained herein, Chapter 223 and Chapter 134 of the City of Beacon Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

#### Section 5. Severability

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

#### Section 6. Effective Date

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

## Proposed Draft Sign Regulations For the City of Beacon

### Nonresidential Uses

NONRESIDENTIAL USES	Allowed (no permit required) (Not to exceed 4 ft. in height and 6 ft. in sign area, unless specified below)	
	Sign Type	Size and other Restrictions
	Official Sign, Public Notice, Warning Sign	The sign must comply with the size restrictions set forth herein, unless otherwise prescribed by federal, state or local law.
	Property Identification Signs	Not to exceed 4 sq. ft. in area
	Nonilluminated secondary window sign ("in" or "out" sign)	1 sign allowed, not exceed 1 sq. ft. in area
	Temporary nonilluminated window sign	Total signage shall not exceed 20% of the total window surface area.
	Nonilluminated Real Estate	1 sign allowed, shall not exceed 4 ft in height or 6 sq. ft. in area. The top of the sign shall be no more than 6 ft off the ground.
	Nonilluminated Construction	1 sign allowed, not exceeding 6 sq. ft. in area
	Flags	The area of any one flag shall not exceeding 20 sq. ft
	Historical Markers	As approved by local, state or federal authorities.
	Nameplates of Sign for Home Occupation/Professional Office	1 nameplate, not exceeding 2 sq. ft.,
	Lawn Signs	The aggregate area of all lawn signs on any lot shall not exceed 32 square feet. The top of the lawn sign shall be no more than five feet off the ground. Signs shall be nonilluminated and shall be displayed for a limited period of time of no more than 4 months in a 12 month period. Must be removed 7 days after the event.
	Signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space.	Not to exceed 4 ft. in height and 6 ft. in sign area

## Proposed Draft Sign Regulations For the City of Beacon Nonresidential Uses

<b>NONRESIDENTIAL USES</b>  <b>Aggregate area of each sign not to exceed 1 sq. ft. for each linear ft. of building facing the street</b>  <b>Aggregate area of all signs with permits on any lot shall not exceed 2 sq. ft. for each linear ft. of building facing the street</b>	Allowed With A Permit	
	Sign Type	Size and other restrictions
	Vertical Projecting Wall	No more than 2 faces, not to exceed 8 ft. in height and 10 sq. ft. in area
	Freestanding	Building must be set back at least 50 ft., sign shall not exceed 20 sq. ft. in area Top of the sign shall be no higher than 16 ft. from the ground
	Permanent Window Sign	Aggregate area shall not exceed 20% of the total window surface and shall not exceed 4 ft. in height and 16 square feet in area.
	Awning Sign	1 per lot, area shall not exceed 20% of the area of the awning.
	Sandwich Board	1 sign, not to exceed 3 ft. in height and 6 ft. in area, brought in after close of business. A pedestrian clearway of at least six feet shall be maintained in a pedestrian walkway, a pedestrian clearway of at least eight feet shall be maintained whenever possible.
	Temporary	Not to exceed 4 ft. in height and 32 sq. ft. in area; not to be illuminated. The top of the lawn sign shall be no more than 16ft. off the ground. Such sign shall not be displayed for more than 4 months in a 12 month period.
	Banners	Permitted as temporary on private property



## Proposed Draft Sign Regulations For the City of Beacon Residential Uses

<b>RESIDENTIAL USES</b>  <b>No sign, including exempt signs, shall be placed above the first floor.</b>	<b>Allowed (no permit required)</b> <b>(Not to exceed 4 ft. in height and 6 ft. in sign area)</b>	
	<b>Sign Type</b>	<b>Size and other Restrictions</b>
	Official Sign, Public Notice, Warning Sign	The sign must comply with the size restrictions set forth herein, unless otherwise prescribed by federal, state or local law.
	Property Identification	Not to exceed 4 sq. ft. in area
	Nonilluminated secondary window sign (“in” or “out” sign”)	1 sign allowed, not exceed 1 sq. ft. in area
	Nonilluminated Real Estate	1 sign allowed, shall not exceed 4 ft in height or 6 sq. ft. in area. The top of the sign shall be no more than 6 ft off the ground.
	Nonilluminated Construction	1 sign allowed, not exceeding 6 sq. ft. in area.
	Flags	The area of any one flag shall not exceeding 20 sq. ft
	Historical Markers	As approved by local, state or federal authorities.
	Nameplates of Sign for Home Occupation/Professional Office	1 nameplate, not exceeding 2 sq. ft.,
	Lawn Signs	The aggregate area of all lawn signs on any lot shall not exceed 32 square feet. The top of the lawn sign shall be no more than five feet off the ground. Signs shall be nonilluminated and shall be displayed for a limited period of time of no more than 4 months in a 12 month period. Must be removed 7 days after the event.
	Signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space.	Not to exceed 4 ft. in height and 6 ft. in sign area

## Proposed Draft Sign Regulations For the City of Beacon Residential Uses and Historic District

	Allowed With A Permit	
	Sign Type	Size and other restrictions
	One identification sign for subdivisions, apartments or multi-family developments that contain more than 15 dwelling units	At the entrance, not to exceed 24 sq. ft. in area
	Temporary	Not to exceed 4 ft. in height and 32 sq. ft. in area; not to be illuminated. The top of the lawn sign shall be no more than 6 ft. off the ground. Such sign shall not be displayed for more than 6 months in a 12 month period.
	Banners	Permitted as temporary
<b>RESIDENTIAL USES</b>  Aggregate of all signs, with permits on any lot not to exceed 16 sq. ft.  No sign, including exempt signs, shall be placed above the first floor.		
<b>Historic District<sup>1</sup></b>	Signs requiring a permit	Approval by Planning Board Required, temporary signs are exempt

<sup>1</sup> Under Section 134-6 of the City Code, a certificate of appropriateness from the Planning Board is required for signs, including signs exempt from permit requirements under the proposed local law. Only the installation of a temporary sign does not require a certificate of appropriateness.



**COUNTY OF DUTCHESS**  
DEPARTMENT OF PLANNING AND DEVELOPMENT

May 3, 2019

To: City Council, City of Beacon  
Re: **Referral ZR19-119, LL: Amend Sign Law and Certificate of Appropriateness**

The Dutchess County Department of Planning and Development has reviewed the submitted referral for countywide and intermunicipal impacts as outlined in General Municipal Law (Article 128, §239-1/m).

**ACTION**

The City is proposing to amend the certificate of appropriateness and sign sections of the city code.

**COMMENTS**

The City is proposing (§223-15 (F)(9)) to prohibit "inflated signs, wind animated banners, tethered balloons, and projected images, except that such signs may be allowed for commercial uses located on Route 52 and Route 9D." Inflated signs, such as the inflatable tube man that is seen at gas stations can be highly distracting to motorists, as well as projected images - especially if they are moving. For this reason, we do not recommend allowing them as an allowable sign type. In addition, we suggest prohibiting changeable copy signs (reader boards) signs.

In §223-15 (H)(4) regarding Sign regulations in all districts, the use of neon, fluorescent and LED signs may be permitted in nonresidential districts. It is unclear whether these types of signs would be permitted in mixed-use areas. Residents living on upper floors may not appreciate bright signage outside their windows.

While allowing the use of these types of illumination may permit some unique sign designs (e.g. backlighting) they also can be very bright and depending on the design, not very legible. We suggest that if the City is considering signs of this nature, that additional standards for such signs be considered such as:

- Limit the number of times a message can change in a day
- Require instantly changing text when the message changes, rather than special effects/transitions
- Prohibit video
- Limit the number of words and graphics per sign
- Require single-color text on a dark background
- Require signs to automatically dim based on ambient light
- Require a black screen in case of a malfunction
- Specify a percent of the sign that can be digital
- Limit the number of such signs to one per property
- Limit the proximity of one sign to another

[www.dutchessny.gov](http://www.dutchessny.gov)

We note that the City is no longer proposing to limit the number of wall signs in non-residential districts but is instead limiting the aggregate amount of sign area. For the most part, the City's narrow lots and buildings will result in signs that are proportional to the building, however, the City may want to prescribe a maximum sign area in those instances where a large building is proposed or already exists.

**RECOMMENDATION**

As inflatable signs can be highly distracting to motorists, the Department recommends that the Council not permit inflatable signs in any district.

**Voting and Reporting Requirements:** If the Council acts contrary to our recommendation, the law requires that it do so by a majority plus one of the full membership of the Council and that it notify us of the reasons for its decision.

Eoin Wrafter, Commissioner

By

Jennifer F. Coccozza  
Deputy Commissioner



# Memorandum

## *Planning Board*

---

TO: Mayor Randy Casale and City Council Members

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

RE: City Council request to review proposed Local Law to delete Chapter 183 “Signs” and Amend Chapter 223 Sections 15 & 63 of City Code

DATE: December 13, 2018

As requested the Planning Board reviewed the proposed Local Law to delete Chapter 183 “Signs” and Amend Chapter 223 Sections 15 & 63 of City Code. A comprehensive review took place during their regular meetings on November 14, 2018 and December 11, 2018. Members discussed the local law in detail including provisions regarding nonconforming signs, sandwich boards, the permitted time period for temporary signs, and wind animated and inflated signs, and based on that discussion the Planning Board has the following comments for the City Council:

- a. The 6-month time period during which a “lawn sign” and a “temporary sign” may be displayed is too long to be considered “temporary”. The time period should be shortened to 3-4 months. (Section 223-15.F(10) & Section 223-15.K(2)(c)).
- b. The Planning Board does not support Section 223-15.L(1) which requires nonconforming residential signs to come into compliance within 3 years of the adoption of the local law. The requirement to come into compliance is too burdensome for residential properties. Such burdens should not be placed on residential signs when the same burdens are not placed on commercial signs.

If you have any questions, please feel free to contact me.

**City of Beacon Council Agenda**  
**5/6/2019**

**Title:**

**Public Hearing Regarding Verizon Wireless Facility at 110 Howland Avenue**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
City Planner Review Letter January 11, 2019	Cover Memo/Letter
Howland Micro TDE Comment Response Letter January 22, 2019	Cover Memo/Letter
Tech Memo - Verizon 110 Howland- March 2019 (HDR)	Cover Memo/Letter
City of Beacon Planning Board Response	Cover Memo/Letter
Dutchess County Planning Response 110 Howland April	Cover Memo/Letter
Howland Micro Sims	Cover Memo/Letter

To: Mayor Casale and the Beacon City Council

Date: January 11, 2019

Re: **110 Howland Avenue Communications Tower, Special Permit Application**

I have reviewed the November 23, 2018 Special Permit Application from Verizon Wireless, including a Short EAF Part 1, and a January 9, 2019 Visual Analysis with photo-simulations of the proposed tower from three identified locations.

### **Proposal**

The applicant is proposing to construct a 52-foot wooden utility pole with communications antennas and associated ground-based equipment on 102 square feet of leased space. The private 4.359-acre parcel is in the R-40 residential zoning district.

### **Comments and Recommendations**

1. The Special Permit Application and Site Plan identify the parcel as in the R1-20 zoning district, but it is actually in the R1-40 district.
2. Short EAF question 3.a states the site acreage is 6 acres, but the Dutchess County Parcel Access lists the lot size as 4.359 acres. The form should also attach DEC's EAF Mapper to confirm some of the answers.
3. Sections 223-24.5 D(1)(a) and D(3) of the Zoning Code include as locational priorities that new facilities should be attached to a City-owned or existing structure, wherever possible. The application's Site Selection Analysis contains no specific information on consideration of alternative sites. Only two are listed as possibilities, both on the proposed property. For example, there is a City of Beacon water tower only 800 feet to the south that could have been investigated. The application should include a more detailed explanation of alternative properties (see also Section 223-24.5 R(4)).
4. If this property is determined to be the only or best viable option, why is the tower not located farther back on the site, closer to the tree line where it could be better screened from the immediate neighbors? It is instead placed directly next to a residential building and parking lot in full view of the houses just to the south, one of which is listed as The Swann Inn of Beacon, a tourist-oriented bed and breakfast originally built in the 1860s.
5. The visible area identified in the Key Map of the Visual Analysis should include 53-60 Chiusano Drive. One of the photographs at the end of the application packet clearly shows that the tower site will be visible from this adjacent house to the south.
6. The Site Plan in the application should propose landscaping and/or screening to minimize the visual impacts from surrounding properties, consistent with Section 223-24.5 G.



7. The Site Plan should show the setback distances from the tower to the residential building on the site and to the surrounding property lines, meeting the setback requirements in 223-24.5 E.

If you have any questions or need additional information, please feel free to email me.

John Clarke, Beacon Planning Consultant

c:     Anthony J. Ruggiero, City Administrator  
       David Buckley, Building Inspector  
       Nicholas M. Ward-Willis, Esq., City Attorney  
       John Russo, P.E., City Engineer  
       Scott P. Olson, Esq., Project Representative

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January 22, 2019

### Via Federal Express and Email

City of Beacon Common Council  
1 Municipal Plaza  
Beacon, New York 12508

RE: Application of Orange County-Poughkeepsie Limited Partnership d/b/a Verizon  
Wireless -110 Howland Avenue

Dear Mayor Casale and Members of the City Council

Please accept this letter as Verizon Wireless' response to the comments provided in the John Clarke Planning and Design January 11, 2019 letter in connection with the above referenced application. For ease of reference, Mr. Clarke's comments have been provided below in their entirety followed by our responses.

1. The Special Permit Application and Site Plan identify the parcel as in the R1-20 zoning district, but it is actually in the R1-40 district.

Response: The enclosed plans have been corrected to include the correct zoning district.

2. Short EAF question 3.a states the site acreage is 6 acres, but the Dutchess County Parcel Access lists the lot size as 4.359 acres. The form should also attach DEC's EAF Mapper to confirm some of the answers.

Response: The revised Short EAF has been revised and now includes the DEC EAF Mapper.

3. Sections 223-24.5 D(1)(a) and D(3) of the Zoning Code include as locational priorities that new facilities should be attached to a City-owned or existing structure, wherever possible. The application's Site Selection Analysis contains no specific information on consideration of alternative sites. Only two are listed as possibilities, both on the proposed property. For example, there is a City of Beacon water tower only 800 feet to the south that could have been investigated. The application should include a more detailed explanation of alternative properties (see also Section 223-24.5 R(4)).

Response: We question whether the references to Section 223-24.5 are correct. Although Section 223-24.5 of the Zoning Law regulates wireless telecommunications facilities, we note that in August, 2018, the City Council enacted Local Law 13 of the Year 2018 which created section 223-26.4, which specifically purports to regulate small cell facilities. Moreover, Section 223-26.4 establishes specific location priorities for small cells that differ from Section 223-24.5. The City Council intended to have small cell facilities exempt from Section 223-24.5 and, instead regulated by Section 223-26.4.

That said, the Site Selection Analysis included with the Radio Frequency Analysis confirms that the new regulations governing small cell facilities was reviewed and it was determined that no city owned or higher priority sites existing in the area that are suitable for collocation. The analysis also provides that:

“[a]s is the case with other micro sites the search area provided to Site Acquisition (SACQ) by RF Engineering is relatively limited in size which in turn limits the number of potential candidates, in this case there were two. Due to the small nature of the target area, coordination with other sites in design, interest in maximizing site capabilities while limiting the number of solutions required limits the areas where this site will work....”

We asked the Verizon Wireless RF Engineer to comment on the viability of using the water tank in place of the new wooden utility pole. As set forth in greater detail in the supplemental RF letter enclosed herewith, the water tank is not a viable candidate for collocation since it will provide significantly less coverage (approximately 50% less) compared to the proposed facility.

4. If this property is determined to be the only or best viable option, why is the tower not located farther back on the site, closer to the tree line where it could be better screened from the immediate neighbors? It is instead placed directly next to a residential building and parking lot in full view of the houses just to the south, one of which is listed as The Swann Inn of Beacon, a tourist-oriented bed and breakfast originally built in the 1860s.

Response: The proposed utility pole is not located directly next to the Swann Inn of Beacon. According to Google Earth Pro, the proposed utility pole is located

approximately 215' from the Swann Inn of Beacon. More importantly, the proposed pole will be a wooden utility pole similar to the existing utility poles that are located much closer to the Swann Inn of Beacon and the other nearby residences. See, enclosed photograph that was included in the original application that shows an existing utility pole/line. The existing utility pole/line is much closer to the referenced residences. Although the proposed pole is taller than the existing utility poles, it is hard to imagine how the proposed pole is considered more objectionable than the existing utility poles. The photosimulations previously provided clearly demonstrate how well the proposed pole blends in with the environment.

The purpose of installing the small cell facility at the edge of the Beyond Disability parking lot is to limit the improvements to those necessary for the facility. For example, relocating the pole back further on the site will require the installation of a gravel driveway for access. Utilities will also need to be extended back to the small cell facility. Verizon Wireless does not believe the additional development and associated impacts are necessary, especially considering the minor nature of the installation as currently proposed. Small cell facilities are intended to have limited footprints and without excessive improvements such as access roads and extended utilities pathways.

Finally, Verizon Wireless proposes to install fencing around the small cell facility in the same style as that which currently surrounds the existing dumpsters on the property. This will help screen a portion of the facility from neighboring properties.

5. The visible area identified in the Key Map of the Visual Analysis should include 53-60 Chiusano Drive. One of the photographs at the end of the application packet clearly shows that the tower site will be visible from this adjacent house to the south.

Response: Tectonic Engineering has revised to the viewshed map slightly to include additional visible area (shaded green) just south west of the house in question.

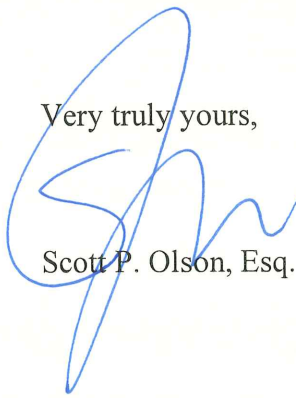
6. The Site Plan in the application should propose landscaping and/or screening to minimize the visual impacts from surrounding properties, consistent with Section 223-24.5 G.

Response: Based on the minor nature of the proposal (as demonstrated by the photosimulations previously provided), including the installation of the white fence surrounding the small cell facility, Verizon Wireless does not believe that the proposal results in any significant visual impacts that require mitigation with landscaping or otherwise.

7. The Site Plan should show the setback distances from the tower to the residential building on the site and to the surrounding property lines, meeting the setback requirements in 223-24.5 E.

Response: The enclosed plans have been revised to include the requested information.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'S. Olson', written over the typed name.

Scott P. Olson, Esq.

Enclosures



PROJECT NO.: 20161509173  
SITE NAME:  
**HOWLAND MICRO**



Know what's below.  
Call before you dig.

48 HOURS PRIOR TO DIGGING,  
CONTRACTOR TO NOTIFY ALL  
UTILITY COMPANIES TO LOCATE  
ALL UNDERGROUND UTILITIES.

APPLICANT:  
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SUITE 100  
WEST HENRIETTA NY 14586

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**EBI ENGINEERING PC**  
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*Kelly Stankovic*

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SUBMITTALS			
NO.	DATE	DESCRIPTION	BY
A	11/12/18	90% ISSUE	SM
B	11/21/18	REVISED PER COMMENTS	SH
C	01/14/19	REVISED PER COMMENTS	SM

EBI JOB NO:  
**8118000249**

SITE INFO:  
**HOWLAND MICRO**  
PROJECT NO.: 20161509173  
LOCATION CODE: 432846  
**110 HOWLAND AVENUE**  
**BEACON, NY 12508**  
**DUTCHESS COUNTY**

SHEET TITLE:  
**TITLE SHEET**

DRAWN BY: SM	SHEET NO: <b>T-1</b>
CHECKED BY: AG	
DATE: 11/12/18	

DRAWING INDEX	
SHEET	DESCRIPTION
T-1	TITLE SHEET
Z-1	SITE PLAN
Z-2	OVERALL SITE PLAN
Z-3	POLE ELEVATION, DETAILS & NOTES
Z-4	DETAILS & NOTES

**CODE COMPLIANCE**

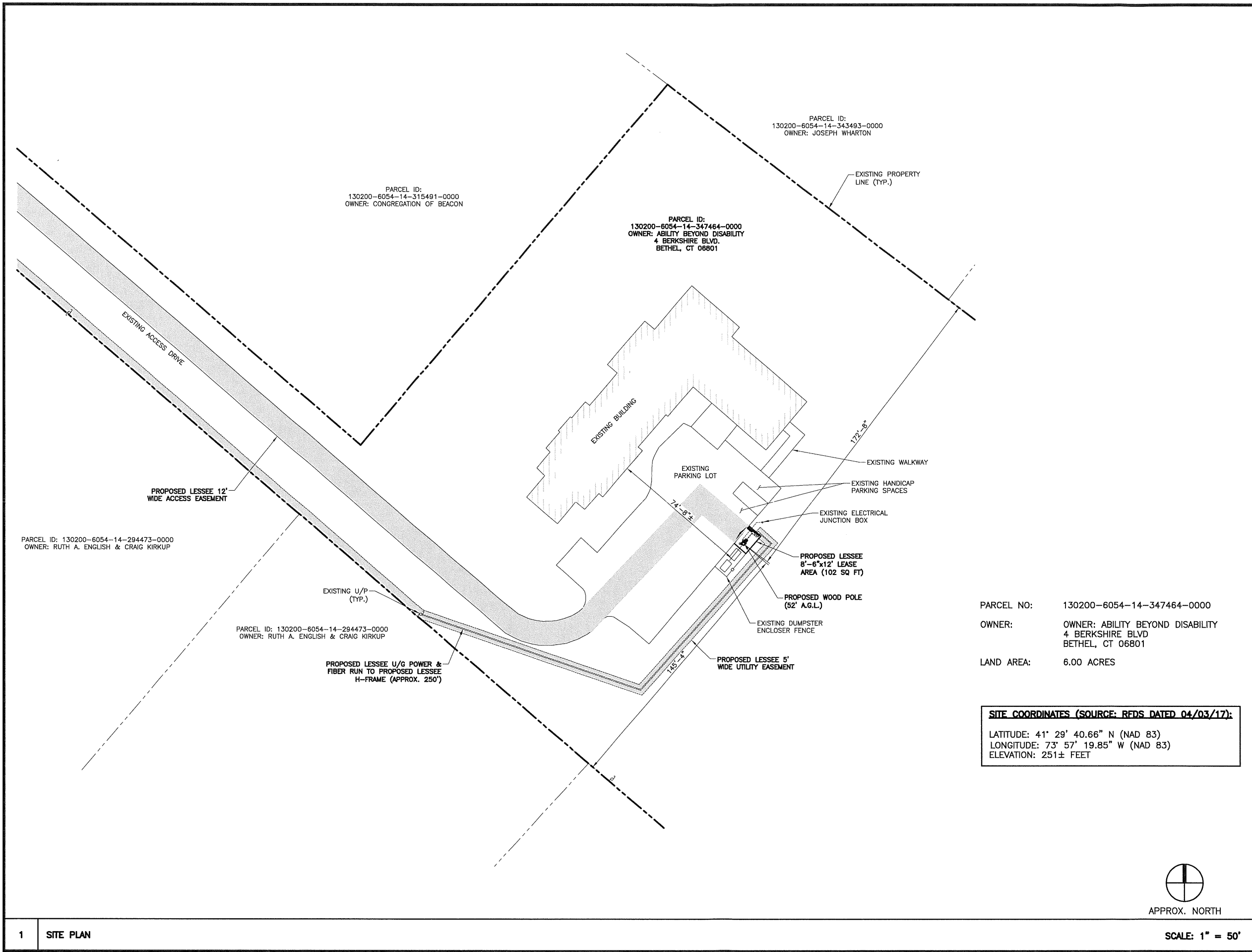
ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LOCAL CODES:

- IBC2015 WITH LATEST NEW YORK STATE AMENDMENTS
- NFPA 70-14 (NEC 2014)
- TIA-222-G-05 WITH LATEST ADDENDA

VICINITY MAP  
N.T.S.

START AT 1275 JOHN ST. GO STRAIGHT (NE) ON JOHN ST. IN 0.61 MI TURN RIGHT (E) ON TO BAILEY RD. IN 1.03 MI TURN RIGHT (SSW) ON TO SR 15 (W HENRIETTA RD). IN 1.04 MI TURN LEFT (E) ON TO LEHIGH STATION RD. IN 0.49 MI TURN RIGHT (SSW) ON TO I-390 S RAMP. IN 0.27 MI KEEP RIGHT (SW) ON TO I-90 E (NEW YORK STATE THWY) RAMP 12B. IN 0.57 MI KEEP LEFT (E) ON I-90 E (NEW YORK STATE THWY) RAMP. IN 72.90 MI KEEP RIGHT (N) ON TO I-690 E RAMP 39. IN 0.92 MI KEEP RIGHT (ESE) ON I-690 E RAMP. IN 8.91 MI KEEP RIGHT (SSE) ON TO I-81 S RAMP 13. IN 76.37 MI KEEP LEFT (ESE) ON TO SR 17 RAMP 2E. IN 113.42 MI KEEP RIGHT (ENE) ON TO I-84 E RAMP 121. IN 22.57 MI KEEP RIGHT (E) ON TO SR 9D (NORTH RD) RAMP 11. IN 0.21 MI TURN RIGHT (SSW) ON TO SR 9D (NORTH RD). IN 0.48 MI KEEP LEFT (S) ON TO NORTH AVE. IN 0.26 MI KEEP RIGHT (SSW) ON TO SR 9D (WOLCOTT AVE). IN 0.49 MI KEEP LEFT (SE) ON TO BEEKMAN ST 1.57 MI. IN 0.20 MI GO STRAIGHT (ESE) ON TO SR 9D (WOLCOTT AVE). IN 1.11 MI TURN LEFT (ENE) ON TO HOWLAND AVE. IN 0.26 MI FINISH AT 110 HOWLAND AVE, BEACON, NY. 05:22:36 302.11 MI.

PROJECT INFORMATION	
SITE TYPE:	UTILITY POLE
SITE NAME:	HOWLAND MICRO
SITE ADDRESS:	110 HOWLAND AVENUE BEACON, NY 12508
COUNTY:	DUTCHESS
ZONING DISTRICT:	R1-40
COORDINATES:	LATITUDE: 41° 29' 40.66" N (NAD 83) LONGITUDE: 73° 57' 19.85" W (NAD 83)
GROUND ELEVATION:	251± A.M.S.L. (NAVD88)
PROPERTY OWNER:	ABILITY BEYOND DISABILITY 4 BERKSHIRE BLVD. BETHEL, CT 06801
APPLICANT:	ORANGE COUNTY POUGHKEEPSIE LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS 1275 JOHN ST. SUITE 100 WEST HENRIETTA NY 14586



APPLICANT:

verizon

275 JOHN ST.  
SUITE 100  
WEST HENRIETTA NY 14586

PREPARED BY:

EBI ENGINEERING PC

21 B Street | Burlington, MA 01803  
Tel: (781) 273-2500 | Fax: (781) 273-3311  
www.ebiconsulting.com

STATE OF NEW YORK  
SEAL  
008107-1  
LICENSED PROFESSIONAL ENGINEER

Kelly Stankovic

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ENGINEER STAMP/SIGNATURE

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SUBMITTALS

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B	11/21/18	REVISED PER COMMENTS	SH
C	01/14/19	REVISED PER COMMENTS	SM

EBI JOB NO:

8118000249

SITE INFO:

HOWLAND MICRO  
PROJECT NO.: 20161509173  
LOCATION CODE: 432846  
110 HOWLAND AVENUE  
BEACON, NY 12508  
DUTCHESS COUNTY

SHEET TITLE:

SITE PLAN

DRAWN BY:  
SM

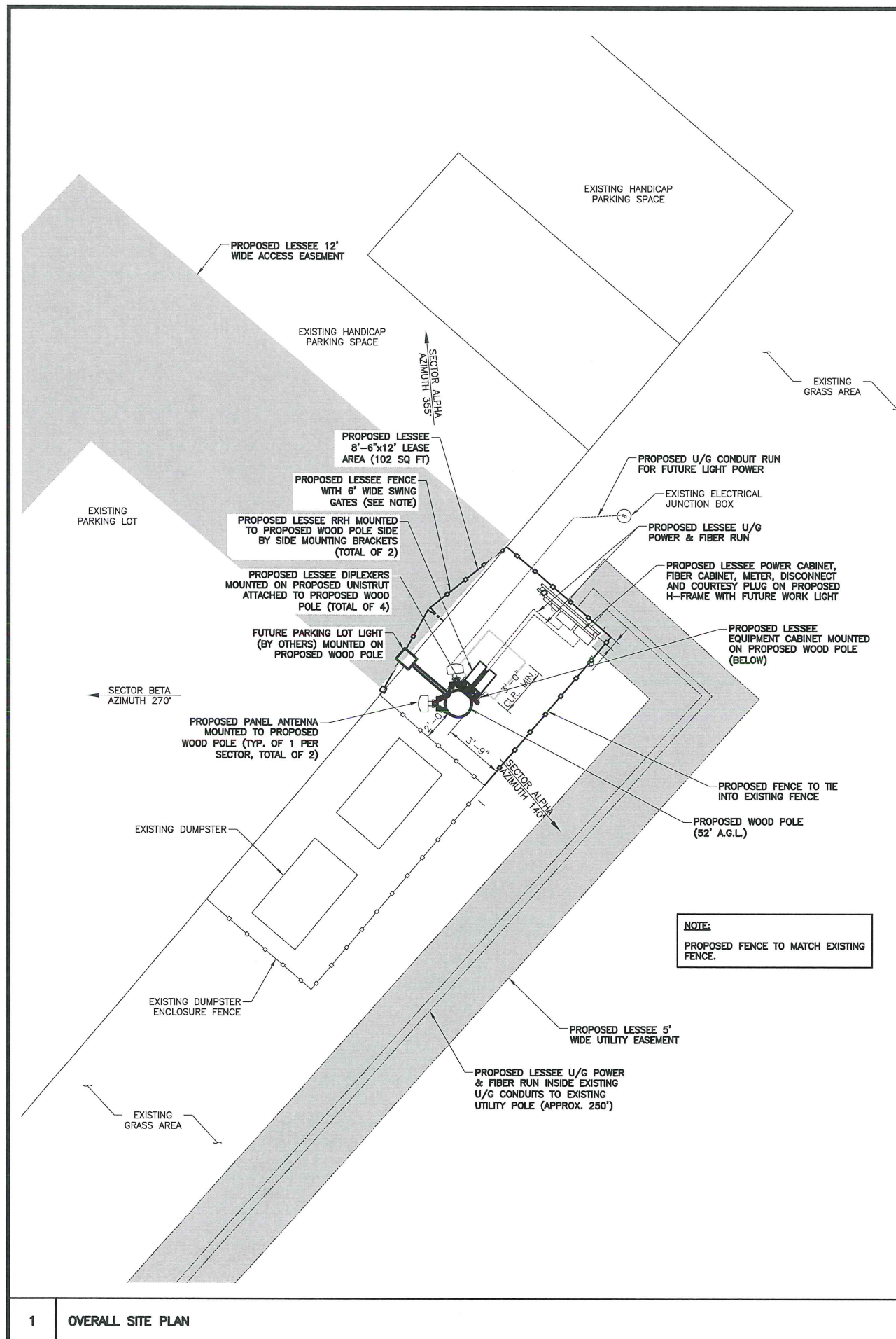
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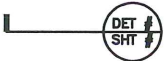



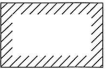
DATE:  
11/12/18

SHEET NO:

Z-1





SYMBOLS & ABBREVIATIONS	
— G —	GROUND WIRE
— E —	ELECTRIC
— T —	TELCO SERVICE
— OH —	OVER HEAD UTILITY
— X —	FENCE
(E)	EXISTING
(P)	PROPOSED
A.F.F.	ABOVE FINISHED FLOOR
A.G.L.	ABOVE GROUND LEVEL
A.M.S.L.	ABOVE MEAN SEA LEVEL
E.Q.	EQUAL
GALV.	GALVANIZED
MAX.	MAXIMUM
MIN.	MINIMUM
MGB	MASTER GROUND BAR
EGB	EQUIPMENT GROUND BAR
N.T.S.	NOT TO SCALE
O.C.	ON CENTER
SCH.	SCHEDULE
TYP.	TYPICAL
U/G	UNDERGROUND
U/P	UTILITY POLE
V.I.F.	VERIFY IN FIELD
	DETAIL REFERENCE
	DETAIL SECTION REFERENCE
	SURFACE ELEVATION
	SECTION REFERENCE
	ELEVATION REFERENCE
----	PROPERTY LINE — SUBJECT PARCEL
----	PROPERTY LINE — ABUTTERS
-----	ZONING DISTRICT BOUNDARY LINE
=====	TOWN BOUNDARY LINE
	EXISTING BUILDINGS

1. THE PROJECT CONCERNS THE INSTALLATION/OPERATION AND MAINTENANCE OF AN UNMANNED PUBLIC UTILITY/PERSONAL WIRELESS SERVICE FACILITY.
2. THE PROPOSED DEVELOPMENT IS UNMANNED AND DOES NOT REQUIRE A MEANS OF WATER SUPPLY OR SEWAGE DISPOSAL, OR HANDICAPPED ACCESS.
3. THE PROPOSED DEVELOPMENT IS MINIMAL, AND WILL CREATE NEGLIGIBLE ADDITIONAL STORMWATER RUNOFF AND WILL THEREFORE NOT IMPACT THE EXISTING STORMWATER DRAINAGE SYSTEM.
4. THE PROPOSED DEVELOPMENT DOES NOT INCLUDE OUTDOOR STORAGE, ANY SOLID WASTE RECEPTACLES, OR PLUMBING.
5. ADEQUATE PARKING EXISTS FOR ONE VEHICLE FOR MAINTENANCE OR EMERGENCY SERVICE ONCE A MONTH.
6. THERE ARE NO NEW STREETS, CURBS, SIDEWALKS OR WALKWAYS PROPOSED.
7. THERE ARE NO COMMERCIAL SIGNS PROPOSED FOR THIS INSTALLATION.
8. EXISTING UTILITIES (LOCATION, SIZES AND INVERTS) SHOWN ON THE PLANS ARE APPROXIMATE AND ARE NOT CERTIFIED AS TO THE ACCURACY OF THEIR LOCATION OR COMPLETENESS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATIONS AND DEPTHS OF ALL UTILITIES AND STRUCTURES IN THE PATH OF, OR CLOSELY PARALLEL TO, OR UNDER, THE PROPOSED CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DELAYS OR DAMAGE OCCURRING AS A RESULT OF INCORRECTLY LOCATED UTILITIES. IT IS THE CONTRACTORS RESPONSIBILITY TO NOTIFY THE VARIOUS UTILITY OWNERS IN AMPLE TIME FOR THEM TO LOCATE AND MARK THEIR FACILITIES. THE CONTRACTOR SHALL ALSO NOTIFY UNDERGROUND UTILITY WORK LOCATION SERVICE AT LEAST 48 HOURS IN ADVANCE OF COMMENCING ANY WORK.

## 2 GENERAL NOTES

1. ALL SITE WORK SHALL BE INDICATED ON THE DRAWING.
2. RUBBISH, STUMPS, DEBRIS, STICKS, STONES, AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.
3. THE SITE SHALL BE GRADED TO CAUSE SURFACE WATER TO FLOW WAY FROM THE EQUIPMENT AND TOWER AREAS.
4. NO FILL OR EMBANKMENT MATERIAL SHALL BE PLACED ON FROZEN GROUND. FROZEN MATERIALS, SNOW OR ICE SHALL NOT BE PLACED IN ANY FILL OR EMBANKMENT.
5. THE SUBGRADE SHALL BE COMPACTED AND BROUGHT TO A SMOOTH UNIFORM GRADE PRIOR TO FINISH SURFACE APPLICATION.
6. ALL EXISTING ACTIVE SEWER WATER, GAS, ELECTRIC, AND OTHER UTILITIES WHERE ENCOUNTERED IN THE WORK, SHALL BE PROTECTED AT ALL TIMES, AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY ENGINEERS, EXTREME CAUTION SHOULD BE USED BY THE CONTRACTOR WHEN EXCAVATING OR PIER DRILLING AROUND OR NEAR UTILITIES.
7. ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH EXECUTION OF THE WORK, SUBJECT TO THE APPROVE OF ENGINEERING.
8. THE AREA DISTURBED DUE TO CONSTRUCTION ACTIVITY SHALL BE GRADED TO A UNIFORM SLOPE, FERTILIZED, SEEDED, AND COVERED WITH MULCH.
9. CONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION, SHALL BE IN CONFORMANCE WITH THE NEW YORK STATE GUIDELINES FOR EROSION AND SEDIMENT CONTROL, AND COORDINATED WITH THE TOWN.
10. CONTRACTOR SHALL NOTIFY UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION AT TELEPHONE NUMBER 1-800-962-7962 PRIOR TO EXCAVATION AT SITE.
11. ALL EXCAVATION WORK WITHIN 36" OF EITHER SIDE OF UNDERGROUND UTILITIES MUST BE DONE BY HAND EXCAVATION METHODS.

APPLICANT:

**verizon**  
275 JOHN ST.  
SUITE 100  
WEST HENRIETTA NY 14586

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Kelly Shook

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EBI JOB NO:

8118000249

SITE INFO:

**HOWLAND MICRO**  
PROJECT NO.: **20161509173**  
LOCATION CODE: **432846**  
**110 HOWLAND AVENUE**  
**BEACON, NY 12508**  
**DUTCHESS COUNTY**

SHEET TITLE:

OVERALL SITE PLAN

DRAWN BY

SM

CHECKED BY \_\_\_\_\_

AG

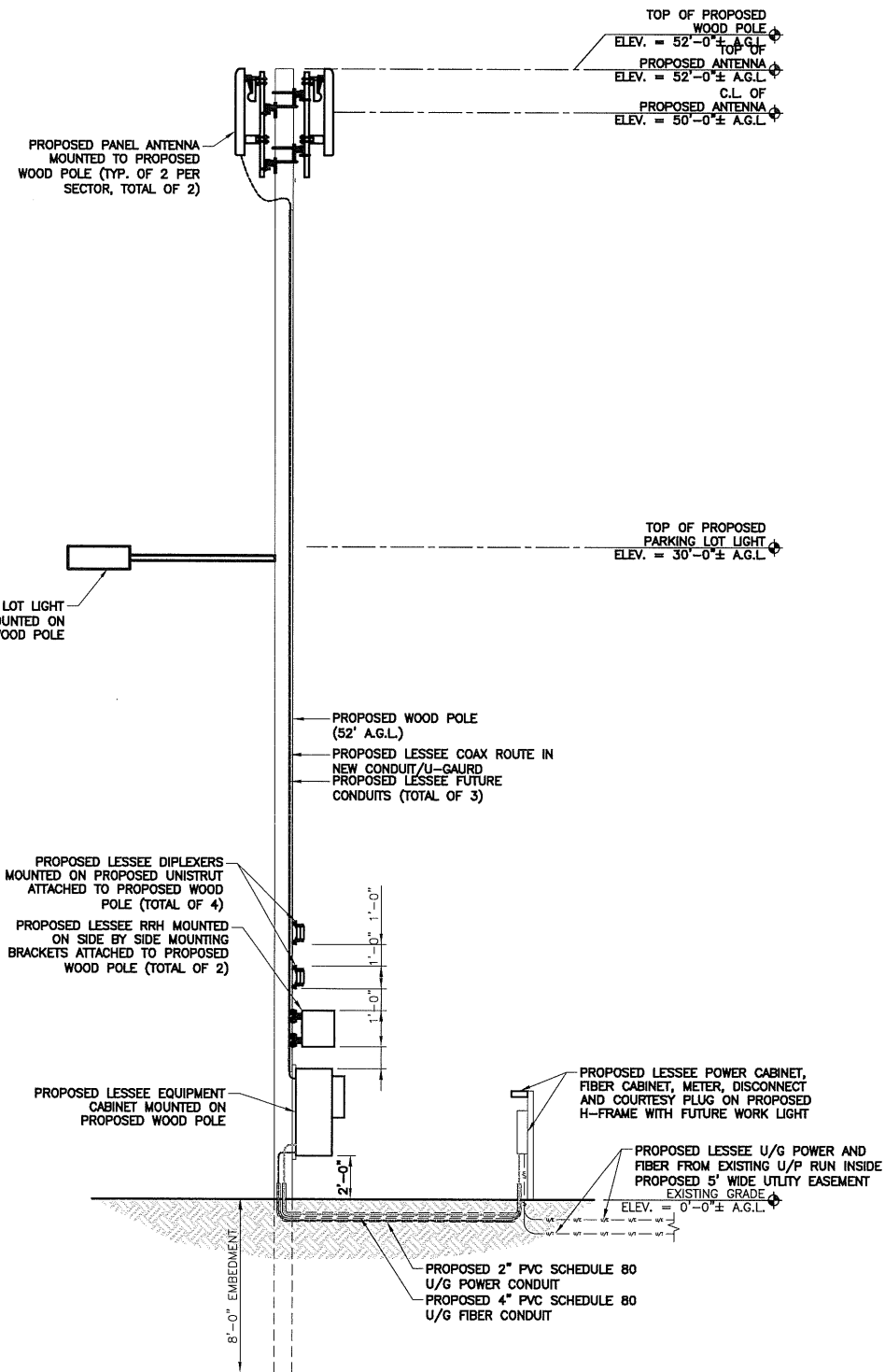
DATE:

11/12/18

SHEET NO.

Z-2



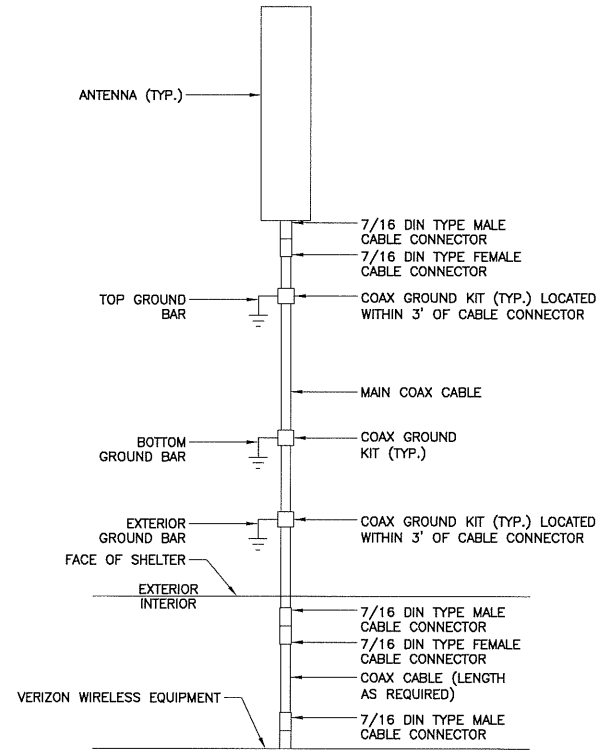


1. DESIGN AND CONSTRUCTION OF ANTENNA SUPPORTS SHALL CONFIRM TO ANSI/TIA/EIA-222-G-05 WITH LATEST ADDENDA "STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES". NOTE: SEE CODE FOR COUNTY SPECIFIC DESIGN WIND SPEEDS.
2. ALL STEEL MATERIALS SHALL BE GALVANIZED AFTER FABRICATION IN ACCORDANCE WITH ASTM A123 "ZINC (HOT-DIP GALVANIZED) COATINGS ON IRON AND STEEL PRODUCTS", UNLESS OTHERWISE NOTED.
3. ALL BOLTS, ANCHORS AND MISCELLANEOUS HARDWARE SHALL BE GALVANIZED IN ACCORDANCE WITH ASTM A153 "ZINC-COATING (HOT DIP) ON IRON AND STEEL HARDWARE", UNLESS OTHERWISE NOTED.
4. DAMAGE GALVANIZE SURFACES SHALL BE REPAIRED BY COLD GALVANIZING IN ACCORDANCE WITH ASTM A780.
5. ALL ANTENNA MOUNTS SHALL BE INSTALLED WITH DOUBLE NUTS AND SHALL BE INSTALLED SNUG TIGHT.
6. DESIGN RESPONSIBILITY OF ANTENNA MOUNTING BRACKETS, SUPPORTS AND ALL COMPONENTS THEREOF AND ATTACHMENT THERETO SHALL BE THE RESPONSIBILITY OF THE MANUFACTURER. MFR SHALL PROVIDE THE THE OWNER DRAWINGS DETAILING ALL COMPONENTS OF THE ASSEMBLY, INCLUDING CONNECTIONS, DESIGN LOADS, AND ALL OTHER PERTINENT DATA. MFR SHALL ALSO PROVIDE THE OWNER WITH A STATEMENT OF COMPLIANCE INDICATING THAT THE ANTENNA SUPPORTS HAVE BEEN DESIGNED IN ACCORDANCE WITH TIA/EIA-222-G STANDARDS. ALL SUBMISSIONS SHALL BEAR THE STAMP AND SIGNATURE OF A PROFESSIONAL ENGINEER REGISTERED IN THE STAT THE WORK IS BEING PERFORMED.

2 ANTENNA MOUNTING NOTES

1. VERIZON WILL COLOR CODE AND TAG THE COAX AT BOTH THE TOP OF THE TOWER AND INSIDE THE CELL SITE BUILDING AT THE CABLE ENTRY PART. THE MARKING SYSTEM WILL COMPRISE OF COLOR TAPE WITH A MINIMUM WIDTH OF 3/4 INCHES, 7 MIL. VINYL PLASTIC TAPE, SCOTCH 35 OR EQUIVALENT.
2. THE TAGGING WILL BE DONE WITH METAL "DOG" TAGS. A TAG WILL BE PLACED ON THE COAX AT THE ANTENNA AND ON THE COAX IN THE CELL SITE BUILDING. THE TAG WILL IDENTIFY THE ANTENNA NUMBER AND FUNCTION; TX, RX ETC.
3. THE ENTRY PORT ASSIGNMENT SHOULD BE FOLLOWED WHERE POSSIBLE. THIS STANDARD ASSUMES THAT THE ENTRY PORT CONSISTS OF THREE ROWS OF FOUR PORTS. WITH THE FIRST ROW BEING NUMBERED FROM 1-6 FROM LEFT TO RIGHT. THE SECOND ROW IS NUMBERED 7-12 (LEFT TO RIGHT) AND THE THIRD ROW IS 13-18 (LEFT TO RIGHT).
4. A SITE SPECIFIC COAX COLOR SHEET TO BE PROVIDED BY CELLULAR EQUIPMENT ENGINEER.

3 STANDARD ANTENNA COLOR CODES



4 ANTENNA CABLE SCHEMATIC

APPLICANT:  
**verizon**  
275 JOHN ST.  
SUITE 100  
WEST HENRIETTA NY 14586

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Kelly Shuler

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EBI JOB NO:  
**8118000249**

SITE INFO:  
**HOWLAND MICRO**  
PROJECT NO.: **20161509173**  
LOCATION CODE: **432846**  
**110 HOWLAND AVENUE**  
**BEACON, NY 12508**  
**DUTCHESS COUNTY**

SHEET TITLE:  
**POLE ELEVATION, DETAILS & NOTES**

DRAWN BY:  
SM

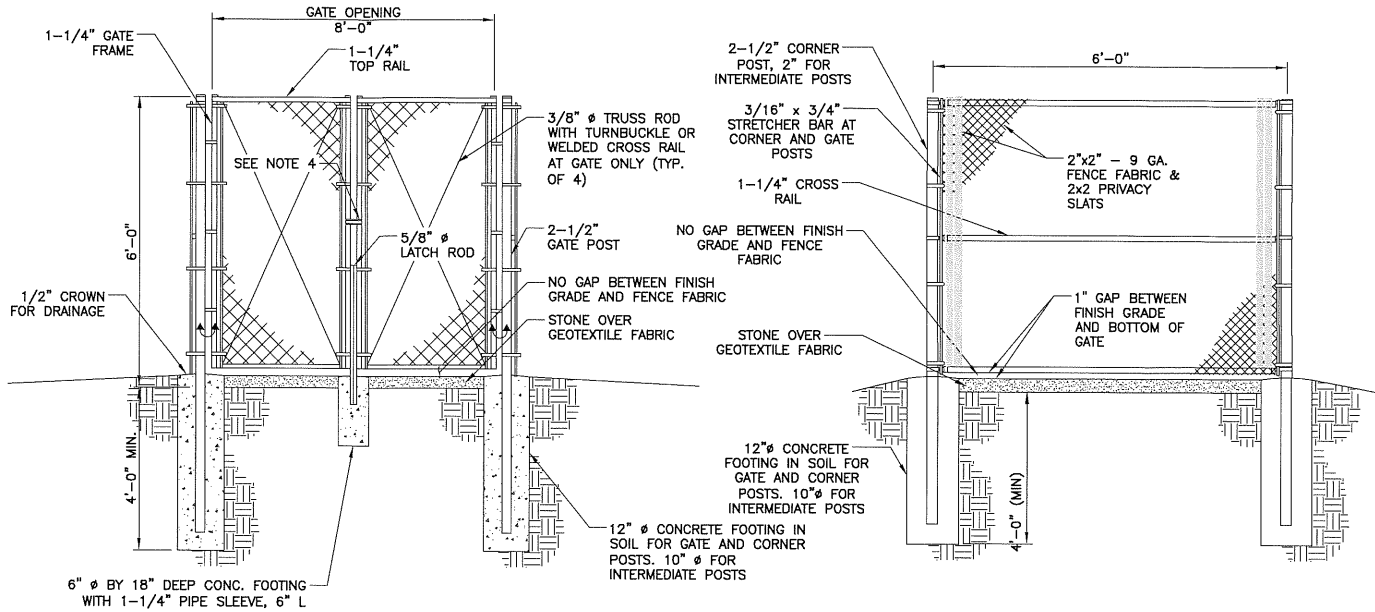
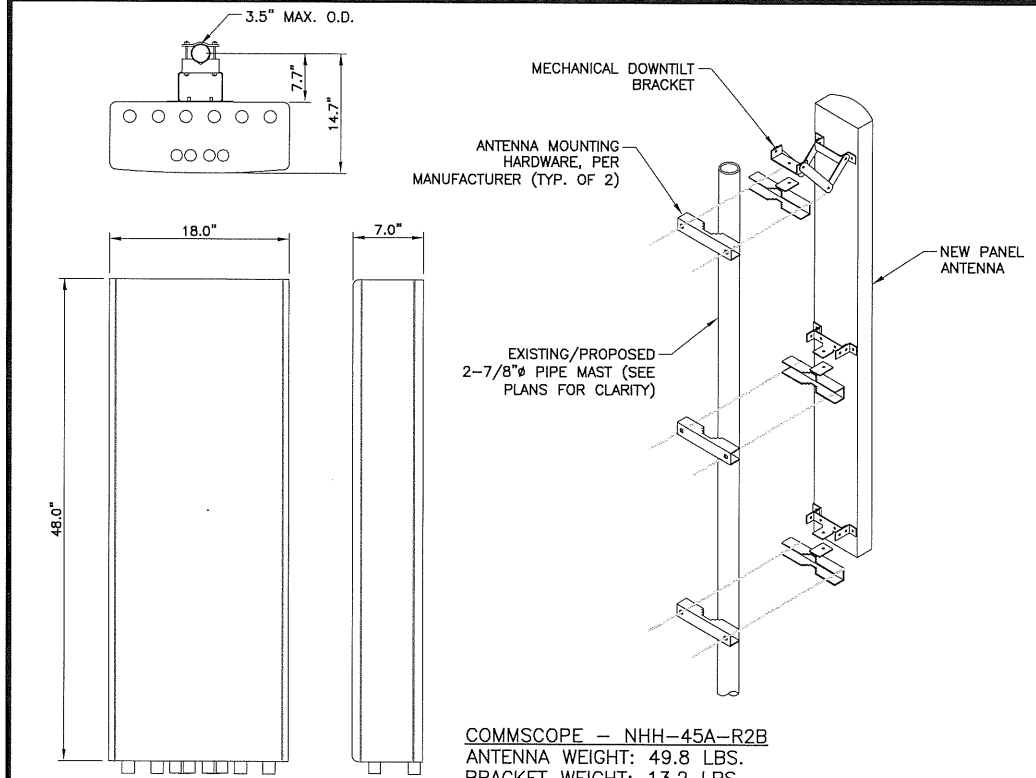
CHECKED BY:  
AG

DATE:  
11/12/18

SHEET NO:  
**Z-3**

1 POLE ELEVATION

SCALE: 1/8" = 1'-0"

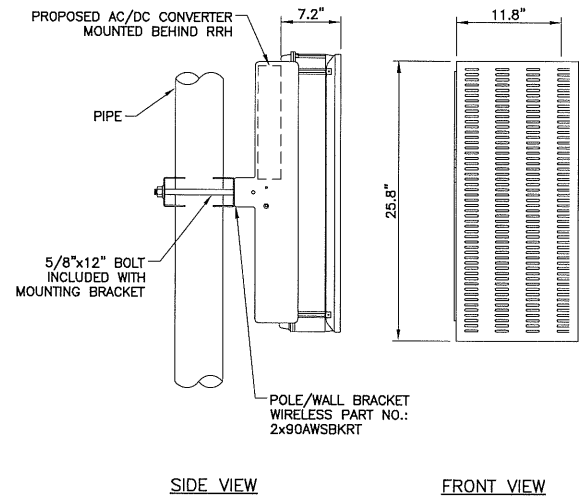


1 ANTENNA SPECIFICATION & ATTACHMENT DETAIL

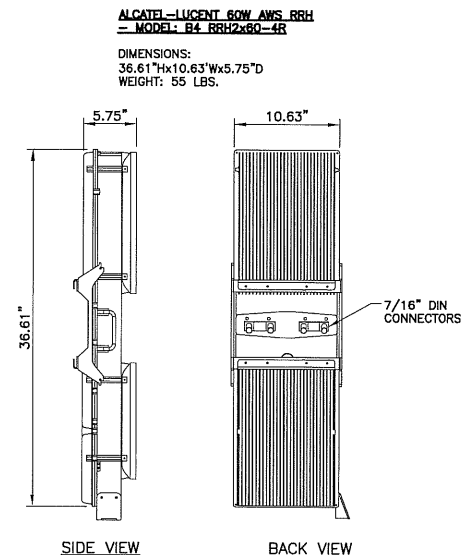
2 NON-PENETRATING BALLAST MOUNT DETAILS

N.T.S.

- GENERAL NOTES:
1. ALL WORK PRESENTED ON THESE DRAWINGS MUST BE COMPLETED BY THE CONTRACTOR UNLESS NOTED OTHERWISE. THE CONTRACTOR MUST HAVE CONSIDERABLE EXPERIENCE IN PERFORMANCE OF WORK SIMILAR TO THAT DESCRIBED HEREIN. BY ACCEPTANCE OF THIS ASSIGNMENT, THE CONTRACTOR IS ATTESTING THAT HE DOES HAVE SUFFICIENT EXPERIENCE AND ABILITY, THAT HE IS KNOWLEDGEABLE OF THE WORK TO BE PERFORMED AND THAT HE IS PROPERLY LICENSED, REGISTERED AND INSURED TO DO THIS WORK IN THE STATE AND/OR COUNTY IN WHICH IT IS TO BE PERFORMED.
  2. ALL MATERIALS AND EQUIPMENT FURNISHED SHALL BE NEW AND OF GOOD QUALITY, FREE FROM FAULTS AND DEFECTS AND IN CONFORMANCE WITH THE CONTRACT DOCUMENTS. ANY AND ALL SUBSTITUTIONS MUST BE PROPERLY APPROVED AND AUTHORIZED IN WRITING BY VERIZON WIRELESS AND THE ENGINEER PRIOR TO INSTALLATION. THE CONTRACTOR SHALL FURNISH SATISFACTORY EVIDENCE AS TO THE KIND AND QUALITY OF THE MATERIALS AND EQUIPMENT BEING SUBSTITUTED.
  3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR INSURING THAT THIS PROJECT AND RELATED WORK COMPLIES WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL SAFETY CODES AND REGULATIONS GOVERNING THIS WORK.
  4. ALL DIMENSIONS SHALL BE VERIFIED WITH THE PLANS (LATEST REVISION) PRIOR TO COMMENCING CONSTRUCTION. NOTIFY VERIZON WIRELESS IMMEDIATELY IF DISCREPANCIES ARE DISCOVERED.
  5. ALL MATERIALS AND WORKMANSHIP SHALL BE WARRANTED FOR ONE (1) YEAR FROM DATE OF ACCEPTANCE.

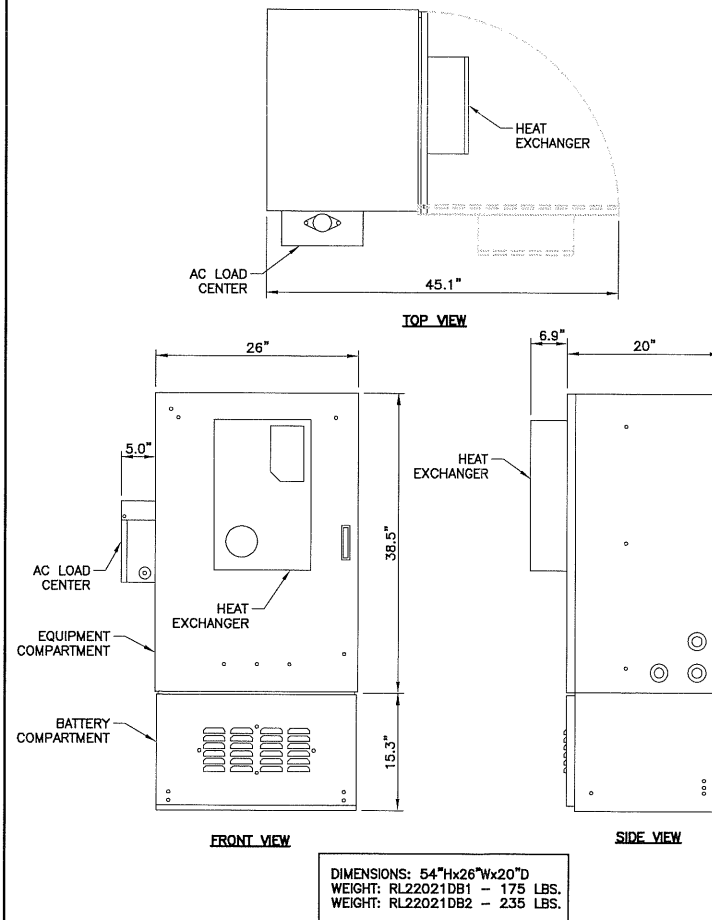


B66A RRH2x90-AWS  
DIMENSIONS: 25.8\"/>



5 RRH SPECIFICATION & ATTACHMENT DETAIL

N.T.S.



6 SMALL SITE SUPPORT CABINET DETAIL

N.T.S.

APPLICANT:  
**verizon**  
275 JOHN ST.  
SUITE 100  
WEST HENRIETTA NY 14586

PREPARED BY:  
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Kelly Stroh

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EBI JOB NO:  
**8118000249**

SITE INFO:  
**HOWLAND MICRO**  
PROJECT NO.: 20161509173  
LOCATION CODE: 432846  
110 HOWLAND AVENUE  
BEACON, NY 12508  
DUTCHESS COUNTY

SHEET TITLE:  
**DETAILS & NOTES**

DRAWN BY:  
SM

CHECKED BY:  
AG

DATE:  
11/12/18

SHEET NO:  
**Z-4**

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

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

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

<b>Part 1 - Project and Sponsor Information</b>			
Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless			
Name of Action or Project: Howland Micro			
Project Location (describe, and attach a location map): 110 Howland Avenue, Beacon, Dutchess County, NY			
Brief Description of Proposed Action: Construct a proposed 52 foot wooden pole with two proposed antennas within a 102 square foot lease area for telecommunications equipment. Verizon Wireless proposes to utilize the existing paved access road. Utility conduits are to extend underground along the perimeter of the paved parking area for approximately 250 feet to an existing utility pole.			
Name of Applicant or Sponsor: Verizon Wireless		Telephone: E-Mail: kathy.pomponio@verizonwireless.com	
Address: 1275 John Street, Suite 100			
City/PO: West Henrietta		State: NY	Zip Code: 14586
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		4.359 acres	
b. Total acreage to be physically disturbed?		<1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<1 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

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



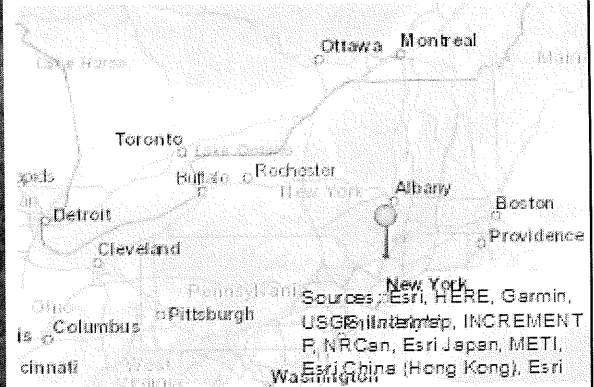
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed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

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	<b>NO</b>	<b>YES</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	<b>NO</b>	<b>YES</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	<b>NO</b>	<b>YES</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Verizon Wireless</u> Date: <u>November 13, 2018</u> Signature: <u>Elaine Langer</u>		

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



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



**verizon**<sup>✓</sup>  
Network Engineering  
1275 John Street  
West Henrietta, New York 14586

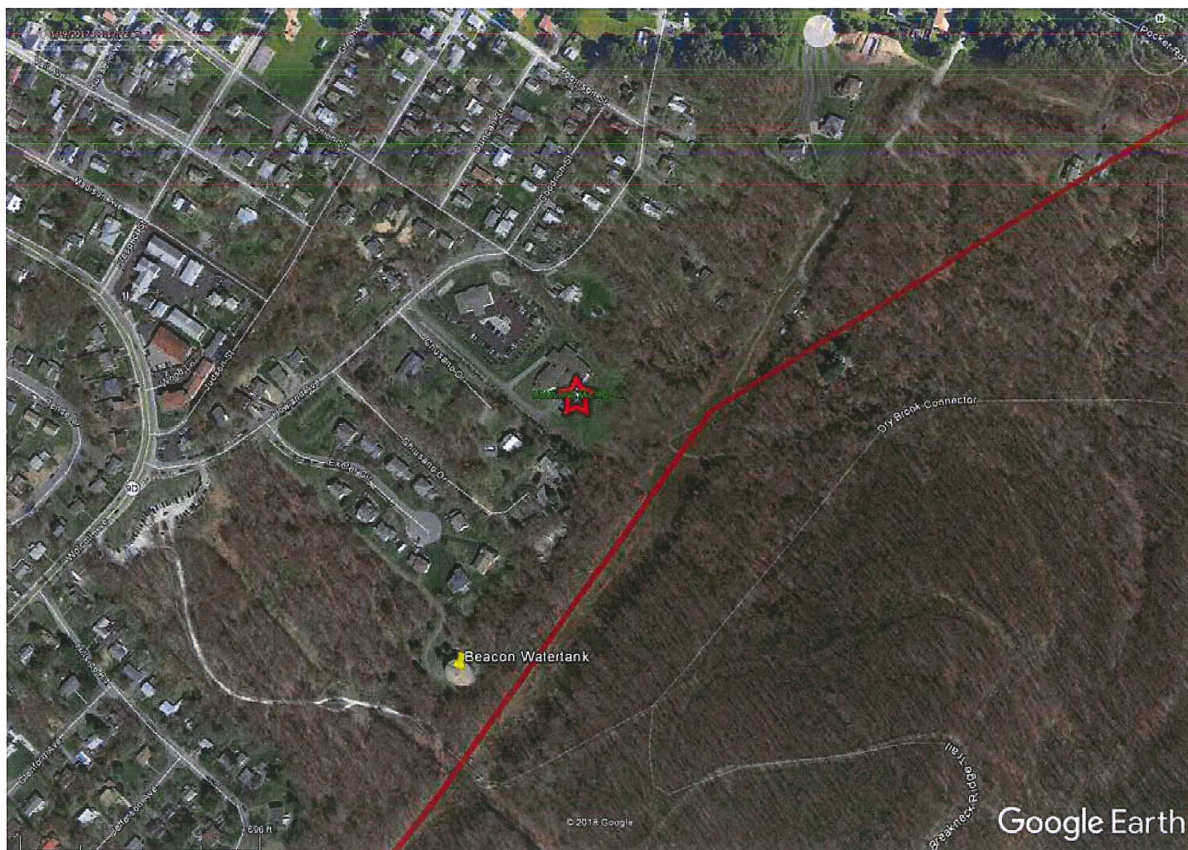
January 22, 2019

Scott Olson, Esq.  
Young / Sommer llc  
ATTORNEYS AT LAW  
Five Palisades Drive, Albany, NY 12205

RE: Howland Application, Municipal Water Tank

A question was posed as to whether or not Verizon may be able to move the proposed installation to an alternate water tank location off Howland Ave near the Breakneck Ridge Trail.

The proposed Howland installation (red star in map below) and the Beacon Water Tank location (yellow pin) discussed are shown below:

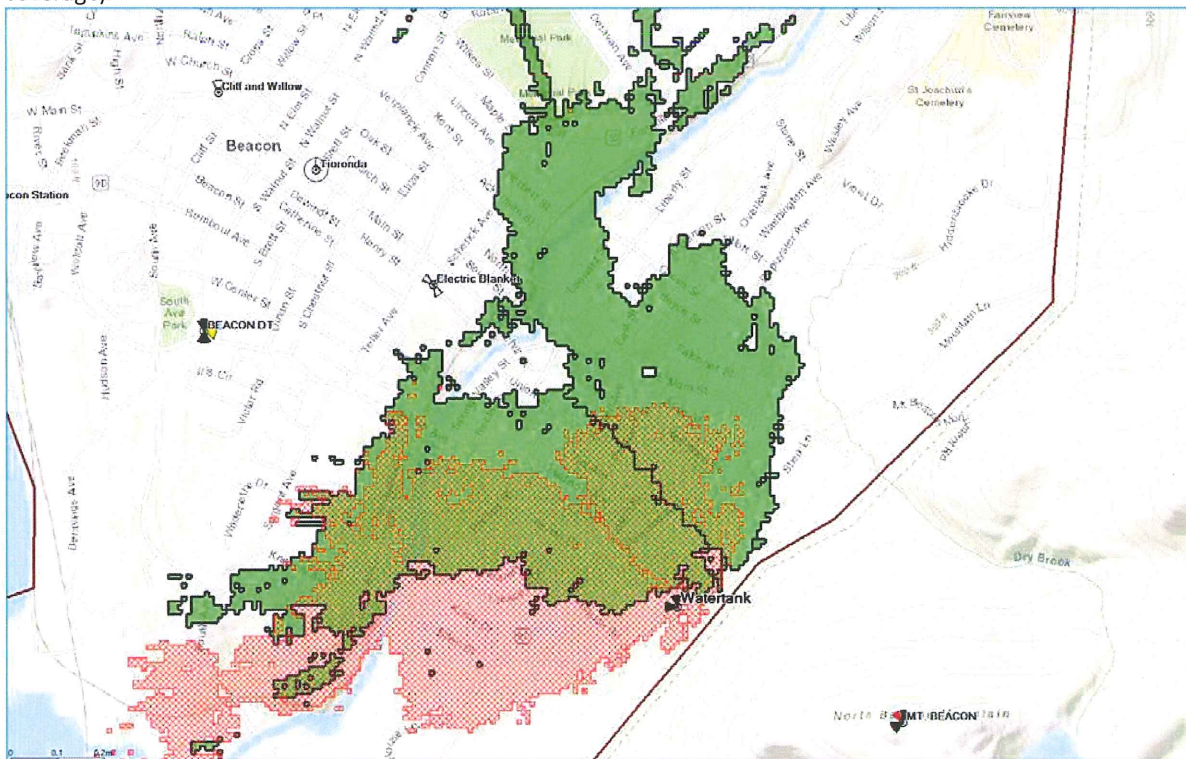


We have been aware of this water tank location and have reviewed it prior to and during the process of developing the proposed Howland site. This location has been deemed not of similar RF value for multiple reasons. It is critical to understand how the actual physical location of the Beacon Water Tank has much of its potential view-shed blocked by local obstructions. Additionally the water tank structure itself is lower in available ACL and approximately 800' south of the desired location and search area. For the purpose of comparison we have utilized the exact same pole and antenna configuration at each location.

The Beacon Water Tank location fails to achieve the Howland site objectives for the following reasons and is therefore RF Rejected:

1. Too low of position relative to its local obstructions. The water tank location compared to the proposed Howland location suffers from unacceptable signal degradation to the north due to far field (view) blocked by dense localized clutter. The dominant footprint that is necessary to offload the existing sites is not possible from this location due to being blocked by terrain and foliage. Having a clear line of sight (LOS) to area objectives is critical when designing new micro sites at cellular frequencies.
2. Poor positioning relative to some area objectives as well as other sites. The water tank is approximately 800' south of the identified search ring. This distance combined with the above mentioned obstructions further limit this locations ability to serve the necessary objectives and provide the necessary capacity offload detailed in the RF Justification.

The image below helps visualize the difference in coverage between the proposed Howland site (Green coverage footprint) and the Beacon Water Tank (Red hashed coverage footprint). Small cell facilities are designed to have smaller coverage footprints and therefore even a slight relocation of the site can significantly alter site performance. As can be seen in the plot below...the water tank site would not serve the intended area (~50% less coverage).



The proposed Howland micro is centrally located to the necessary coverage and capacity improvement area offering an uncluttered view of the coverage objectives. The Beacon Water Tank is not located such that it provides value as an alternate existing (co-locatable) structure due to extensive portions of its potential view shed being blocked by local area terrain and foliage. These obstructions prevent this location from providing the necessary coverage and capacity relief. The Beacon Water Tank is RF rejected due to failing to provide adequate relief with required initiatives.

Very truly yours,

*Michael R. Crosby*

Michael R. Crosby  
Engineer IV – RF Design  
Verizon Wireless



Existing Utility line







**Howland Micro**  
**110 Howland Avenue**  
**Beacon, New York 12508**

**KEY**  
**MAP**  
9165.43





Looking northeast from 110 Howland Avenue.  
Proposed installation will be visible from this location.

Distance from the photographic location to the proposed site is 150'±





Looking northeast from 110 Howland Avenue.  
Proposed installation is visible from this location.

Distance from the photographic location to the proposed site is 150'±





Looking southeast from 109 Howland Avenue.  
Proposed installation will be visible from this location.

Distance from the photographic location to the proposed site is 500'±





Looking southeast from 109 Howland Avenue.  
Proposed installation is visible from this location.

Distance from the photographic location to the proposed site is 500'±

**S-2**

9165.43





Looking southeast from the intersection of Howland Avenue & Goodrich Street.  
Proposed installation will be visible from this location.

**P-3**

Distance from the photographic location to the proposed site is 450'±

9165.43





Looking southeast from the intersection of Howland Avenue & Goodrich Street.  
Proposed installation is visible from this location.

**S-3**

Distance from the photographic location to the proposed site is 450'±

9165.43





March 11, 2019  
File: 10155545-1.0

Re: Verizon Permit Application for Small Cell Installation  
110 Howland Avenue (Parcel ID #6054-14-34746460-3-14.1)  
City of Beacon, New York, 12508  
Verizon Site Name: Howland Micro  
Technical Review Memo

Mayor Casale and the Beacon City Council:

This technical memorandum (Tech Memo) was prepared to summarize HDR's technical review of an application prepared by Young / Sommer LLC, an agent of Orange County - Poughkeepsie Limited Partnership d/b/a Verizon Wireless (Verizon), to install a "small cell" wireless telecommunication facility on a new 52-ft wooden pole at the above-referenced location (the site) in the City of Beacon. The site is in a R1-40 zoning district, and is owned by Ability Beyond Disability.

Verizon is proposing the installation of two panel antennas and other equipment on a new wooden utility pole, along with ancillary equipment on the ground at the base of the new pole. The purpose of the facility is to improve network coverage and capacity in the immediate area of the site and to increase efficiency in Verizon's local wireless network. Photos of the project area, a plan view image from the Drawing set, and 2 photosimulations ("before and after" views) of the proposed small cell are provided below.



**Photo of proposed small cell area, provided by the applicant in the 2018 application materials.**

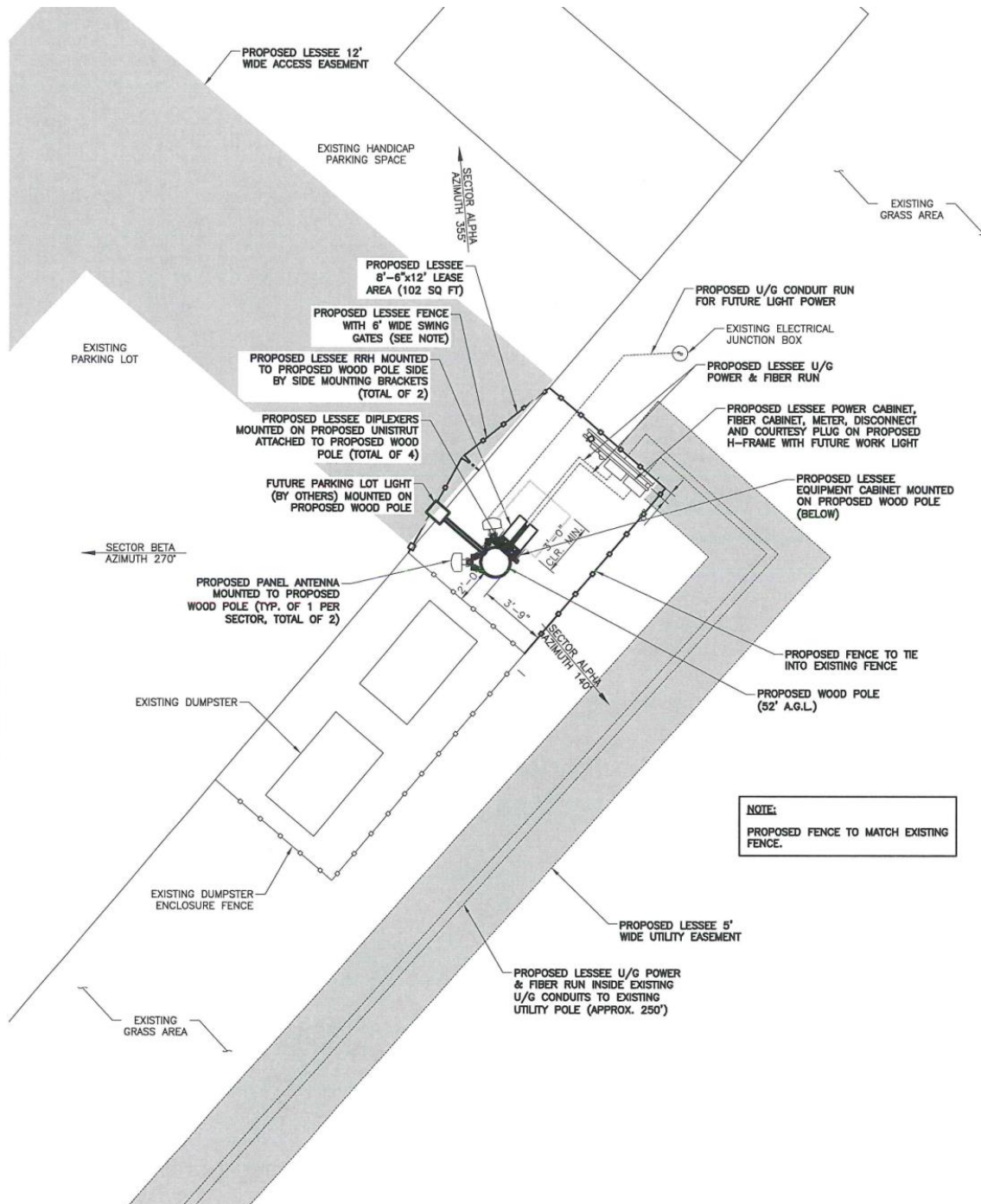




Feb 6, 2019 photo of proposed small cell area



Feb 6, 2019 photo of area behind the proposed facility. Note topography increase in grassed area and presence of drainage swale.



Plan view of proposed small cell.





**Tectonic**  
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking northeast from 110 Howland Avenue.  
Proposed installation will be visible from this location.

Distance from the photographic location to the proposed site is 150'±

**P-1**

9165.43



**Tectonic**  
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking northeast from 110 Howland Avenue.  
Proposed installation is visible from this location.

Distance from the photographic location to the proposed site is 150'±

**S-1**

9165.43



<b>Tectonic</b> <small>PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.</small>	<p>Looking southeast from 109 Howland Avenue.  Proposed installation will be visible from this location.</p> <p>Distance from the photographic location to the proposed site is 500'±</p>	<p><b>P-2</b></p> <p>9165.43</p>
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<b>Tectonic</b> <small>PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.</small>	<p>Looking southeast from 109 Howland Avenue.  Proposed installation is visible from this location.</p> <p>Distance from the photographic location to the proposed site is 500'±</p>	<p><b>S-2</b></p> <p>9165.43</p>
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#### Photosimulations of proposed Verizon installation at 110 Howland Avenue

This review includes a general assessment of Verizon's small cell wireless facility application and consists of an analysis of the application materials HDR received in January 2019 and supplemental materials furnished in March 2019. The applicant is seeking a Special Permit (SP) for the proposed small cell installation. This Tech Memo is written for the review and comment of the City of Beacon City Council. Aside from the SP, the applicant has not identified the need for variances or waivers.





## 1. Background on Small Cells

The proposed small cell installation is intended to provide enhanced voice and data services for Verizon in the immediate site area. Small cells are low-powered wireless base stations that function like cells in a mobile wireless network, typically covering targeted indoor or localized outdoor areas ranging in size from homes and offices to stadiums, shopping malls, hospitals, and metropolitan outdoor spaces. Wireless service providers often use small cells to provide connectivity to their subscribers in areas that present capacity and coverage challenges to traditional wide-area macrocell networks, such as coverage gaps created by buildings, tower siting difficulties, and challenging terrain. Small cells typically are built to service one wireless carrier. It is noted that a small cell (or small cell network of nodes) is increasingly being utilized by wireless carriers to fulfill increased service needs in suburban settings.

The proposed small cell installation at 110 Howland Avenue is part of Verizon's 1900 and 2100 MHz (4G/LTE) licensed network roll out to provide enhanced voice and data services in the immediate site area (Howland Avenue, Route 9D, and secondary roads; residential and commercial properties). Based on the application filings and discussions with Verizon representatives, 5G service is not contemplated or proposed at this time.

## 2. Application Review and Nature of Proposed Verizon Installation

The following information was reviewed for this Tech Memo, including original and supplemental materials furnished by Verizon:

- Application package for Special Permit and Statement of Intent:
  - Young / Sommer LLC cover letter, January 9, 2019
  - Tectonic Visual Analysis, undated
  - Application for Special Permit and Rosenberg Waiver Relief and Statement of Intent, November 23, 2018
  - Application for Special Permit, no date
  - Application Processing Restriction Law, no date
  - City of Beacon Site Plan Specification Form, no date
  - City of Beacon Entity disclosure Form, no date
  - Documentation of Public Utility Status and Overview of Rosenberg Decision, no date
  - Documentation of Personal Wireless Service Facility Status an Federal Telecommunications Act of 1996, no date
  - FCC Radio Station Authorization, expiration 06/13/2019
  - Drawing Set (5 pages), prepared by EBI Engineering PC, dated 11/12/2018
  - Verizon Wireless Communication Facility, Engineering Necessity Case – “Howland Micro”, prepared by Michael Crosby, undated
  - Verizon Wireless Maintenance and Inspection Plan, Howland Micro Facility, November 19, 2018
  - RF Safety FCC Compliance of Proposed Communications Facility, Millennium Engineering, P.C., November 6, 2018
  - Non-Interference Certification of Proposed Communications Facility, Millennium Engineering, P.C., November 6, 2018
  - Short Environmental Assessment Form, November 13, 2018

- Lease Agreement, dated October 29, 2018
- Statement of Intent and Application for Special Permit and Rosenberg Waiver Relief, November 21, 2018
- January 22, 2019 – Response to John Clarke Planning and Design Memo Comments, including updated Drawings dated 1/14/19, revised Short EAF, City of Beacon water tower alternate site analysis, and updated Visual Analysis.
- March 6, 2019 filing which responded to HDR comments of March 1, 2019:
  - Narrative response letter prepared by Young / Sommer LLC
  - Antenna and ancillary equipment specifications
  - Supplemental Engineering Necessity Case (project overview, capacity, coverage, other sites in development, site selection analysis, RF justification summary, height justification)
  - Updated drawing set, dated 3-5-2019

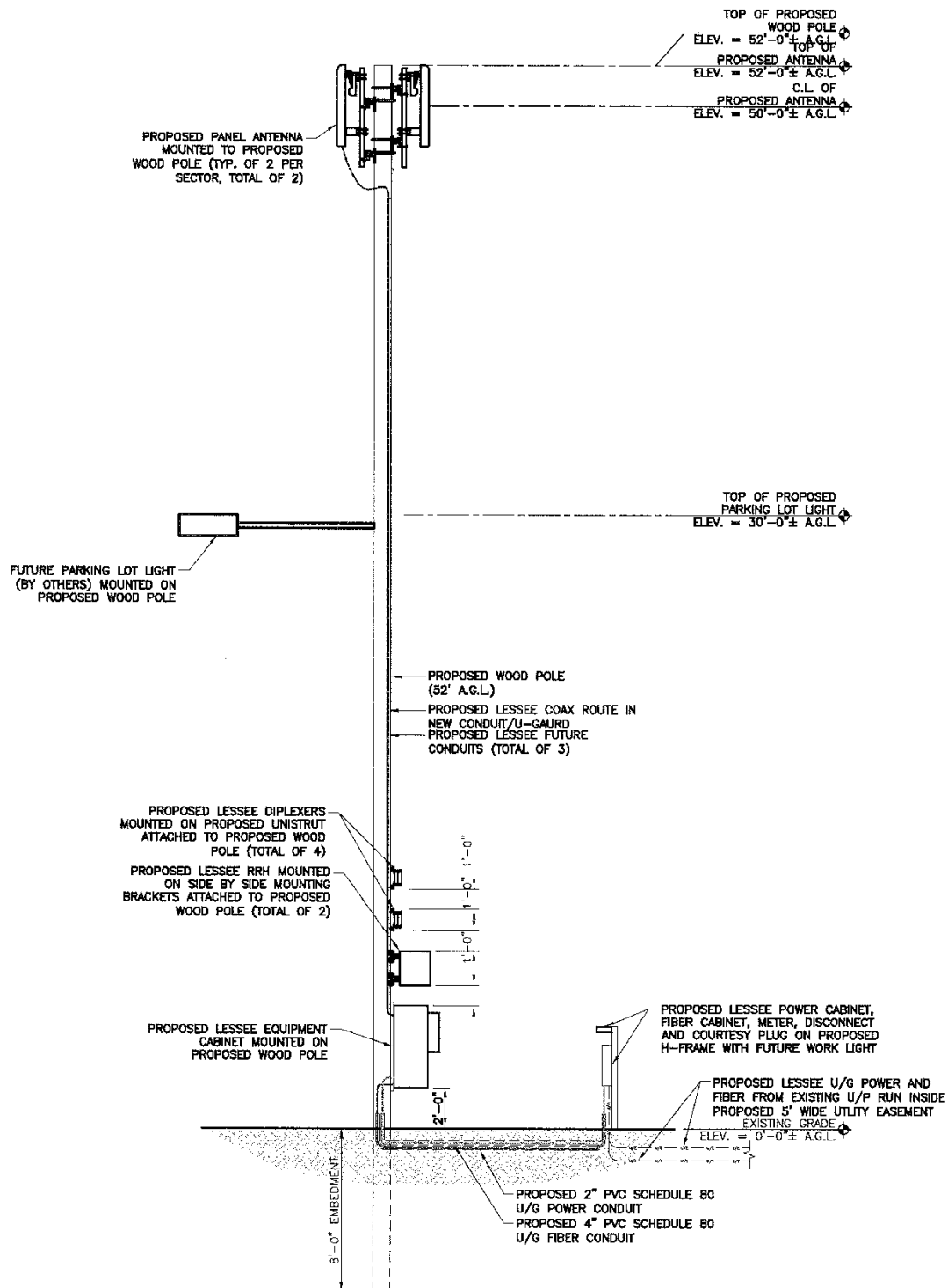
HDR also reviewed memoranda submitted by the City Planner and the City Attorney, conducted site visits, and participated in a meeting with Verizon and City representatives on February 26, 2019 to discuss the project.

### ***Proposed Small Cell Facility – 110 Howland Avenue***

Verizon is proposing the installation of the following equipment on the wood pole:

- Two panel antennas. The tops of the antennas reach 52 ft, with the centerline at 50 ft. The panel antennas measure 48” tall x 18” wide x 7” deep.
- Four small diplexers mounted to one unistrut attached to pole.
- Two remote radio head (RRH) units mounted to pole. RRH measures 25.8” x 11.8” x 7.2”, with an AC/DC converter mounted behind it. The second RRH measures 36.61 x 10.63” x 5.75”.
- One equipment cabinet. The bottom of the cabinet is 2 ft above the ground. The cabinet measures 53.8” tall x 26” wide x 20” deep. There is a heat exchanger on the front of the cabinet with a depth of 6.9” and an AC load center on the side of the cabinet with a depth of 5”.
- New conduit to run up the pole for coax cable.

The below Drawing image provides a cross-section view of the proposed facility.



Cross-section view of proposed 110 Howland Avenue wireless telecommunications facility



Verizon is proposing to lease an 8'-6" x 12' lease area (102 sq ft). The lease area is immediately adjacent (northeast of) to the existing dumpster enclosure's white fencing.

In addition, Verizon has also proposed the following:

- Underground conduit run for future parking lot light power (ties into existing electrical junction box). The simulations provided show a street light fixture below the antennas at a height of approximately 30 above grade.
- Underground power and fiber run (new) from equipment to the pole.
- Underground power and fiber run (new) inside existing underground conduits to existing utility pole; approximately 250 ft.

### ***City of Beacon Code Review***

HDR reviewed the following City of Beacon Codes as part of the application review process.

§223-24.5 – Wireless telecommunication services facilities

§223-26.4 – Small cell wireless telecommunications facilities (adopted 2/19/2019)

The “small cell” ordinance indicates that either a special permit issued by the City Council or a small cell permit issued by the Planning Board is required for small cell facilities. Based on the information provided for the 110 Howland Avenue small cell facility, a special permit is required from the City Council for the following reasons:

§223-26.4 B. (2) – Any other application for placement, installation, collocation or construction of transmission equipment that does not constitute an eligible facilities request.

§223-26.4 B. (3) – installation of a new tower over 50 feet in height.

§223-26.4 B. (6) – Installation of equipment on a pole, located at an elevation less than 8 feet from the ground.

The small cell application filings appear to be in general accordance with the City's Wireless Code requirements (§223-24.5 – Wireless telecommunication services facilities).

### ***Supplemental Information for Technical Review***

HDR submitted a request for supplemental information and clarifications on March 1, 2019, subsequent to visiting the site, reviewing the applications materials, and meeting with Verizon representatives. The below *black italicized text* indicates the HDR requests, and *red text* includes the applicant responses received. *Blue text* provides HDR's evaluation of the supplemental information submitted.

- ***Confirm all licensed frequencies proposed for Verizon operation for this small cell, in the immediate-term and as forecasted for 2-3 years out. The RF Emissions Report assumes 1900/2100 MHz (and demonstrates compliance at publicly-accessed areas in the vicinity of the proposed small cell), but does not appear to consider 700 LTE. If any other frequencies are proposed to operate at this facility, the Millennium Engineering Report of 11/6/2018 should be appropriately updated.***

**PROVIDED – 1900/2100 MHz only.** *Based on the response, there is no need to update the Millennium Report.*

- *Is co-location by another wireless carrier on the proposed 52' pole considered viable by Verizon?*  
**PROVIDED – it could be capable of accommodating co-location.** *No additional information is required; however, based on the size of the facility (pole and equipment area at the base), co-location interest at the small cell facility by another wireless carrier is unlikely and not recommended.*
- *At the 2/26/2019 meeting, the option to move the proposed small cell facility towards Mount Beacon (further back from the parking area; eastward / southeastward) was discussed. In addition to logistical constraints, the RF Engineer provided a verbal description of signal impedance that would result if the facility were located further back / into the denser tree line. A brief written narrative to this point from the RF Engineer is requested.* **PROVIDED – The applicant has noted that location of the small cell facility east / southeast is not a viable option from an RF perspective due to ‘shadowing’ from the northern tree lines and lack of an existing access road. The applicant has also stated that small cell facilities, as opposed to macro cell tower sites, typically are not designed to include construction and maintenance of access roads. Per the applicant: The possibility of moving the facility back further on the property was considered by Verizon Wireless during the initial design of this site. The site’s relocation was denied by construction due to the lack of access associated with relocating the facility further back on the property. Verizon Wireless policy concerning small wireless facility deployment prohibits construction of access roads as part of its small cell program. In addition to construction concerns, there are also radiofrequency concerns with relocating the facility further back on the property relative to the existing tree lines. Specifically the northern tree line which would create additional “shadowing” degrading the capability of the site to unacceptable levels. Lack of an access road would also create significant issues relative to maintenance of the facility.**

*There appears to be approximately 100 ft or more of grassed area where the tower could possibly move back (southeast) towards the base of the mountain. However, the ground elevation would increase by as much as 20 ft, which would likely, in turn, increase the visibility and appearance of height from Route 9D and neighboring properties to the south. The below image demonstrates the rise in topography from approximately 275 ft amsl (where the small cell is currently proposed) to the end of the property line (in yellow). See below discussion under Section 5.*



- The Drawing set (e.g., DWG Z-1) should be updated to show all property lines for the subject site, including the back property line. **PROVIDED – property lines were added.** HDR’s site visit noted a drainage swale on the slope behind the parking area with a sign marked “Private Property”. It is requested that Verizon confirm if any subgrade utilities or easements may be associated with this feature. **Information on subgrade utilities not provided.** The updated drawings provided by the applicant depict a 5 ft wide utility easement, which is for an underground power and fiber run to an existing utility pole, located about 250 ft away. Photos of the area behind the proposed compound, including the drainage swale, are included earlier in this Tech Memo.
- Confirm if any variances or waivers from the City’s Wireless Code are being requested. **PROVIDED – Per the applicant, none are requested for the 110 Howland Avenue Small Cell application.**
- Could a single “cantenna” (cylinder model antenna) be used in lieu of the 2 proposed panel antennas? This point was touched upon during the 2/26 meeting, but a brief narrative is requested. **PROVIDED – “The selected antennas have been specifically required due to their narrow horizontal and vertical beam widths as well as remote tilt capabilities. These are critical design functions necessary for this site to cover the required areas while minimizing overshooting interference. Cantennas are short (in height) inherently having opposite capabilities and are not suitable at this location. The panel antennas are proposed to be flush mounted to the pole to minimize their profile.”** The proposed configuration (2 panel antennas) appears to be reasonable based on the applicant response and HDR’s review of coverage / capacity objectives.
- An alternate height coverage map / capacity statement is requested, evaluating the feasibility of an antenna centerline height of 40 ft agl (vs. the proposed 50 ft antenna centerline height). The same frequencies (2100 MHz) and RF criteria (-95 dBm) as used in the prior Engineering Necessity Case – “Howland Micro” should be used. This supplemental information is requested to justify the proposed pole height, and the differential in coverage + capacity afforded to the area. **PROVIDED – coverage comparison was submitted as requested in the supplemental Engineering**



**Necessity Case.** *With this information, the alternate height evaluation appears to be complete and the proposed panel antenna and pole heights appear to be justified (see below discussion under Section 5).*

- **In the Engineering Necessity Case – “Howland Micro”, please describe the reason for differences between:**
  - *Page 19 – The Green “proposed coverage” on the Map entitled, Proposed (Mt. Beacon Gamma Off) 2100MHz Best Server -95dBm RSRP and Page 22 – The Yellow “proposed coverage” around the Howland site as depicted on the Map entitled, Proposed 2100 MHz Coverage.*

**PROVIDED** – *Per the applicant, some titles were mis-labeled. An updated Engineering Necessity Case was submitted. No additional information is required, plots from the RF Engineer’s reports are included below under Section 3.*

- *Provide dimensions and ‘cut sheets’ (vender specs) of all proposed pole-mounted and ground-based equipment including the panel antennas, RRH unit, diplexers, and electric meter. PROVIDED. No additional information is required.*
- *Provide location and description of FCC-type warning signage and Verizon Contact signage. RESPONSE PROVIDED – Per the applicant: “FCC warning signs are typically confirmed after an application has been approved. We will place an order for the specific required signs and provide them in advance of the next regular meeting.” The response appears reasonable, see Recommendations at end of this Tech Memo. In this case, small FCC-type signage and Verizon contact information signage (10” x 12”, or smaller) would be placed on the ground-based equipment area fencing.*
- *Confirm no back-up power (e.g., generator) is proposed as part of the application. PROVIDED – a generator is not proposed. No additional information is required.*

The applicant also confirmed that the proposed fence enclosing the equipment area will match the fencing that currently exists around the dumpsters off of the parking lot.

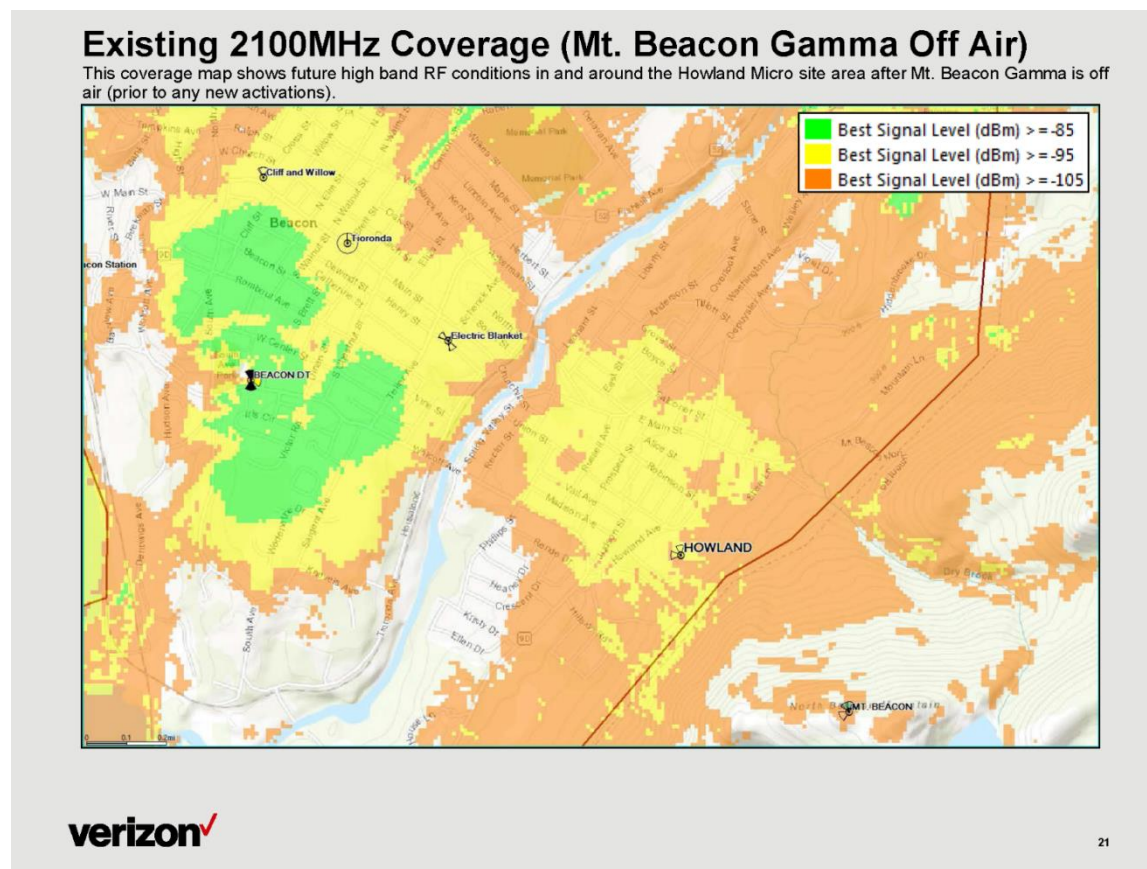
### 3. Coverage / Capacity for the Proposed Verizon Small Cell Facility

A number of factors can prevent the commencement or completion of a call from a wireless phone. A subscriber may not be able to complete a call due to limitations in *capacity* (how many callers are communicating with the same cell site at a given time). The proliferation of cell phones, smartphones and tablet computers has increased the need for network capacity, even within areas that were “covered” during the early roll-out of wireless telecommunications facilities. Industry focus has shifted from simply geographic coverage to “capacity coverage” in order to meet subscriber demand for bandwidth-intensive services. An inability to meet this demand results in overloaded networks and sluggish or interrupted service (e.g., “dropped calls”).

The site is proposed predominantly to prevent shortfalls in capacity in the local Verizon network in the area, and to supplement service from existing Verizon cell sites located at Beacon DT (rooftop of City Housing Authority) and Mt. Beacon (tower at high elevation to the southeast). Verizon has reported that the plan for the Mt. Beacon cell site will be to decommission the facility in the next 1-2 years due to the trends in the ways wireless facilities are being planned and built (i.e., lower to the ground, smaller coverage patterns,

network densification objectives). The proposed Verizon small cell will provide a node in Verizon’s local area network to “off-load” excessive call and data traffic that is currently experienced by nearby “macro” cell sites during times of heavy consumer use. The site, if approved, will become more important as the Mt. Beacon facility is eventually fully decommissioned.

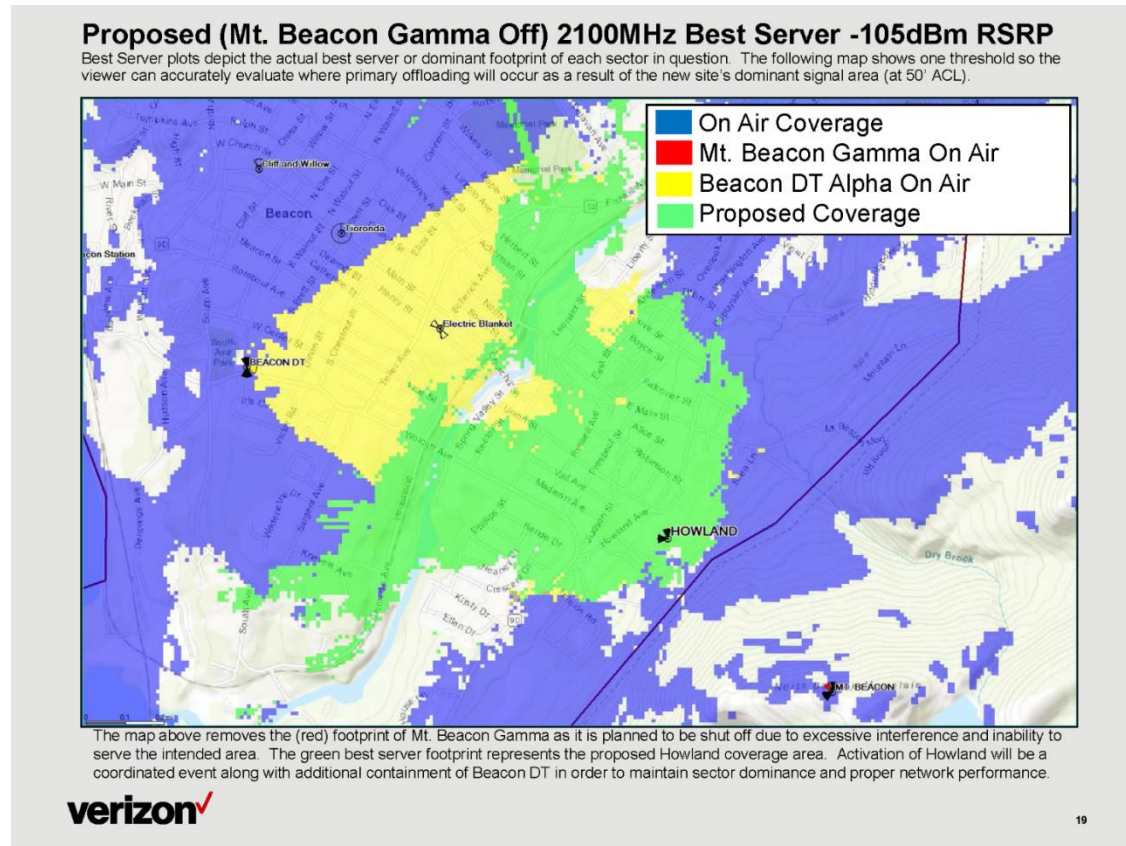
The proposed small cell installation at 110 Howland Avenue Road will remedy capacity deficits that currently exist (and that are anticipated to increase) in the City of Beacon. Service will be enhanced for mobile users in vehicles, and at commercial / residential properties in the area. The proposed small cell will provide additional capacity to the network for purposes of “off-loading” call and data traffic from the Mt. Beacon site in the Town of Fishkill and the Beacon DT site, located off Route 9D. The below RF map images depict the Verizon service (coverage and capacity). The first map depicts 2100 MHz signal *without* the Mt. Beacon facility and *without* the proposed small cell at 110 Howland Avenue. Unshaded regions indicate areas without reliable signal (in-building, in-vehicle, or open space).



The below map (2100 MHz) provides a similar area scale, and includes signal modeling for the proposed small cell. The green area below indicates coverage and capacity for the ‘open space’ signal, which can be compared with the orange color in the above map. New and supplemental service has adequately been depicted. The application materials also include capacity trends from the existing macro cell sites Beacon DT



and Mt. Beacon, which demonstrate that the sectors facing towards the 110 Howland Avenue area are at capacity limits.

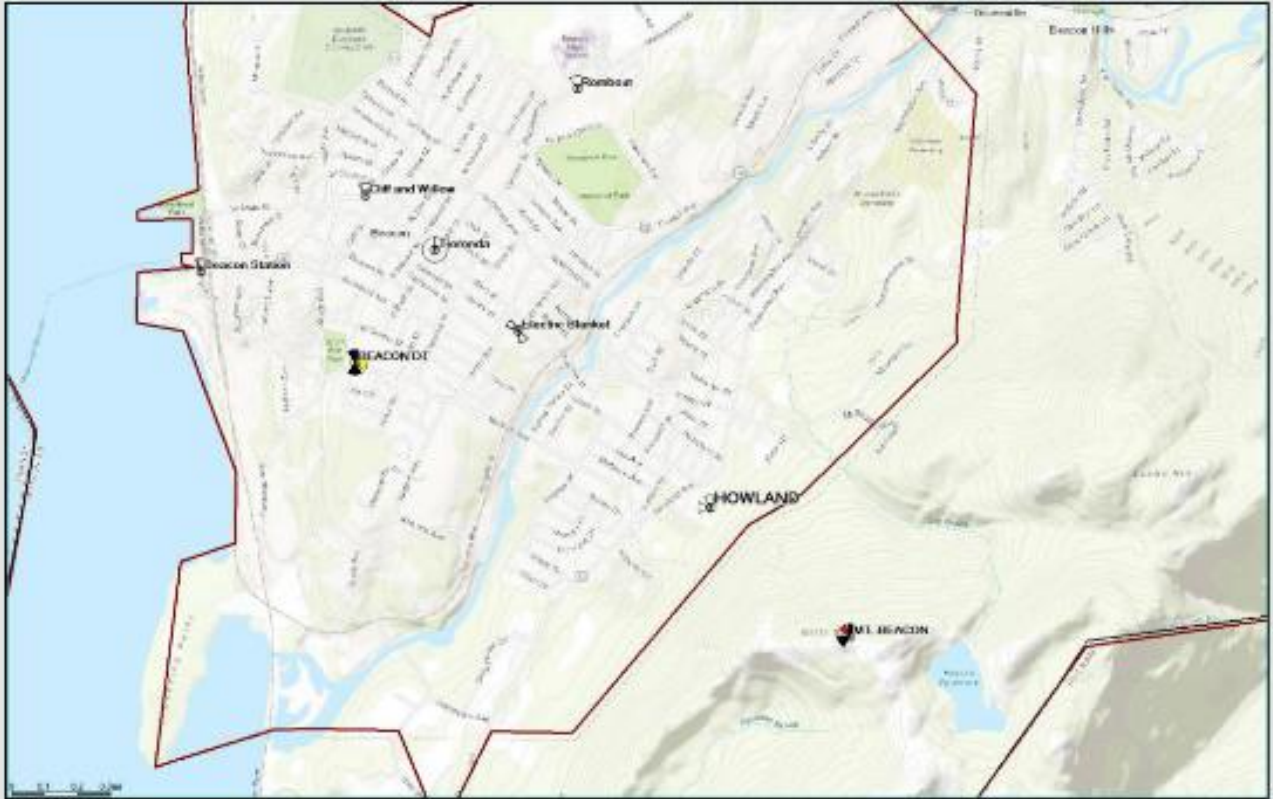


#### 4. Verizon Build-Out Plan

The applicant provided a figure depicting other Verizon wireless sites under various stages of development, as well as the existing Beacon DT (rooftop of City Housing Authority building) and Mt. Beacon “macro” sites. Small cell applications have been submitted for 2 Red Flynn Road (“Beacon Station”) and 7 Cross Street (“Cross and Willow”). The “Electric Blanket” site is a new rooftop facility location that will be proposed by Verizon at the City’s Mase Hook and Ladder building on Main Street (a future application is still pending). Other locations noted by Verizon to be in ‘due diligence’ or planning stages include “Rombout” and “Tioronda”; no details on these sites (precise locations, construction drawings) are reportedly available at this time. A figure depicting existing, proposed, and “in planning” Verizon cell sites in the City is provided below.

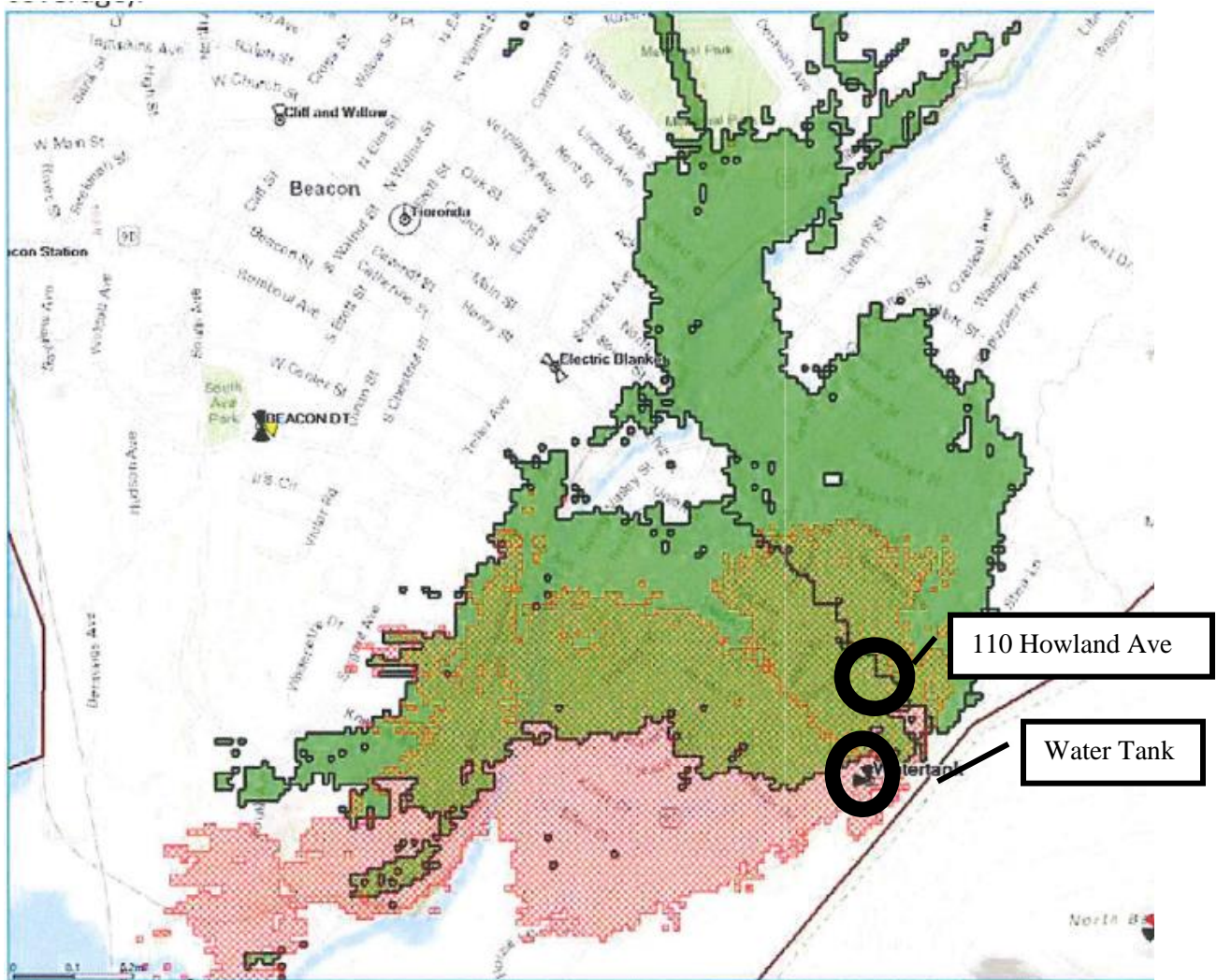
## Other sites in development

This map shows the approximate locations of other sites at various stages of development including Beacon Station, Rombout, Cliff and Willow, Tioronda and Electric Blanket.



## 5. Alternate Location and Height Evaluations

At the City of Beacon's request, the applicant completed an analysis of locating a new wireless small cell facility at the existing City of Beacon water tank, located off Howland Avenue, near the Breakneck Ridge Trail. The January 22, 2019 analysis concludes that the water tank is located too far away (800 ft) from the target area, and the height/elevation afforded is too low to meet the required coverage objectives. An image that depicts the coverage from the water tank and the proposed 110 Howland Avenue site is provided below.



**Coverage Map.** Green depicts the proposed Howland site coverage (2100 MHz, as presented above); Red depicts that of a facility located at the Beacon Water Tank.

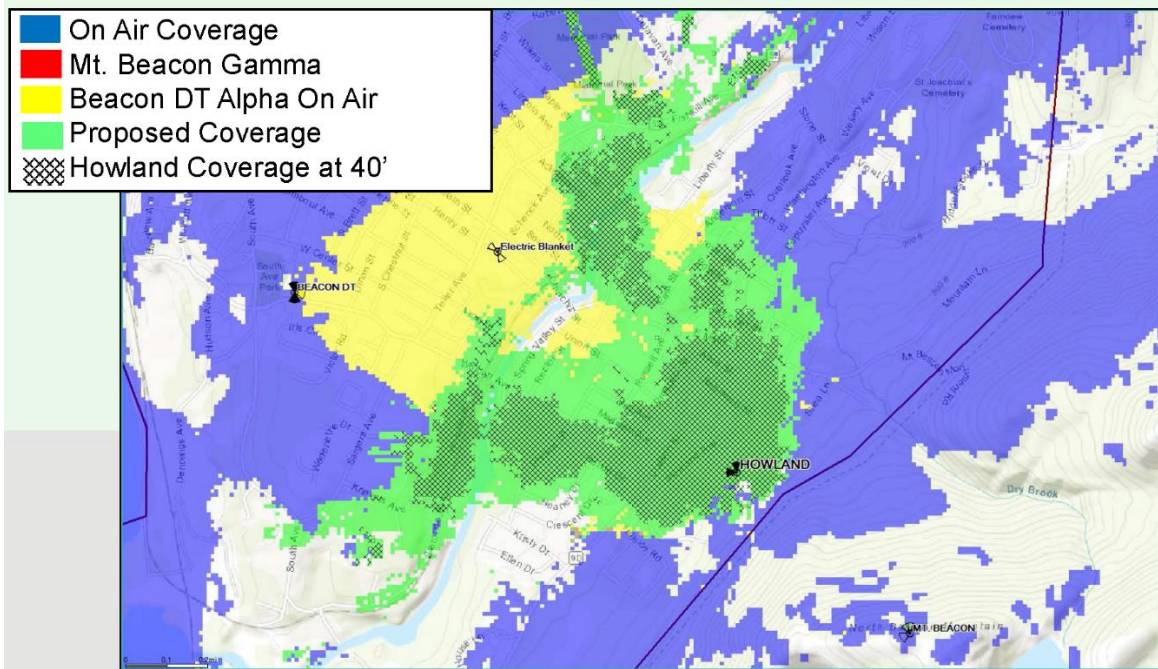
HDR also notes that the water tank appears to be on a parcel that is listed on the National/State Register of historic places (Mount Beacon Incline Railroad). The hiking trail starting at the parking area at the Route 9D / Howland Avenue corner leads to a trail and observation area at the base of the incline, from which a facility at the water tank may be more visible than the proposed site at 110 Howland Avenue.

The applicant’s Engineering Necessity Case (RF reports) note that the **on-site building rooftop** at 110 Howland Avenue was rejected from consideration due to its low height, and also obscured by “local clutter”. No additional details for the rooftop scenario were provided by the applicant, but this conclusion appears reasonable based on topographic evaluation by HDR. Further, HDR requested an **alternate height coverage map for antennas at a centerline height of 40 ft agl** (vs. the 50 ft height proposed), for comparison purposes. The below image provides a comparison of the coverage area if the centerline height of the antennas is at 40 ft (hatch lines) versus the proposed 50 ft (centerline, shown in green). As demonstrated in the figure, coverage is diminished at the 40 ft centerline height, and would be further diminished for a rooftop location (approximate 25 ft height).



## Supplemental: Height Justification

Lowering the antenna centerline from 50' to 40' causes unacceptable loss of sector dominance as well as weaker signal strength throughout the intended coverage area which would result with compromised offload and coverage capabilities. The comparison of expected dominant sector footprints is shown below.



verizon

26

It was requested that the applicant discuss the option of installing the proposed utility pole at an alternate location (**further back – southeast - from the building on the 110 Howland Avenue property**).

The back end of the property is sloped and the tree line ‘converges’ towards the middle of the property (see photographs below, taken 3/6/2019, and the earlier ones in the Tech Memo). HDR feels that installation of the utility pole further away from the building and street would increase the overall height of the wireless facility, and likely make the installation more visible from other viewpoints as compared with the proposed location. Based on the site’s configuration including: available access for construction adjacent to the parking lot, with possible use of the wooden pole for parking lot lighting in the future; increase in topography towards Mt. Beacon; and existing treeline at the back end of the property which may impede signal and necessitate a taller structure with possible tree removal, grading and a new access driveway and culvert over the drainage swale, the proposed location on the site appears to be a viable option.



View of driveway, looking east





View of rear parking lot, looking northeast



View of rear parking lot, looking south

## 6. Conformance with NIER and Other Radiation Hazard Criteria

In order to comply with the Non-Ionizing Electromagnetic Radiation (NIER) hazard criteria, Millennium Engineering, P.C. (on behalf of the applicant) calculated radio frequency [RF] levels for the proposed installation (November 6, 2018 RF analysis). For general public exposures at “ground level” areas in proximity to the installation, the maximum RF levels were calculated to be less than 1% of the general public maximum permissible exposure (MPE) limit, and thus in compliance with FCC regulations. RF levels were also assessed for occupational workers at 3 feet in front of the antenna (“near field region”), and were reported to be below the FCC occupational limits.

## 7. Recommendations

The following recommendations were identified based on HDR’s technical review of the Verizon application materials. These recommendations can be considered as conditions of the special permit and/or building permit, should the application be approved by the City.



- Security fencing around the ground-based equipment and FCC warning signage should be routinely inspected and maintained at the site. It is the applicant's responsibility to comply with all FCC rules and regulations that are applicable to the site and its operations.
- The proposed antennas, mounting structures and cable runs shall be color matched to the pole and in accordance with the photosimulations provided for this application. A matte finish is recommended for all proposed equipment. For the ground-based equipment fencing, a white color and texture to match the existing fencing at the site (see above photos) is recommended. The height of the fencing (all 4 sides) shall be consistent with the existing fencing off the parking lot, and HDR recommends it be no shorter than the height of the RRH units depicted on the cross-section Drawing (approx. 7 – 8 ft). The proposed fencing shall comply with Section 223-13.G, unless the Building Inspector determines that this Section does not apply and a taller fence is permitted around the small cell pole and equipment. If approved, the height of the small cell fencing would be greater than the adjacent existing fencing (approx. 5 ft), but the additional height (and signage) would serve to deter trespassing.
- **Screening is recommended** on the south side of the existing fencing to supplement the on-site deciduous trees and to further shield possible visual impacts to residential properties to the south. Planting of 2 trees (evergreen or similar non-deciduous species amenable to thrive at the site) with minimum height of 8 ft at time of planting is recommended. HDR notes that some screening exists with the tree line at the southern property (see above site photos in this Tech Memo). Additional screening with evergreen species appears to be in consistent with nearby vegetation, and will mitigate some views of the ground-based area during 'off-leaf' season.
- If the Special Permit is approved, a structural and foundation analysis shall be provided as part of the future Building Permit application. It is understood that no guy-wires or exterior supports are proposed. The analysis should also account for a possible parking lot lighting fixture (depicted on the Drawings). Any lighting proposed or planned shall first be approved by the City Building Department. No lighting is proposed or required as part of Verizon's small cell application.

Verizon has noted that co-location by another commercial wireless carrier is not contemplated. HDR believes that if the small cell is approved and constructed, co-location would be difficult and interest to co-locate unlikely in the future.

- In addition to FCC signage, a sign with Verizon Wireless contact personnel should also be provided at the site (e.g., on fencing or near access gate). The application noted that information on signage will be provided at a future meeting.
- If constructed, As-built Drawings shall be prepared for the Building Department files which depict the actual locations and heights of all Verizon small cell equipment including - but not limited to - the wooden pole, antennas, pole-mounted equipment, fencing, and subgrade utility runs and tie-ins. Any screening or landscaping required by the City Council shall also be included on the As-Built Drawings, along with notes for the facility Maintenance Plan. Grounding and bonding certifications should also be provided to the Building Department. Any deviations to the most-recent Drawings submitted for the Special Permit review (latest version as of this Tech Memo is dated 03/05/2019) shall be noted and described to the Building Department.



- Operations should be maintained in accordance with the City's Wireless Ordinance and all other relevant City codes. In accordance with §223-24.5 O., an annual structural/safety inspection and report is required for a monopole or tower over 50 ft in height. The structure shall be inspected annually from a structural and safety perspective by a licensed profession engineer, or at any other time that the Building Inspector determines that the structure may have sustained structural damage. A copy of the inspection report shall be submitted to the Building Inspector.

In accordance with §223-24.5 J, the City Council may require annual certification of conformance with the applicable FCC NIER (RF emissions) exposure standards. HDR agrees with these code requirements. Further, it is recommended that if there is a change in operations in the future (frequency bands or class of service such as 5G), the applicant shall be required to notify the City Building Department and submit an updated RF Emissions report. The applicant has noted this would be the case in the supplemental materials that were submitted.

- Any proposed increase in Verizon's number of antennas, antenna sizes, or number/sizes of ground-based equipment cabinets shall be approved by the City prior to any modifications. Any plans for co-location will need to be reviewed and approved by the City under the appropriate application process; however, co-location interest is unlikely.
- The City Building Department should review the insurance and workers' compensation submittals to verify they are adequate. Fees and escrow should be submitted to the City prior to issuance of the Special Permit. Prior to construction, all appropriate approvals as required by the City for construction shall be obtained by Verizon.

Please feel free to contact me should you have any questions on this report. I look forward to participating at a future Council meeting, and if needed providing supplemental information based on questions or comments you have.

Sincerely,  
Henningson, Durham & Richardson  
Architecture and Engineering, P.C.  
in association with HDR Engineering Inc.

Michael P. Musso, P.E.  
Senior Project Manager

cc: Anthony Ruggiero  
Nicholas Ward-Willis, Drew Victoria Gamils  
John Clarke



# Memorandum

## *Planning Board*

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TO: Mayor Randy Casale and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: City Council Request for Report and Recommendation  
110 Howland Avenue Wireless Facility

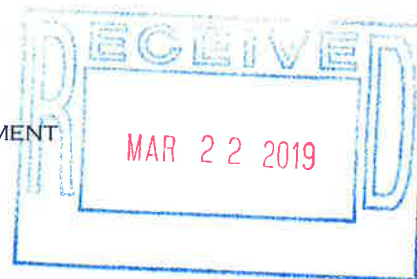
DATE: March 14, 2019

At the March 12, 2019 Planning Board meeting, members reviewed and discussed the proposed wireless facility at 110 Howland Avenue with City Planner John Clarke and City Attorney Jennifer Gray. Attorney Scott Olsen, representing Verizon, also provided an overview of the proposal to install a 52 ft. high wooden utility pole with a panel antenna at the top and equipment at its base. Members reviewed the proposed location and photo simulations and after much consideration recommended a 6 ft. high fence, made of the same materials as the nearby garbage enclosure, be constructed to surround the facility. In addition members agreed with Mr. Clarke's suggestion that evergreens be planted near the edge of the property to screen the view from the house that has a clear view of the tower.

Should you have any questions or require additional information, please feel free to contact me.



**COUNTY OF DUTCHESS**  
DEPARTMENT OF PLANNING AND DEVELOPMENT



March 18, 2019

*city council*

To: Planning Board, City of Beacon  
Re: Referral #ZR19-065, Verizon Small Cell Facility Installation Special Permit  
Parcel: 6054-14-347464, 110 Howland Avenue

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-l/m).

**ACTION**

The applicant is seeking a special permit to construct a 52 foot tall wooden pole with two proposed antennas within a 102 square foot lease area.

**COMMENTS**

The City should inquire whether moving the tower further east, closer to the Mt. Beacon tree line, would better camouflage the proposed tower without significantly impeding the RF signal.

**RECOMMENDATION**

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP

Commissioner

By

A handwritten signature in blue ink, appearing to read "Jennifer F. Cocozza".

Jennifer F. Cocozza

Deputy Commissioner



























**City of Beacon Council Agenda**  
**5/6/2019**

**Title:**

**Resolution Authorizing the Appointment of a Water Department Working Supervisor**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing the Appointment of a Water Department Working Supervisor	Resolution





Resolution No. \_\_\_\_\_ of 2019

## RESOLUTION APPOINTING WORKING SUPERVISOR

**WHEREAS**, Richard Kolokoski is currently employed in the position of Heavy Equipment Operator; and

**WHEREAS**, Mr. Kolokoski meets the qualifications for the position of Working Supervisor; and

**WHEREAS**, based on the recommendation of the City Administrator, the Mayor has appointed/promoted Mr. Kolokoski to the position of Working Supervisor in the City of Beacon Water Department; and

**WHEREAS**, the City Council wishes to approve the Mayor's appointment/promotion of Mr. Kolokoski to the position of Working Supervisor in the City of Beacon Highway Department.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the City Council approves the Mayor's appointment of Richard Kolokoski to the position of Working Supervisor in the City of Beacon Water Department, effective as of May 7, 2019.

**BE IT FURTHER RESOLVED** that such appointment is subject to a probationary period of twenty-six weeks.

Resolution No. _____ of 2019		Date: <u>May 6, 2019</u>					
<input type="checkbox"/> Amendments		<input type="checkbox"/> On roll call				<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy Casale					
<b>Motion Carried</b>							

**City of Beacon Council Agenda**  
**5/6/2019**

**Title:**

**Resolution to Declare Fairview Tank Replacement Project a Type II Action Under SEQR**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution to Declare Fairview Tank Replacement Project a Type II Action Under SEQR	Resolution
Fairview Water Tank Short EAF	EAF



**CITY COUNCIL  
CITY OF BEACON**

**RESOLUTION TO DECLARE FAIRVIEW TANK REPLACEMENT PROJECT A  
TYPE II ACTION UNDER SEQRA**

Resolution No. \_\_\_\_\_ of 2019

**WHEREAS**, the City Council would like to demolish and remove the existing 1 Million-gallon Fairview water storage tank due to its poor condition, and construct a new 1.5 Million-gallon water storage tank and related appurtenances in the same vicinity (the “Proposed Action”); and

**WHEREAS**, the Proposed Action will serve to provide clean drinking water throughout the City of Beacon; and

**WHEREAS**, the City prepared a Short Environmental Assessment Form, Part 1-Project Information, dated July 6, 2018 (the “EAF”).

**NOW THEREFORE BE IT RESOLVED**, that the City Council hereby finds that the Proposed Action is a Type II Action pursuant to § 617.5(c)(2) of the New York State Environmental Quality Review Act, and accordingly, no further environmental review is required.

**BE IT FURTHER RESOLVED** that the Proposed Action will not result in any significant adverse impacts on the environment or climate change.

**BE IT FURTHER RESOLVED** that the City shall maintain a file, readily accessible to the public, in the office of the City Clerk, containing this resolution, and the EAF.

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon its adoption.



<b>Resolution No. _____ of 2019</b>			<b>Date: May 6, 2019</b>				
<b>Amendments</b>			<b>On roll call</b>				<b>2/3 Required</b>
<b>Not on roll call.</b>							<b>3/4 Required</b>
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<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>					

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on April\_\_, 2019, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the City, this \_\_\_\_ day of April, 2019.

(SEAL)

**IOLA C. TAYLOR**  
City Clerk  
City of Beacon, New York

# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

### Instructions for Completing

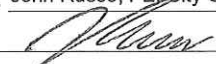
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

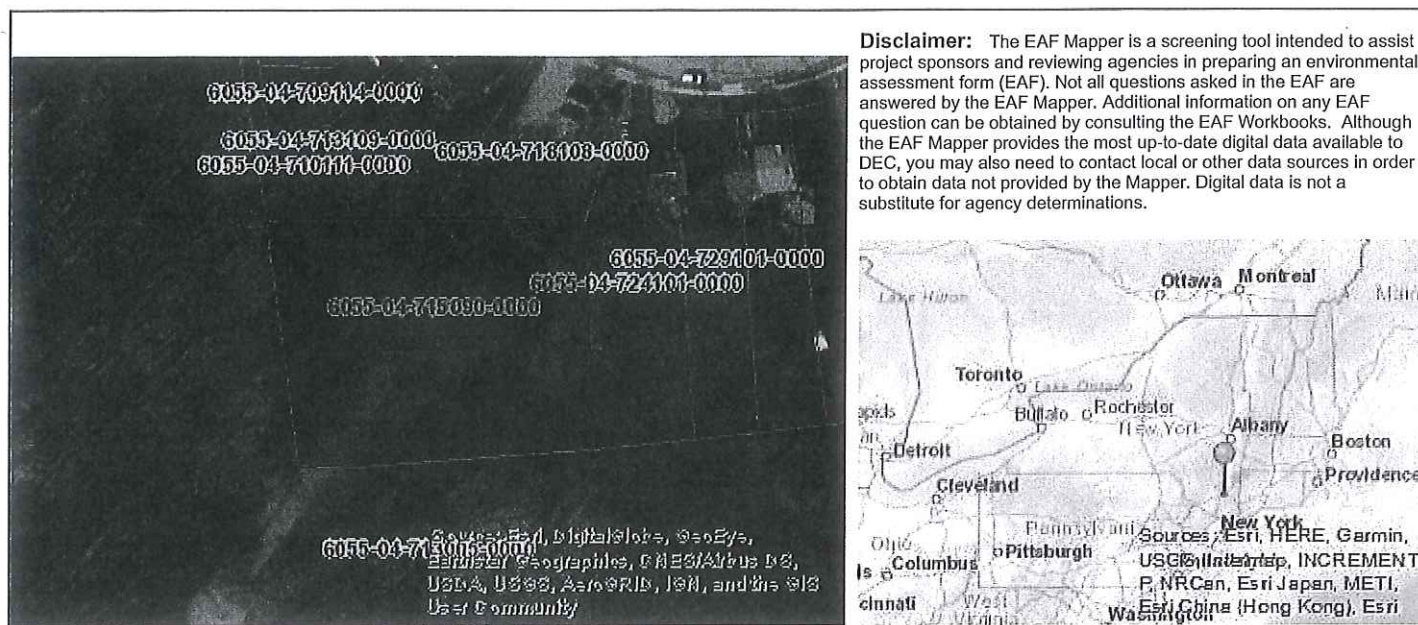
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>							
Name of Action or Project: FAIRVIEW WATER STORAGE TANK REPLACEMENT							
Project Location (describe, and attach a location map): Accessed through Fairview Cemetery off of Washington Avenue							
Brief Description of Proposed Action: Demolition and removal of existing 1M gallon water storage tank and construction of new 1.5M gallon water storage tank and related appurtenances							
Name of Applicant or Sponsor: City of Beacon, Randy Casale, Mayor		Telephone: 845-838-5011 E-Mail: mayor@cityofbeacon.org					
Address: 1 Municipal Plaza							
City/PO: Beacon		State: NY	Zip Code: 12508				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Dutchess County Department of Health - Public Water Supply Improvement			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ 0.7± acres b. Total acreage to be physically disturbed? _____ 0.3± acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.7± acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): cemetery <input type="checkbox"/> Parkland							



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

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO  <input checked="checked" type="checkbox"/>	YES  <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO  <input checked="checked" type="checkbox"/>	YES  <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO  <input type="checkbox"/>	YES  <input checked="checked" type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>John Russo, PE, City Consultant</u> Date: <u>7/6/2018</u> Signature: <u></u>		



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



**City of Beacon Council Agenda**  
**5/6/2019**

**Title:**

**Resolution Adopting Bond Ordinance Dated May 6, 2019, Authorizing the Issuance of up to \$2,187,468 Aggregate Principal Amount Serial Bonds of the City of Beacon, County of Dutchess, State of New York, Pursuant to the Local Finance Law, to Finance the Costs of the Construction, Reconstruction and Improvement to the Water System, in and for the City**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Adopting Bond Ordinance	Resolution



**EXTRACTS FROM MINUTES OF A MEETING OF THE CITY COUNCIL  
OF THE CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

***(\$2,187,468-Water Improvements, 40 years)***

A regular meeting of the City Council of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, was held at 1 Municipal Center, in Beacon, New York, on May 6, 2019, at 7 o’clock, P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

Resolution No. _____ of 2019			Date: May 6, 2019				
Amendments							
Not on roll call.			On roll call			2/3 Required	3/4 Required
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<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>					

**BOND ORDINANCE, DATED APRIL \_\_\_\_, 2019, AUTHORIZING THE  
ISSUANCE OF UP TO \$2,187,468 AGGREGATE PRINCIPAL AMOUNT  
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS,  
STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW,  
TO FINANCE THE COSTS OF THE CONSTRUCTION,  
RECONSTRUCTION AND IMPROVEMENT TO THE WATER SYSTEM,  
IN AND FOR THE CITY.**

**WHEREAS**, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the construction, reconstruction and improvement to the water system, in and for the City, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto (the “Project”), at a total estimated cost not to exceed \$2,187,468, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$2,187,468 to finance the costs of the Project, at a total estimated cost not to exceed \$2,187,468, all in accordance with the Local Finance Law;

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$2,187,468; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is of a class of object or purpose as described in subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of the forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes



issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due.

Section 6. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the City Council of the City will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant effect on the environment.

Section 8. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would

cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the "Rule"), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. Insofar as more than fifty per centum (50%) of the cost of the capital improvements authorized herein is to be levied by assessments upon property especially benefitted thereby pursuant to Section 9.06 of the City Charter, this bond ordinance is effective immediately upon adoption by the City Council of the City.

Section 11. This bond ordinance is effective immediately upon adoption by the City Council of the City.

Section 12. Upon the adoption of this bond ordinance, a bond ordinance entitled **BOND ORDINANCE, DATED AUGUST 6, 2018, AUTHORIZING THE ISSUANCE OF UP TO \$2,187,468 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENT TO THE WATER SYSTEM, IN AND FOR THE CITY** is hereby repealed, rescinded and revoked and shall not have any force or effect whatsoever.



I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on April \_\_\_\_, 2019 and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the City, this \_\_\_\_ day of April, 2019.

(SEAL)

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**IOLA C. TAYLOR**  
City Clerk  
City of Beacon, New York

**CITY OF BEACON  
COUNTY OF DUTCHESS, NEW YORK**

**ESTOPPEL NOTICE**

The bond ordinance published herewith was adopted by the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, on April \_\_, 2019. The validity of the obligations authorized by such bond ordinance may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: \_\_\_\_\_, 2019

/s/ Iola C. Taylor \_\_\_\_\_

**IOLA C. TAYLOR**

City Clerk

City of Beacon, New York

**City of Beacon Council Agenda**  
**5/6/2019**

**Title:**

**Resolution Authorizing the City of Beacon to Enter into a Contract with the International Council for Local Environmental Initiatives (ICLEI) Regarding Green House Gas Emissions Inventory Services**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing the City of Beacon to Enter into a Contract with the International Council for Local Environmental Initiatives (ICLEI) Regarding Green House Gas Emissions Inventory Services	Resolution
Beacon NY Green House Gas Inventory Proposal ICLEI USA April 2019	Presentation





**CITY OF BEACON  
CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_ OF 2019**

**RESOLUTION AUTHORIZING THE CITY OF BEACON TO CONTRACT WITH  
LOCAL GOVERNMENTS FOR SUSTAINABILITY**

**WHEREAS**, the City of Beacon has taken extensive steps to reduce government-produced greenhouse gas emissions; and

**WHEREAS**, Local Governments for Sustainability (“ICLEI”) has expertise and experience in successfully completing greenhouse gas inventories for municipalities of similar size; and

**WHEREAS**, by developing greenhouse gas inventories, the City of Beacon is strategically positioning itself to serve as the beneficiary of grant funding via the Climate Smart Communities program; and

**WHEREAS**, ICLEI’s services total \$9,600.

**THEREFORE BE IT RESOLVED**, that the City of Beacon City Council authorizes the Finance Department to amend the 2019 General Fund Council Budget to fund ICLEI services by transferring \$9,600 from the contingency line item to the consultant line item.

**BE IT FURTHER RESOLVED**, that the City of Beacon City Council authorizes the City Administrator or the Mayor to enter the City of Beacon into a contract with ICLEI for greenhouse gas inventory services.

<b>Resolution No. _____ of 2019</b>		<b>Date: <u>May 6, 2019</u></b>					
<input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>2/3 Required.</b>					
<input type="checkbox"/> <b>Not on roll call.</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>3/4 Required</b>	
<b>Motion</b>	<b>Second</b>	<b>Council Member</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Reason</b>	<b>Absent</b>
		<b>Terry Nelson</b>					
		<b>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Lee Kyriacou</b>					
		<b>John Rembert</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					

A solid yellow circle is positioned to the left of the text "Proposal for Services".

## Proposal for Services

Beacon, New York

**ICLEI - Local Governments for Sustainability USA**

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April 23, 2018

## Introduction

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The City of Beacon, New York, is committed to addressing climate change to ensure a healthy, resilient community for its 14,289 residents. The City's 2017 Comprehensive Plan Update incorporated sustainability considerations, particularly to encourage smart growth development practices that support a walkable, bikeable downtown and usher in community solar and increased solid waste diversion. During the 2012 – 2018 time period, Beacon prioritized upgrades to improve resilience and efficiency of City-owned facilities and infrastructure. Improvements recently completed include the conversion of all street lights in the city to LED and a project with BQ Energy to construct and install a solar farm on the former landfill south of the sanitation facility. The City is now striving to fulfill commitments to achieve designation under New York Department of Environmental Conservation's Climate Smart Communities program.

Beacon's commitment to community engagement led to the formation of the Conservation Action Committee (CAC). The CAC is charged with advising the Planning Board and the City Council on matters affecting the preservation, development and use of the natural and man-made features in the City. The Committee advises on major environmental threats and maintains an inventory of natural resources and an index of all open spaces. The Committee consists of nine members appointed for a two-year term.

Beacon desires to create the City's first greenhouse gas (GHG) emissions inventory in order to advance its Climate Smart Communities goals while establishing a baseline of emissions necessary to establishing data-driven reduction targets and track progress over time. The City recognizes the importance of quantifying the GHG reduction potential and feasibility of the actions recommended by the CAC and to quantify the many steps toward climate action to date.

To support its climate action vision and help solidify Beacon as a sustainability leader in the Hudson Valley the City is joining the ICLEI USA network. Through ICLEI membership, the City will gain access to ICLEI's GHG and climate action methodologies, resources, and technical support. To supplement CAC volunteer and staff capacity building activities available via membership, the City has requested a proposal of options for ICLEI to provide deep-dive technical services, particular to complete a local government operations GHG inventory and community-scale GHG inventory during 2019.

Task 1: ICLEI completes the Community-scale GHG inventory

Task 2: ICLEI completes the local government operations GHG inventory

Task 3: ICLEI produces final GHG inventory report and presents results to Beacon City Council and additional stakeholder groups, such as the CAC, as requested (optional)

Task 4: ICLEI provides reporting services to global climate reporting platform, such as CDP (*optional*)

*These tasks will be delivered at a discounted service rate following Beacon joining ICLEI as a full member.*



# Task 1: Community-scale GHG Inventory

~~Greenhouse gas (GHG) inventories provide the foundation for performance management of climate~~ disrupting gases that result from the activities of both the operations of municipal government as well as the wider community. While an important goal on its own, a comprehensive GHG management strategy should take advantage of the opportunity to address other performance indicators for a community. Inefficient buildings and transportation systems, waste generation, and other sources of emissions also represent unnecessary expenditures by both the government and from community stakeholders, undermining the economic resilience of the community as a whole.

Often GHG inventories are created in isolation with a goal of simply gathering data and executing calculations. While this approach will provide a total emissions footprint, it will not position a community in the best way to develop a climate action plan and subsequently monitor progress towards an emissions reduction target. ICLEI USA is pleased to provide a proposal to develop a local-government operations and a community-scale inventory for Beacon and equip the community with the lessons we have developed in nearly 30 years of leadership on local climate action and sustainability.

## Scoping

The U.S. Community Protocol for Emissions Inventories (USCP) recommends that an inventory begin with a scoping exercise. This may be as simple as an interview with key staff and may also include engagement with community stakeholders to place the effort in the larger context of related sustainability and resilience goals. ICLEI will use input from the scoping exercise to guide the approach to data collection in order to best inform policy and action decisions that may be included in a subsequent climate action plan. For example, in order to address equity in a climate action plan, it may be useful to gather information of the cost of energy use for members of the community so that future actions can prioritize those actions that would provide the most relief for low-income community members.

This is one example of the kind of approach that ICLEI would take, depending on the results of the scoping exercise. Connections to urban forestry, waste reduction goals, or encouraging active transportation are other examples.

ICLEI USA is the architect and sole provider of the ClearPath software and developed both the USCP, the Local Government Operations Protocol and co-developed the Global Protocol for Community Scale GHG emissions accounting (GPC), on which the software is built. GHG protocols provide authoritative guidance for communities to account for carbon pollution accurately and consistently.

## Data Collection

The most time-intensive task in developing a GHG inventory is the data collection phase. This is also a critical component to ensuring a reliable base for long-term performance management through subsequent re-inventories and analysis. ICLEI has performed some initial research to scope this effort and understand the local context and possible sources of data.

Data collection for the community will rely partially on past data-collection efforts, including City of Beacon energy audit or scoping activities associated with Climate Smart Communities applications. ICLEI has reviewed activities that are probable to include in the inventory and likely sources for that data.

Inventory Sector	Anticipated Data Source
Residential and Commercial Energy	Central Hudson
On-road Transportation	Dutchess County Public Transit; New York State DOT
Rail	Metro North Railroad
Solid Waste	Royal Carting Service Company
Water & Wastewater Treatment	City of Beacon Water Department

## Data Entry and Documentation

All calculations will be performed in ICLEI's ClearPath Software. ClearPath features are designed to facilitate long-term management of emissions data and periodic re-inventory. As a cloud-based software, all data from this inventory is stored safely with daily backups made. Without spreadsheets to lose, future inventory efforts will be able to move seamlessly into re-inventory.

Each calculation in ClearPath contains a field to record the data source or other qualifying information. ICLEI shall diligently use this feature to document the source of each piece of input data such that future updates can be easily obtained. Each record also allows for file attachments which ICLEI will use to include documents directly. These features of the tool will allow Beacon staff to easily repeat the inventory in the future. (See Figure 1 below)

Figure 1: Example of an outputs table in ClearPath

Name	Value
Electricity Energy Equivalent (MMBtu) ?	15529
Energy Cost (\$)	0
CO2 (MT)	881.26
CH4 (MT)	0.059852
N2O (MT)	0.020638
CO2e (MT) ?	888.91
MMBtu per Household ?	1.3503
CO2e per Household (MT) ?	0.077296
MMBtu per Person ?	0.62116
CO2e per Person (MT) ?	0.035556
GPC Scope ?	Scope 2
GPC Reference Number ?	I.1.2
US-CP Reporting Category	Activity

Notes

Data Source: Jane Doe, Analyst - Local Utility  
By Email: Date - July 1, 2018. Subject: "Residential Accounts"

Attach a new document

Choose File data (8).csv

Save Save A Copy

## Protocol Compliance

ICLEI will use ClearPath to complete a community-wide GHG emissions inventory using both the USCP and the GPC. The GPC is the standard reporting format now adopted by CDP (formerly Carbon Disclosure Project) and other registries. It is the required standard for participation in initiatives such as the Global Covenant of Mayors for Climate & Energy and is designed to allow for maximum comparability across cities over the globe. Even if Beacon determines the City will not participate in a leadership campaign such as the Global Covenant of Mayors, organizing the inventory results according to the GPC will allow for greater integration with other communities in the region.

## Timeline

The timeline for data collection, entry and initial findings shall be completed within six months of the start date (anticipated start date to occur during Summer 2019). To accommodate timing and availability of Beacon leadership and other stakeholders, final presentations may occur after this time, but within the calendar year 2019. This timeline is primarily dependent on the availability of reliable, quality data. The City is responsible for data requests, as privacy rules limit providers' ability to release information to third parties. Access to reliable, complete, and accurate data is the step in the process that is most likely to cause delays in developing the final inventory product.

## Proposed Costs

Task 1: ICLEI Member Pricing	<b>\$ 6,100</b>
<b>Steps / Outputs included in base price</b>	
Review existing conditions: documents, reports, plans related to community-wide climate action	
Assist City with data gathering, including data request letters, identifying the data needed	
Complete Master Data Workbook and document data sources for clarity and ease of replication in future years	
Receive, evaluate, refine data and input data into ClearPath Community GHG inventory track	
Review local emissions factors for applicability and accuracy	
Quality control / manager review of data and ClearPath input	
Refine data input, ClearPath results as needed via review	
Draft final narrative report, including charts and tables exported from ClearPath	
Review results with City stakeholders. Refine draft report as needed for clarity, ease of use.	
Provide City with final <b>Draft</b> Narrative report, ClearPath inventory, completed Master Data Workbook	
Price includes up to three in-person meetings attend by ICLEI expert, Kale Roberts and phone calls as needed with ICLEI Quality Control team.	

## Task 2: Local Government Operations GHG Inventory

Beacon's municipal operations appear straightforward in the services it directly provides as there is no significant transit operations operated directly by the municipal government. This will make the government operations portion of the inventory relatively straightforward as well, but ICLEI will take consideration to account for special facilities in a way that best guides future action planning. ICLEI will Review existing conditions, for example it is our understanding that will include a 2012 audit and an overview of major updates to facilities and street lights made prior to 2014.

### Data Collection

<b>Inventory Sector</b>	<b>Anticipated Source</b>
Buildings and Facilities	Finance, Facilities
Streetlights and Traffic Signals	Finance, Facilities
Fleet	GasBoy Fuel System,
Waste Generation	Facilities Management
Water & Wastewater Treatment	City of Beacon Water Treatment City of Beacon Water Department
Employee Commute (if desired)	Custom Employee Survey developed by ICLEI



## Proposed Costs

Task 2: ICLEI Member Pricing	<b>\$ 3,500</b>
<b>Steps / Outputs included in base price</b>	
Review existing conditions: documents, reports, plans related to municipal operations climate action	
Assist City with data gathering, including identifying the data needed	
Complete Master Data Workbook and document data sources for clarity and ease of replication in future years	
Receive, evaluate, refine data and input data into ClearPath Government GHG inventory track	
Review local emissions factors for applicability and accuracy (completed under Community inventory)	
Quality control / manager review of data and ClearPath input	
Refine data input, ClearPath results as needed via review	
Draft final narrative report, including charts and tables exported from ClearPath	
Review results with City stakeholders. Refine draft report as needed for clarity, ease of use	
Provide City with final Draft Narrative report, ClearPath inventory, completed Master Data Workbook	
Price includes up to three in-person meetings attend by ICLEI expert, Kale Roberts and phone calls as needed with ICLEI Quality Control team.	

## Task 3: Publications and Presentation

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### Reports

As an optional task, ICLEI will create final narrative reports and slide presentations to communicate the results of the Community and Local Government Operations inventories. The presentations will include interpretation of broad findings and establish direction for GHG reduction target setting and climate action planning.

Charts and other data outputs from these work products can be made available to post on the city website, social media, or other publications.

### Travel

In addition to meetings with internal stakeholders as described in the base member price, ICLEI Staff will be available for up to three in-person presentations to stakeholders in Beacon. Travel meetings can be planned such that formal evening presentations to city leadership can be accompanied by presentations and working meetings with city departments.

Task 3:	
OPTIONAL: ICLEI will prepare a Final Narrative Report for Publication, with high-quality graphics and in a format available for web and print publication. Reusable Slide Deck for Council, Internal and External Stakeholder Presentations.	\$2,500

## Task 4: Reporting Climate Data

Once Beacons has completed GHG inventories, the City may desire to demonstrate its leaderships by reporting results in international public platforms. ICLEI will complete questionnaires or other documents required by reporting platforms such as CDP. This service is priced at \$120 per hour, with an estimated minimum / maximum time to complete of 12 hours.

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## About ICLEI USA

ICLEI-Local Governments for Sustainability USA is a 28-year-old, U.S.-based nonprofit organization serving cities, counties, and regional governments across the nation. ICLEI is recognized for its expertise in areas of sustainability planning, greenhouse gas emissions accounting and management, urban resilience, low-emission development, and integrated resource management.

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[@ICLEI\\_USA](#)

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**City of Beacon Council Agenda**  
**5/6/2019**

**Title:**

**Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs of a Transportation Federal-Aid Project, and Appropriating Funds Therefore (Regarding Teller Avenue)**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs of a Transportation Federal-Aid Project, and Appropriating Funds Therefore (Regarding Teller	Resolution
Teller Avenue Supplemental Agreement	Agreement





**CITY OF BEACON  
CITY COUNCIL**

**Resolution No. \_\_\_\_ of 2019**

**RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST  
INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID  
ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND  
APPROPRIATEING FUNDS THEREFORE**

**WHEREAS**, a Project for the Teller Avenue from Main Street to Wolcott Avenue in the City of Beacon, identified as PIN 8757.80 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

**WHEREAS**, Resolution No. 57 of 2011 adopted by the City of Beacon on April 18, 2011 approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of right-of-way acquisition work.

**WHEREAS**, it was subsequently found necessary to undertake additional right-of-way incidental work not contemplated in the original agreement authorized by the previous Resolution; and

**WHEREAS**, it has been found necessary to increase the federal and non-federal share of costs for the additional right-of-way incidental work for the project.

**NOW THEREFORE BE IT RESOLVED**, that the Beacon City Council hereby approves the above-subject project; and

**BE IT FURTHER RESOLVED**, that the Beacon City Council hereby authorizes the Beacon City Council to pay in the first instance 100% of the federal and non-federal share of the costs of the additional right-of-way incidental work for the Project or portions thereof; and

**BE IT FURTHER RESOLVED**, that the sum of \$1,781.00 (\$54,670 minus the previously estimated cost of \$52,889 is hereby appropriated from \_\_\_\_\_ [or, appropriated pursuant to \_\_\_\_\_] and made available to cover the cost of participation in the above phases of the Project; and

**BE IT FURTHER RESOLVED**, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Beacon City Council shall

convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof; and

**BE IT FURTHER RESOLVED**, that the City Administrator of the City of Beacon be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement request for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Beacon with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of the federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and

**BE IT FURTHER RESOLVED**, that in addition to the Mayor, the following municipal titles: Mayor, City Engineer, City Finance Director, \_\_\_\_\_ are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and

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

Dated:

Resolution No. ____ of 2019			Date: May 6, 2019				
" Amendments						" 2/3 Required	
" Not on roll call			" On roll call			" 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<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>					

## CERTIFICATE OF RECORDING OFFICER

I, \_\_\_\_\_, Clerk of the City of Beacon, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said \_\_\_\_\_ at a meeting duly called and held at the \_\_\_\_\_ on \_\_\_\_\_ by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Beacon, New York, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

Iola C. Taylor  
City Clerk  
City of Beacon

**SUPPLEMENTAL AGREEMENT NO 3 to D017290**

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at  
50 Wolf Road, Albany, New York, 12232, on behalf of New York State ("State");

And

**City of Beacon** (the Municipality/Sponsor)  
Acting by and through the **City Administrator**  
With its office at **One Municipal Plaza, Suite One, Beacon, Dutchess County, New York**

This amends the existing Agreement between the parties in the following respects only:

**X** Amends a previously adopted Schedule A by:

- ☐ amending a project description
- ☐ amending the contract end date
- X** amending the scheduled funding by:
  - ☐ adding additional funding:
    - ☐ adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
    - ☐ adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
  - X** increasing funding for a project phase – Right-of-Way Acquisition
  - ☐ adding a pin extension
  - ☐ change from Non-Marchiselli to Marchiselli
  - ☐ deleting/reducing a project phase(s)
  - ☐ other (xxxxx)

☐ Amends a previously adopted Schedule "B"

☐ Amends a previously adopted agreement by adding Appendix 2-S – Iran Divestment Act

☐ Amends the Text of the Agreement as follows:



IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

**Approved for the Municipality/Sponsor**

**Municipality/Sponsor Attorney:**

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

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

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

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

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019 before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn did depose and say that he/she resides at \_\_\_\_\_; that he/she is the \_\_\_\_\_ of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the \_\_\_\_\_ of said Municipal/Sponsor Corporation pursuant to a resolution or other authorization which was duly adopted on \_\_\_\_\_ and which a certified copy is attached and made a part hereof, and that he/she signed his/her name thereto by like order.

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

By: \_\_\_\_\_  
For Commissioner of Transportation

APPROVED AS TO FORM:  
STATE OF NEW YORK ATTORNEY GENERAL

Agency Certification: In addition to the Acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

By: \_\_\_\_\_  
Assistant Attorney General

COMPTROLLER'S APPROVAL:

By: \_\_\_\_\_  
For the New York State Comptroller  
Pursuant to State Finance Law § 112

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements**  
**NYSDOT/ State-Local Agreement - Schedule A for PIN 8757.80**

<b>OSC Municipal Contract #:</b> D017290	<b>Contract Start Date:</b> 9/15/2000 (mm/dd/yyyy)	<b>Contract End Date:</b> 9/30/2020 (mm/dd/yyyy)	<input type="checkbox"/> Check, if date changed from the last Schedule A		
<b>Purpose:</b> <input type="checkbox"/> Original Standard Agreement <input checked="" type="checkbox"/> Supplemental Schedule A No. 3					
<b>Agreement Type:</b> <input checked="" type="checkbox"/> Locally Administered <input type="checkbox"/> State Administered					
Municipality/Sponsor (Contract Payee): City of Beacon Other Municipality/Sponsor (if applicable):					
List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.					
<input type="checkbox"/> Municipality: % of Cost share <input type="checkbox"/> Municipality: % of Cost share <input type="checkbox"/> Municipality: % of Cost share					
<b>Authorized Project Phase(s) to which this Schedule applies:</b> <input checked="" type="checkbox"/> PE/Design <input checked="" type="checkbox"/> ROW Incidentals <input checked="" type="checkbox"/> ROW Acquisition <input type="checkbox"/> Construction/CI/CS					
<b>Work Type:</b> HWY RECONST		<b>County (If different from Municipality):</b> Dutchess County			
<b>Marchiselli Eligible</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check, if Project Description has changed from last Schedule A): <input type="checkbox"/>					
<b>Project Description:</b> Reconstruction of Teller Avenue from Main Street to Wolcott Avenue in the City of Beacon, Dutchess County.					
<b>Marchiselli Allocations Approved FOR ALL PHASES</b> All totals will calculate automatically.					
Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input type="checkbox"/>	Cumulative total for all prior SFYs	\$24,000.00	\$7,933.00	\$0.00	\$31,933.00
<input type="checkbox"/>	Current SFY	\$0.00	\$0.00	\$0.00	\$ 0.00
Authorized Allocations to Date		\$24,000.00	\$7,933.00	\$ 0.00	\$31,933.00

**A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES** For each PIN Fiscal Share below, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding	Total Costs	FEDERAL Participating Share	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8757.80.121	Current	STP (80%)	\$160,000.00	\$128,000.00	\$24,000.00	\$8,000.00	\$0.00
	Old	STP (80%)	\$160,000.00	\$128,000.00	\$24,000.00	\$8,000.00	\$0.00
8757.80.221 222.	Current	STP (80%)	\$54,670.00	\$43,736.00	\$7,933.00	\$3,001.00	\$0.00
	Old	STP (80%)	\$52,889.00	\$42,311.00	\$7,933.00	\$2,645.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL CURRENT COSTS:</b>			\$214,670.00	\$171,736.00	\$31,933.00	\$11,001.00	\$ 0.00

## NYSDOT/State-Local Agreement – Schedule A

**B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES** For each PIN Fiscal Share, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
..	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
..	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
..	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
..	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
..	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
..	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL CURRENT COSTS:</b>			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

**C. Local Deposit(s) from Section A:**

\$ 0.00

**Additional Local Deposit(s)**

\$

**Total Local Deposit(s)**

\$ 0.00

**D. Total Project Costs** All totals will calculate automatically.

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$171,736.00	\$31,933.00	\$ 0.00	\$11,001.00	\$214,670.00

**E. Point of Contact for Questions Regarding this Schedule A (Must be completed)**

Name: Marshall Gioia  
Phone No: 845-431-5804

- This Schedule A includes additional right-of-way acquisition funds.

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- PIN 8757.80; 3/14/2019mg



**City of Beacon Council Agenda**  
**5/6/2019**

**Title:**

**Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore (Regarding Fishkill Avenue)**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore (Regarding Fishki	Resolution
Fishkill Avenue Supplemental Agreement	Agreement



**CITY OF BEACON  
CITY COUNCIL**

**Resolution No. \_\_\_\_\_ of 2019**

**RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST  
INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID  
ELEIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND  
APPRORIATEING FUNDS THEREFORE**

**WHEREAS**, a Project for the **Fishkill Avenue from the Beacon City Line to Main Street in the City of Beacon**, identified as **PIN 8757.30** (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

**WHEREAS**, Resolution No. 84 of 2017 adopted by the City of Beacon on August 21, 2017 approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of right-of-way acquisition work; and

**WHEREAS**, it was subsequently found necessary to undertake additional right-of-way incidental work not contemplated in the original agreement authorized by the previous Resolution; and

**WHEREAS**, it has been found necessary to increase the federal and non-federal share of costs for the additional right-of-way incidental work for the project.

**NOW THEREFORE BE IT RESOLVED**, that the Beacon City Council hereby approves the above-subject project; and

**BE IT FURTHER RESOLVED**, that the Beacon City Council hereby authorizes the Beacon City Council to pay in the first instance 100% of the federal and non-federal share of the costs of the additional right-of-way incidental work for the Project or portions thereof; and

**BE IT FURTHER RESOLVED**, that the sum of **\$16,839** (\$179,800 minus the previously estimated cost of \$162,961) is hereby appropriated from \_\_\_\_\_ [or, appropriated pursuant to \_\_\_\_\_] and made available to cover the cost of participation in the above phases of the Project; and

**BE IT FURTHER RESOLVED**, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Beacon City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof; and

**BE IT FURTHER RESOLVED**, that the City Administrator of the City of Beacon be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement request for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Beacon with the new

York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of the federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and

**BE IT FURTHER RESOLVED**, that in addition to the City Administrator, the following municipal titles: Mayor, City Engineer, City Finance Director, \_\_\_\_\_ are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

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

Dated: \_\_\_\_\_

Resolution No. ____ of 2019			Date: May 6, 2019				
" Amendments			" 2/3 Required				
" Not on roll call			" On roll call			" 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<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>					



## **CERTIFICATE OF RECORDING OFFICER**

I, \_\_\_\_\_, Clerk of the City of Beacon, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said \_\_\_\_\_ at a meeting duly called and held at the \_\_\_\_\_ on \_\_\_\_\_ by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Beacon, New York, this

\_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

Iola C. Taylor  
City Clerk  
City of Beacon



**SUPPLEMENTAL AGREEMENT NO 5 to D017347**

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at  
50 Wolf Road, Albany, New York, 12232, on behalf of New York State ("State");

And

**City of Beacon** (the Municipality/Sponsor)  
Acting by and through the **City Administrator**  
With its office at **One Municipal Plaza, Suite One, Beacon, New York 12508**

This amends the existing Agreement between the parties in the following respects only:

**X** Amends a previously adopted Schedule A by:

- ☐ amending a project description
- ☐ amending the contract end date
- X** amending the scheduled funding by:
  - ☐ adding additional funding:
    - ☐ adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
    - ☐ adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
  - X** increasing funding for a project phase – Right-of-Way Acquisition
  - ☐ adding a pin extension
  - ☐ change from Non-Marchiselli to Marchiselli
  - ☐ deleting/reducing a project phase(s)
  - X** other – adding additional Marchiselli

☐ Amends a previously adopted Schedule "B"

☐ Amends a previously adopted agreement by adding Appendix 2-S – Iran Divestment Act

☐ Amends the Text of the Agreement as follows:

**Supplemental Agreement Cover** for Local Agreements (11/12)  
MUNICIPALITY/SPONSOR: City of Beacon  
PIN: 8757.30  
BIN: N/A  
Comptroller's Contract No: D017347  
Supplemental Agreement No. 5  
Date Prepared & By: 03/14/2019mg

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

**Approved for the Municipality/Sponsor**

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

Print Name: \_\_\_\_\_

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

**Municipality/Sponsor Attorney:**

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

Print Name: \_\_\_\_\_

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019 before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn did depose and say that he/she resides at \_\_\_\_\_; that he/she is the \_\_\_\_\_ of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the \_\_\_\_\_ of said Municipal/Sponsor Corporation pursuant to a resolution or other authorization which was duly adopted on \_\_\_\_\_ and which a certified copy is attached and made a part hereof, and that he/she signed his/her name thereto by like order.

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

By: \_\_\_\_\_  
For Commissioner of Transportation

Agency Certification: In addition to the Acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

APPROVED AS TO FORM:  
STATE OF NEW YORK ATTORNEY GENERAL

By: \_\_\_\_\_  
Assistant Attorney General

COMPTROLLER'S APPROVAL:

By: \_\_\_\_\_  
For the New York State Comptroller  
Pursuant to State Finance Law§ 112

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements****NYSDOT/ State-Local Agreement - Schedule A for PIN 8757.30**

<b>OSC Municipal Contract #:</b> <b>D017347</b>	<b>Contract Start Date:</b> <u>8/7/2001</u> (mm/dd/yyyy)	<b>Contract End Date:</b> <u>9/30/2020</u> (mm/dd/yyyy)
<input type="checkbox"/> Check, if date changed from the last Schedule A		

**Purpose:** ☐ Original Standard Agreement ☒ Supplemental Schedule A No. 5

**Agreement Type:** ☒ Locally Administered Municipality/Sponsor (Contract Payee): City of Beacon  
☐ State Administered Other Municipality/Sponsor (if applicable):

☐ State Administered List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.

<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share

**Authorized Project Phase(s) to which this Schedule applies:** ☒ PE/Design ☒ ROW Incidentals  
☒ ROW Acquisition ☐ Construction/CI/CS

**Work Type:** HWY RECONST **County (If different from Municipality):** Dutchess County

**Marchiselli Eligible** ☒ Yes ☐ No (Check, if Project Description has changed from last Schedule A): ☐

**Project Description:** Improvements to Fishkill Avenue from Beacon City Line to Main Street in the City of Beacon, Dutchess County.

**Marchiselli Allocations Approved FOR ALL PHASES** All totals will calculate automatically.

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input type="checkbox"/>	Cumulative total for all prior SFYs	\$36,000.00	\$24,444.00	\$0.00	\$60,444.00
<input checked="" type="checkbox"/>	Current SFY 18/19	\$13,500.00	\$0.00	\$0.00	\$13,500.00
Authorized Allocations to Date		\$49,500.00	\$24,444.00	\$ 0.00	\$73,944.00

**A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES** For each PIN Fiscal Share below, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding	Total Costs	FEDERAL Participating Share	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8757.30.121	Current	STP (80%)	\$330,000.00	\$264,000.00	\$49,500.00 *	\$16,500.00	\$0.00
	Old	STP (80%)	\$330,000.00	\$264,000.00	\$36,000.00	\$30,000.00	\$0.00
8757.30.221	Current	STP (80%)	\$179,800.00	\$143,840.00	\$24,444.00	\$11,516.00	\$0.00
	Old	STP (80%)	\$182,981.00	\$130,369.00	\$24,444.00	\$8,148.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL CURRENT COSTS:</b>			\$509,800.00	\$407,840.00	\$73,944.00	\$28,016.00	\$ 0.00

## NYSDOT/State-Local Agreement – Schedule A

**B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES** For each PIN Fiscal Share, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL CURRENT COSTS:</b>			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

**C. Local Deposit(s) from Section A:**

\$ 0.00

**Additional Local Deposit(s)**

\$

**Total Local Deposit(s)**

\$ 0.00

**D. Total Project Costs** All totals will calculate automatically.

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$407,840.00	\$73,944.00	\$ 0.00	\$28,016.00	\$509,800.00

**E. Point of Contact for Questions Regarding this Schedule A (Must be completed)**

Name: Marshall Gioia  
 Phone No: 845-431-5804



- This Schedule A includes additional Right-of-Way Acquisition funds and adds SFY 18/19 additional approved Marchiselli funds for the preliminary engineering phase.
- Marchiselli funding hereunder is limited by the amount authorized on the Comprehensive List. Additional Marchiselli funding is contingent on appropriate increase(s) to the Comprehensive List and the execution of a Supplemental Schedule A providing such additional funds.

- .....

- PIN 8757.30; 3/14/19mg

**City of Beacon Council Agenda**  
**5/6/2019**

**Title:**

**Resolution Calling on the State Legislature to Pass, and the Governor to Sign, the “Protect Our Courts Act” (A.2176 / S.425)**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Calling on the State Legislature to Pass, and the Governor to Sign, the “Protect Our Courts Act” (A.2176 / S.425)	Resolution



## RESOLUTION SUPPORTING THE PROTECT OUR COURTS ACT (A.2176 / S.425)

**WHEREAS**, U.S. Immigration and Customs Enforcement (ICE) arrests of immigrants in the community have increased overall, and aggressive ICE tactics that were rare under the Obama administration have become commonplace; and

**WHEREAS**, the Immigrant Defense Project (IDP) reports that since 2016, ICE operations in and around New York courthouses rose 1700%, and that ICE expanded its courthouse arrest operations in upstate New York in 2018, including arresting people on the way to court, in the courthouse, and leaving court; and

**WHEREAS**, alongside this astronomical rise, IDP has documented ICE's increased use of violent force to conduct arrests, including slamming family members against walls, dragging individuals from cars, and even pulling guns on people leaving court; and

**WHEREAS**, the ICE Out of Courts Coalition issued a report that documents the harmful impacts of ICE's aggressive courthouse operations, including the widespread chilling effect, which discourages victims, witnesses, and defendants from seeking legal protections; and

**WHEREAS**, when ICE arrests a defendant during an unrelated court proceeding, ICE is under no obligation to produce them for such court appearance; and

**WHEREAS**, the fear of deportation acts as a deterrent for victims of crime, witnesses to crime, and defendants, to engage in the criminal court system; and

**WHEREAS**, public calls made by judges, district attorneys, attorneys general, anti-violence advocates, public defenders, elected officials and others across the country to end courthouse arrests have been unanswered by ICE; and

**WHEREAS**, in January 2019, New York State Senator Hoylman and New York State Assembly Member Solages introduced the “Protect Our Courts Act” (A.2176/S.425), which would exempt individuals from civil arrest while “going to, remaining at, or returning from the place of such court proceeding;” and

**WHEREAS**, absent a signed judicial warrant or judicial order authorizing a civil arrest, A.2176/S.425 would prohibit the civil arrest of any person attending a court proceeding “duly and in good faith;” and

**WHEREAS**, the legislation would designate the willful violation of the exemption as contempt of the court and false imprisonment, and would grant individuals the ability to bring a civil action for appropriate equitable and declaratory relief in instances of violation of the exemption; and

**WHEREAS**, the unchecked interference of federal law enforcement, specifically ICE, in the state court system endangers New Yorkers’ access to due process and public safety by making witnesses to crime and victims of crime less likely to engage in the court system; and

**WHEREAS**, federal interference additionally removes criminal defendants from our jurisdiction, making it impossible to seek justice in their ongoing, non-immigration related cases.

**NOW THEREFORE BE IT RESOLVED**, that the City of Beacon calls on the State Legislature to pass, and the Governor to sign, the “Protect Our Courts Act” (A.2176 / S.425), in order to protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding.



Resolution No. ____ of 2019			Date: May 6, 2019				
" Amendments						" 2/3 Required	
" Not on roll call			" On roll call			" 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<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>					

**City of Beacon Council Agenda**  
**5/6/2019**

**Title:**

**Resolution Awarding Contract to Sun Up Construction for the Main Street Improvements Project**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Awarding Contract to Sun Up Construction for the Main Street Improvements Project	Resolution



**CITY OF BEACON  
CITY COUNCIL**

**Resolution No. \_\_\_\_\_ of 2019**

**RESOLUTION TO AWARD CONTRACT  
TO SUN UP CONSTRUCTION.**

**WHEREAS**, the City of Beacon sought proposals from qualified contractors for the Main Street Improvements Project; and

**WHEREAS**, the City of Beacon Council budgeted and approved \$450,000.00 for the project; and

**WHEREAS**, the proposed fee of \$448,800.00 from Sun Up Construction was the lowest proposed; and

**WHEREAS**, Sun Up Construction, Inc has successfully completed a number of related projects in the past.

**NOW, THEREFORE BE IT RESOLVED**, that the Contract for the Main Street Improvements Project be awarded to Sun Up Construction; and

**BE IT FURTHER RESOLVED**, that the Mayor or City Administrator of the City of Beacon is hereby authorized to execute said Agreement and any documents consistent therewith.

Resolution No. _ of 2019			Date: <u>May 6, 2019</u>				
Amendments							
Not on roll call.			On roll call			2/3 Required.	
						3/4 Required	
Motio	Secon	Council Member	Ye	No	Abstain	Reason	Abse
		<b>Terry Nelson</b>					
		<b>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Lee Kyriacou</b>					
		<b>John Rembert</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy J.</b>					
<b>Motion Carried</b>							

**City of Beacon Council Agenda**  
**5/6/2019**

**Title:**

**Resolution Approving the City of Beacon's Farmers Market and the Execution of a License Agreement**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Approving the City of Beacon's Farmers Market and the Execution of a License Agreement	Resolution
Exhibit A: Farmers Market Rules 2019	Exhibit
Exhibit B: Hold Harmless and Indemnity Agreement	Exhibit
Farmers Market Agreement Discussion Points	Backup Material





Resolution No. \_\_\_\_\_ of 2019

**RESOLUTION APPROVING THE CITY OF BEACON'S FARMERS MARKET  
AND THE EXECUTIVE OF A LICENSE AGREEMENT**

**WHEREAS**, Common Ground Farms is interested in renewing their license to operate the City of Beacon Farmers Market for 2019.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council approves the City of Beacon Farmers Market for the year 2019 and authorizes the execution of a renewed License Agreement with Common Ground Farms.

Resolution No. _____ of 2019		Date: <u>May 6, 2019</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>							

# EXHIBIT A

# BEACON FARMERS MARKET 2019 MARKET VENDOR RULES

## MARKET MISSION

The mission of the Beacon Farmers' Market is to feed and engage the Beacon community, support local farms and businesses, and create a more just food system.

### Community

To create a welcoming, vibrant and inclusive community market and gathering space that contributes to the vitality of the City of Beacon

To offer enrichment programming related to fresh, healthy eating, farming, cooking, gardening, sustainable living and other related topics as well as showcasing Beacon art and music communities

To provide outreach opportunities for Beacon non-profit organizations and projects which complement the mission of the farmers' market

### Local Farms and Businesses

To connect customers with local food and agricultural businesses in the mid-Hudson Valley region

To support farmers and working farmland in the Hudson Valley and surrounding agricultural communities

To encourage sustainable agricultural and business practices

### Food Justice

To provide direct access to affordable, locally grown, fresh fruits and vegetables to people of all incomes and socio-economic backgrounds

To enable local farmers and business owners to earn their livelihood and receive fair compensation for their efforts

To work in partnership with the local network of food justice organizations to support and develop efforts to address hunger in our community

.....

The Beacon Farmers' Market is a DBA filed by Common Ground Farm, a 501(c)3 organization in Beacon. The market is separately governed by a working volunteer board (BFM Committee), and is operated by the Market Manager, Paloma Wake. Our market is run year round and the BFM Outdoor Market runs from May through November while the BFM Indoor Market runs from December through April.

Vendors agree to read these rules carefully before signing and agreeing their Vendor Agreement Forms. Failure to observe these rules may result in suspension or termination of Market privileges.

## 1. Vendor Applications

- A. Vendors are expected to submit an application prior to each Market term whether or not they have been Vendors in the past.
- B. The application deadline is March 31st, 2019 for the Outdoor market. There will be a separate deadline for the Indoor market.
- C. Acceptance of applications after these deadlines will be at the discretion of the Market Manager and BFM Committee.
- D. Value-added Vendors who provide a product that is not primarily agricultural in nature must submit samples of the products they wish to sell along with their application and explanations of where and how their products are sourced. Samples can be mailed to PO Box 148, Beacon NY 12508.
- E. Vendor applications will be reviewed by the Market Manager and BFM Committee. Vendors may participate in the BFM only at the invitation of Manager and Committee.
- F. There is no guarantee of any one vendor having exclusive coverage of any particular sector of the market or product type. Decisions regarding overlapping product will be made at the discretion of the Market Manager(s) and the BFM Committee with consideration for not having more product than our customer base can support.

## 2. Geographical Limits

- A. All agricultural products must be grown and/or processed within a 200-mile radius of Beacon, NY.
- B. All value-added vendor product offerings must contain a majority of agricultural product that was grown and/or processed within a 200-mile radius of Beacon, NY when possible. Exceptions may be made at the discretion of the Market Manager for climate/cost-prohibitive ingredients.
- C. All vendors must be based In New York state. Exceptions made only for vendors participating in the market prior

# **BEACON FARMERS MARKET**

## **2019 MARKET VENDOR RULES**

to 2016 and when comparable vendors can not be found within New York.

### **3. Agricultural Merchandise**

- A. All agricultural products must be grown or wild-gathered by the Farmer/Vendor and/or their assistants, unless pre-approved by the Market Manager and BFM Committee.
- B. There will be no reselling of produce or any agricultural products, unless pre-approved by the Market Manager and BFM Committee. Given the approval of the BFM Board, Ag-Vendors may re-sell produce from other farms within the region but no more than 20% of their produce on any given day may come from these sources. Anything sourced from other farms must be clearly labeled as such.

### **4. Products and Sales**

- A. Vendors agree to sell primarily produce and products grown or produced on their farm or at their business. Vendors should list for public view any locally sourced ingredients if applicable.
- B. Products / produce from other farms / businesses or from outside the Hudson Valley cannot exceed 20% of what the vendor offers for sale and must be pre approved. Produce and products from locales other than the Vendor's farm or business must be clearly identified as such, and the names and locations of the makers of those products must be also listed.
- C. When circumstances such as severe weather eliminate availability of Hudson Valley produce, Vendors may substitute produce / products from other regions within New York State or from the next closest region and must identify the source of such offerings.
- D. The following food products can be sold at the market:
  - 1. Fresh foods such as fruits, vegetables, greens, meat, poultry, fish, seafood, eggs and mushrooms.
  - 2. Prepared foods such as dairy products and cheeses, baked goods, smoked meats and fish, pasta, soups, prepared meals, frozen desserts, relishes, salsa, sauces, dried foods, honey, maple syrup, pickles, juices, wines, beer, teas, ciders, herbs and herbal products.
  - 3. Specialty products such as plants, flowers, coffee, olive oil and refreshments as reviewed and approved by the Market Manager and BFM Committee.
  - 4. Sale of products not listed above: must be approved at least one week in advance by the Market Manager and BFM Committee.
- E. Vendors may not sell as a franchise or use franchise trademarks, logos, etc., at the market, unless approved by the Market Manager and BFM Committee. Vendors may not sell franchised products for other suppliers, unless approved.
- F. All products sold at the market must be of high quality. If the Market Manager(s) deem any product inferior in quality the Vendor agrees to withdraw the product immediately or sell for a discounted price.
- G. Radical price cutting of top quality produce is prohibited. Poor quality or overripe produce must be labeled as such and can be sold for a discounted price.
- H. Selling of dairy products, eggs, meats, canned goods, alcohol and other processed or potentially hazardous products must meet all legal requirements.
- I. Highly perishable foods, prepared foods and specialty products must be refrigerated / stored in compliance with all applicable laws.
- J. Vendors must offer customers at least two forms of payment options (e.g. cash and check, or cash and credit) that are clearly labeled as options.

### **5. Compliance**

- A. Vendors must comply with all laws, ordinances, and regulations of the United States, State of New York, County of Dutchess, and City of Beacon and are responsible for doing so.
- B. Vendors must obtain all licenses or certifications so required, and these must be available for inspection at the market.
- C. Goods may be sold by weight, volume, container / package or count. All weights, measures, packaging and labeling must comply with all applicable laws. Vendors must be approved by the Dutchess County Sealer of Weights and Measures.



# BEACON FARMERS MARKET

## 2019 MARKET VENDOR RULES

### 6. Inspection

- A. All Vendors are subject to inspection by the Market Manager and BFM Committee for the sole purpose of confirming conformance with the Farmers' Market Vendor Rules and policies.
- B. Failure to submit to such an inspection can result in suspension of Vendor's Market approval.

### 7. Setup and Departure

- A. Vendors shall arrive at the market in time to set up and be ready for customers at opening time, 10 a.m. Market Manager will coordinate with each Vendor the exact time and arrival so that load-in can be efficiently managed. Late admittance will be at the discretion of the Market Manager who can be contacted via cellphone (**Paloma Wake 510.851.4865**) Vendors arriving late will be subject to a late fee of \$5 (first time), \$15 (second), \$30 (third), \$45 (final) at the discretion of the Market Manager, who can terminate the Vendor Agreement with approval by the BFM Board. Vendors may not sell any items prior to 9:45 am.
- B. BFM Vendors are to park only in the area specified by the Market Manager(s). Vendors with assigned spaces shall occupy only those spaces.
- C. Each vendor will display a sign stating the Vendor's/Farm name and the location of their farm or production facility.
- D. Prices for all items will be clearly displayed at all times either on a board or on individual items.
- E. Vendors must wait until closing time to start packing up their spaces and taking down their tents. Vendors may not sell any items after fifteen minutes past closing time.
- F. Vendors must remove unsold produce and clean up their spaces before leaving the market. A fine not to exceed \$25 may be imposed by the Market Manager(s) for violation of this rule. Please see section 9 for more information about our waste partner Zero to Go.
- G. Outdoor Market: Vendors must be clear of the site within an hour after the close of the Market unless other arrangements are discussed with and approved by the Market Manager(s). A fine of \$30 will be imposed for violation of this rule.
- H. Indoor Market: Vendors must be clear of the site within an hour after the close of the Market with no exceptions. A fine of up to \$100 will be imposed for violation of this rule by the American Legion Building Committee.
- I. No Vendor may leave their spot before the close of Market without explicit approval from the Market Manager.

### 8. Space Assignments

- A. On the application, vendors can submit their location preferences (general or specific) for consideration by the Market Manager. While all preferences will be considered, many factors are involved in location decisions and a preferred location cannot be guaranteed.
- B. Vendors will be assigned a space at the market by the Market Manager, and a location map will be sent out in advance of opening day.
- C. Vendors who wish to change location or size after locations are assigned must request a change by email to the **Market Manager (market@commongroundfarm.org.)** Changes cannot be guaranteed.
- D. Vendors can only request one change per market season.

### 9. Upkeep and Waste

- A. Vendors are responsible for keeping their area clean and neat at all times, and carrying out any large packaging used to deliver product. All Vendors are required to carry their own broom & pan and are required to thoroughly sweep their vending black-top area free of organic matter, paper and plastic debris at the end of the day.
- B. The market offers a Zero Waste Station, where we separate and dispose of recycling and compost in addition to landfill waste. At the start of each season, the market manager will meet with each vendor to discuss how to dispose of each part of their product packaging. Vendors are asked to communicate this, when possible, with their customers in order to streamline the trash disposal process.
- C. In our effort to reduce market landfill waste, certain packaging products are PROHIBITED at the market: styrofoam, mixed material products (such as paper-lined foil.) The market manager can offer alternative product suggestions upon request.
- D. Vendors may deposit their garbage from market day at the Zero Waste Station, but they must do so before Market ending time so that the market can close promptly. Vendors are asked to separate their recycling, compost and landfill waste at the station.

# **BEACON FARMERS MARKET 2019 MARKET VENDOR RULES**

## **10. Conduct**

- A. Vendors must conduct themselves in a professional and courteous manner at all times. The Market Manager can require a Vendor or an employee of a Vendor to leave if their conduct is deemed to be inappropriate.
- B. The Beacon Farmers' Market maintains a smoke-free environment. Vendors who smoke can only do so in the parking areas.

## **11. Display and Signage**

- A. All Vendors must keep their tent, merchandise, equipment, vehicles, displays and signage within the space assigned to them. Pedestrian flow cannot be impeded by the Vendor's setup. Vendors must set up their space in a manner that does not block the customers' view of or impede access to other Vendors in any way. Vendors must have a sign that prominently identifies the name of their farm/business and its location. Vendors are encouraged to list all products offered each week.
- B. Tents / canopies must be secured at all times. All Vendors are required to provide and use weights to insure tents cannot blow over. Buckets full of concrete and tied to tents are suggested. Buckets, sand bags or other methods, to be provided by the vendor, can be subject to inspection by the market manager.
- C. Signage: All Vendors must display at eye level a sign that states the name of the farm or business, and the location; this signage should be approximately 4.5 square feet, e.g. a 18"h x 36"w banner. All Vendors must also display items and prices. This may be on a separate board (like dry erase or chalkboard), or on the main banner, or labeled product groupings may be priced clearly for all shoppers to recognize.

## **12. Rents**

- A. Market rent is \$35/week per tent for regularly scheduled vendors. Rents rise based on size of space needed for adequate display and/or vendor sales volume as determined by the BFM Board and Market Manager. A per season marketing fee of \$25 will also be collected with the first month's rent.
- B. Guest vendors and vendors participating less than once per month will pay \$40/ week per tent but will not be required to pay the per season marketing fee.
- C. Weekly and biweekly vendors who wish to prepay for the season will be subject to a discount of 5% for a seasonal (indoor or outdoor) commitment.
- D. All vendors will be required to submit a security deposit at the first market of the season. This deposit will consist of a check for one month's rent. If the vendor leaves the market prior to the end of the agreed-upon market season, the check will be cashed to cover market expenses until another vendor can be found to take their place. If the vendor remains in the market, the check will be voided at the end of the season.
- E. Monthly rents are due on the first Sunday of each month for the coming month.
- F. A late fine of \$15 will accrue for each week after the second Sunday that the rent is in arrears.
- G. By signing the contract to participate as a vendor, you are agreeing to attending the market from opening day until the closing market day unless otherwise agreed upon. Vendors will be held responsible for the rent for the entire season agreed to in the application. If a vendor must pull out of the market, the vendor will be held responsible for any further rents due until an appropriate replacement vendor can be found. This can be accepted in the case of extenuating circumstances that have been discussed with the Market Manager(s) and approved by the BFM Board.
- H. Bounced checks are subject to a \$30 fine to cover bank fees and administrative costs, in addition to the amount of the original check.

## **13. Insurance and Indemnity Agreements**

- A. All vendors must carry General Liability Insurance in the sum of \$1,000,000.00 dollars each occurrence and \$2,000,000.00 annual aggregate.
- B. The Beacon Farmers' Market, and the City of Beacon must be named as an Additional Insured on this policy for the Outdoor Market. 2 copies of all insurance certificates for the Outdoor Market are due one week prior to the first market and must be submitted to the Market Manager who will coordinate on behalf of the City. Details for the Additional Insured on your COI:

Beacon Farmers' Market / Common Ground Farm  
PO Box 148  
Beacon, NY 12508

City of Beacon  
1 Municipal Plaza  
Beacon, NY 12508

# **BEACON FARMERS MARKET 2019 MARKET VENDOR RULES**

- C. The Beacon Farmers' Market, the City of Beacon, and the location host should be named as additionally insurance for the Indoor Market. 2 copies of all insurance certificates for the Indoor Market are due one week prior to the first indoor market and must be submitted to the Market Manager who will coordinate on behalf of the City and location host.
- D. Vendors cannot sell at the Market without insurance certificates on file and insurance must be kept current throughout the season.
- E. Vendors must sign and complete indemnity agreements for Common Ground Farm and the City of Beacon, and must provide 2 copies to the Market Manager.
- F. All insurance certificates and indemnity agreements must be received by the Market Manager one week prior to the first date of sale for each season and appearance at the Market.

## **14. Attendance**

- A. By signing the contract to participate as a Vendor, you are agreeing to attending the market from opening day until the closing market day. Some start dates and end dates may be pre-qualified exceptions, due to the growing season. However, all market dates within your stated commitment in the application will be strictly adhered and rents will be due for.
- B. Vendor must notify the Market Manager by phone or email (**Paloma Wake 510.851.4865 or [market@commongroundfarm.org](mailto:market@commongroundfarm.org)**) if they are unable to attend a scheduled Sunday for illness or other extenuating circumstances. In the case of a planned absence for vacation or other reasons, vendors must notify the Market Manager two weeks in advance.
- C. Each vendor is allowed two penalty-free excused absences (planned or unplanned) for cause at the discretion of the Market Manager during each Market term.
- D. Failure to notify the market manager in a timely manner will result in an unexcused absence, which will count as one of the two allowed absences. After two unexcused absences, the vendor will be subject to review by committee, and may be asked to leave the market.
- E. Vendors will be responsible for rent on all the days they are scheduled to attend the market whether they appear there or not. If the vendor gives more than two weeks notice of an absence, and the market manager is able to find another vendor to take their spot, the market manager will not charge the vendor the normal rent.
- F. Rent will be considered in arrears if they are unpaid.

## **15. Market Cancellation**

- A. In the case of an extreme weather warning, the Market Manager reserves the right to cancel the market, and will notify all vendors by cellphone as early as possible. In general, the market will run rain or shine.
- B. If the market is on, but a vendor chooses not to attend due to weather, this counts as one of their two excused absences, provided they notify the manager by phone or email in a timely manner.
- C. The market budget allows for two possible weather cancellations, and in the event of 1 or 2 cancellations, vendors will be refunded or credited their vendor fees. If there are more than two weather cancellations in a season, vendors will not be refunded or credited for rent. The market can accommodate a certain amount of uncertainty around weather, but we ask vendors to share the risk by agreeing to be responsible for rent in the case of more than 2 cancellations. This allows us to continue to operate with a reasonably secure market budget.

## **16. Enforcement and Violations**

- A. Vendors who suspect that another vendor is violating any market rules should report the matter to the Market Manager. Vendors should not attempt to address violations themselves.
- B. The Market Manager will be responsible for researching reported violations and escalating discussion to the Market Committee if discussion is needed on how to best resolve an issue.
- C. Violations of any market rules will be dealt with by the Market Manager or, in the absence of the Market Manager, a designated officer from the BFM Committee. The Market Manager will give a verbal warning notice to the Vendor for an infraction of the rules.
- D. If a Vendor receives two verbal warnings, the Committee will convene, by email if necessary, to vote on the question of giving the Market Manager the power to expel the Vendor if a third violation of the rules occurs.

# **BEACON FARMERS MARKET 2019 MARKET VENDOR RULES**

## **17. Communication**

- A. The Market Manager will be responsible for communicating any significant changes or news through email to Vendors.
- B. The Market Manager will be onsite during the market, and will be the first line of communication for any market issue or concern.
- C. Any Vendor who would like to address the BFM Committee may arrange with the Market Manager(s) to attend the next scheduled board meeting or may write a letter or email. Any vendor is welcome to speak to any Market Committee member at any time.

## **18. Solicitations**

- A. The Market does not allow solicitation, entertainment, informational and advocacy activities, unless approved by the Market Manager(s) and BFM Board or as part of the scheduled BFM Programming. Vendors will be alerted about such activities and programming in advance.
- B. Vendors may not use their own space for advocacy or informational displays unless approved by the Market Manager(s) and BFM Board.

## **19. Pets**

- A. Friendly pets on leash are allowed in the BFM Market area and in the parking areas during the Outdoor Market. All pets must be controlled and picked up after. The Market Manager(s) reserve the right to expel a patron who has an uncontrolled animal. Please notify the Market Manager(s) if any vendor notices such behavior.

## **20. Entertainment**

- A. The Farmers' Market, in accordance to the license agreement with the City of Beacon, will not host any amplified music unless in collaboration with the neighboring Towne Crier Cafe. Exceptions made only for special events, such as opening day. Towne Crier will be notified of special events in advance.
- B. Non-amplified music is permitted and will be coordinated by the Market Manager.

## **21. Participation in WIC/SNAP/FMNP Programs**

- A. The BFM is registered with the SNAP/EBT program to provide SNAP/EBT tokens and Fresh Connect checks for use throughout the entire market for eligible products.
- B. Vendors whose products are eligible for SNAP/EBT benefits will be required to accept these tokens and Fresh Connect checks as payment. This includes all vendors selling groceries, or food items intended to be brought home for consumption (except for alcohol.)
- C. Vendors whose products are eligible for WIC/FMNP vouchers will be required to accept these vouchers as payment. This includes fresh fruits and vegetables.
- D. Vendors must display signage given out by the market manager to indicate participation in these programs.
- E. Fresh fruit and vegetable vendors are required to participate in the market's Greens4Greens incentive program, which doubles the value of any SNAP/EBT tokens and/or WIC/FMNP vouchers. More information on this program is available at the market website (<http://www.beaconfarmersmarket.org/benefits.php>)
- F. Vendors whose products are eligible for EBT/SNAP and/or WIC/FMNP may be required to undergo additional training or certification prior to the first market in order to offer these benefits. This will be communicated in advance by the Market Manager.
- G. Vendors will submit tokens and Greens4Greens checks to the market manager for reimbursement on a weekly, monthly or less frequent basis as needed. When possible, the market manager will reimburse in cash; otherwise, a check will be issued at the end of each month for the monthly total. Fresh Connect checks and WIC/FMNP vouchers have a separate redemption process, and vendors are responsible for submitting checks and vouchers received. The market manager will provide vendors with information on the Fresh Connect, WIC and FMNP redemption processes, and will assist vendors with enrolling in these programs as needed.

## **22. Amendments**

- A. These rules may be amended by a majority vote of the Committee.

***Your signature on the vendor application affirms that you have read and will abide by these rules.  
Please keep a copy of the rules for your records.***



# EXHIBIT B

## **HOLD HARMLESS AND INDEMNITY AGREEMENT**

### **For Use by Individual Vendors:**

\_\_\_\_\_ (“Indemnitor”) hereby agrees, in exchange for permission to participate in the Common Ground Farm, Inc.’s Farmers Market (“Market”) located in Beacon Market, to defend, indemnify and hold the City of Beacon and its employees, officers and agents (the “City”) harmless from any and all claims, liabilities, suits, proceedings, actions, costs and expenses, including attorney’s fees, of whatever name or nature as the same may relate, arising from Indemnitor’s participation in the Market. Said indemnification and defense by Indemnitor to the City apply to any claim, liability, suit, proceeding and action in which the City may be named as a party, and notwithstanding that Indemnitor may deem said claim, liability, suit, proceeding or action frivolous or without merit.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

### **For Use by Participating Business Entities:**

\_\_\_\_\_ (“Indemnitor”), through its designated agent, \_\_\_\_\_, and in exchange for permission to participate in the Common Ground Farm, Inc.’s Farmers Market (“Market”) located in Beacon, hereby agrees to defend, indemnify and hold the City of Beacon and its employees, officers and agents (the “City”) harmless from any and all claims, liabilities, suits, proceedings, actions, costs and expenses, including attorney’s fees, arising from Indemnitor’s participation, or the participation of Indemnitor’s employees or agents, in the Market. Said indemnification and defense by Indemnitor of the City shall apply to any claim, liability, suit, proceeding and action in which the City may be named as a party, notwithstanding that Indemnitor may deem said claim, liability, suit, proceeding or action frivolous or without merit. By affixing their signature hereto, the undersigned hereby represents that he or she is designated agent of Indemnitor, authorized to enter into and bind Indemnitor to this agreement.

\_\_\_\_\_  
Vendor Name

By:

\_\_\_\_\_  
Agent Signature

\_\_\_\_\_  
Date

## **Farmers Market Agreement**

Below are the changes we would recommend.

Term of License. The term ("Term") of this Agreement shall be from May 5, 2019 to November 24, 2019. With reasonable notice of no less than fifteen (15) days, the City can notify the market of re-location for special events such as the Beacon Car Show date (or its rain date) and any other County approved events..

Location of Market (the "Licensed Area").

The City shall have the right to relocate the Market to the Dutchess County Parking Lot upon one (1) week's written notice to CGF. The Farmers Market shall remain at Veterans Place after June 2, 2019 until the City and Market reach an agreement with Dutchess County.

Products Sold. CGF shall permit its vendors to sell only those products that are pre-approved by CGF, or its designee. No prepared food vendors may be added to the Market without first right of refusal being given to any Beacon business selling a comparable product. Except that the following vendors may continue to cook or prepare food to serve to the public for the term of their Vendor Agreement: Nana's Homemade. If these vendors are removed from the Farmers Market, they must be replaced with local businesses.

Prohibited Sales From Vehicles on Veterans Place. There shall be no sales from the surfaces of pick-up trucks, trailers or other vehicles, except that produce and/or fish may be sold from a refrigerated vehicle. All products not exempt herein must be sold from a stationary stall when the Market operates on Veterans Place.

**City of Beacon Council Agenda  
5/6/2019**

**Title:**

**City Council Meeting Minutes April 15, 2019**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
City Council Meeting Minutes April 15, 2019	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 April 15, 2019. Please note that the video recording of this meeting is available at <https://vimeo.com/330769857>

**Council Members Present:**

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

**Council Members Absent:**

Terry Nelson, Ward One

**Also Present:**

Anthony Ruggiero, City Administrator  
Nick Ward-Willis, City Attorney  
Frits Zernike, Dutchess County  
Legislator  
Nick Page, Dutchess County  
Legislator

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

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**First Opportunity for Public Comments:** Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight. There were no public hearings scheduled.

**Speakers:**

Theresa Kraft

Ms. Kraft stated that the city should not allow four-story buildings on Main Street. The Planning Board is hypocritical in the fact that they state they do not grant variances, that is the job of the Zoning Board. However, the Planning board does make recommendations for variances to the Zoning Board. High density development mechanical rooms are like miniature cities and they are unnecessary. We need to preserve the character of our historic city.

Dennis Pavlock

Mr. Pavlock made two comments. First, he said that he witnessed an unsafe act at the Parade of Green and if anyone would like to discuss this, please get in touch with him. Second, there is unsafe scaffolding near Ed's gas station due to the high winds.

Paul Mersfelder



Mr. Mersfelder spoke on behalf of Nobody Leaves Mid-Hudson. He asked the city to support New York State legislation called Protect Our Courts which would essentially prevent ICE officials from arresting individuals who have entered the United States illegally while they are in court for a non-immigration related issue.

Tina Bernstein

Ms. Bernstein asked the city to support New York State legislation called Protect Our Courts.

Arthur Camins

Mr. Camins opined that the City of Beacon should take an aggressive and visionary role in order for our city to be more welcoming and affordable. He spoke in favor of rent control and stabilization. Mr. Camins requested that the City Council enact a building moratorium so we can have an expert help us create an affordable housing plan.

Julie Shirioshi

Ms. Shiriosho spoke on behalf of New York State Assemblyman Jonathan Jacobson who is supporting Protect Our Courts.

Charlie Kelly

Mr. Kelly spoke about Ferry Landing. He stated that the vantage point where the viewshed is protected starts at the intersection of Bayview and Wolcott Avenue. There is no intersection of Bayview and Wolcott Avenue. Mr. Kelly spoke out against the project at Ferry Landing, stating that it was out of line with the Local Waterfront Revitalization Program and the planners involved with the project have made dubious claims. We need to protect our viewsheds.

Stosh Yankowski

Mr. Yankowski pointed out that the trees at Ferry Landing have been cut and it looks terrible. He asked for support to take the property through eminent domain. He stated that the development project on Wolcott Avenue looks terrible. Mr. Yankowski suggests having an RF engineer determine if the facilities at Howland Avenue can be remotely tuned. He wants to know if the power level can be increased remotely.

Frank Ritter

Mr. Ritter showed a picture of Beacon 100 years ago and asked the public to let him know if their family members are in the photo. He questioned what Beacon's predecessors would think of the development happening today. There will not be enough parking. Sewers and storm drains will overflow.

Laury Dick

Ms. Dick asked the Council to vote to support the New York State legislation called Protect Our Courts. ICE is arresting people without criminal records in the courts.

### **Community Segment**

Dennis Pavlock of the Beacon Historic Society spoke about the upcoming Walking Ghost Tour on May 3, 4, 5 from 6 – 9 pm every half an hour. Some of the many historical figures who will be portrayed are actor and director Paul Newman, the first fireman who died fighting a fire in the City of Beacon, Bobby Kramer, and the famous palmist, Madam Zingarra.

**Public Hearings: There was no Public Hearing scheduled.**

### **Council Member Reports:**

#### Amber Grant:

Ms. Grant thanked people for supporting Protect Our Courts. She spoke in favor of the bill and said she would email a sample resolution and key points regarding the bill. She said she looks forward to discussing viewshed protection on April 29<sup>th</sup>. Ms. Grant thanked the City Administrator and the Mayor for moving forward on the Climate Smart Communities program by posting a job announcement for a Climate Smart Communities Coordinator.

#### John Rembert:

Mr. Rembert is looking forward to the workshop on April 29<sup>th</sup> to discuss viewsheds. He wants to learn more about Protect our Courts and would like to support the bill.

#### Lee Kyriacou:

Mr. Kyriacou attended the last Planning Board meeting. He recognized how even-handed and attentive the Planning Board is to input. People should be complaining to the City Council, not the Planning Board. The Planning Board has limited authority. Further, it is important for the Council to look at the linkage zone and the viewsheds.

#### George Mansfield:

Mr. Mansfield said that he looks forward to discussing the Protect Our Courts Act. He pointed out that there is a bench on 9D and Tioronda Avenue that has spray paint. He would like to consider adding the chapel at Hidden Brook to the historical list of properties.

#### Jodi McCredo:

Ms. McCredo thanked everyone for coming to the meeting. She would like to discuss the Protect Our Courts. The Howland Public Library will be hosting a series of Community Conversations. The schedule is as follows: May 22<sup>nd</sup> at 6 pm at the Beacon Elks Lodge, May 24<sup>th</sup> at 10 am at the Howland Cultural Center, and June 22<sup>nd</sup> at 3 pm at the University Settlement Camp. You can find out more at [beaconlibrary.org](http://beaconlibrary.org). Ms. McCredo is looking forward to speaking about zoning.

#### Nick Page

Mr. Page provided several updates from Dutchess County regarding the City of Beacon.

Mr. Page said that money was recently allocated for early voting; the closest location to Beacon is the Fishkill Town Hall.

A subcommittee recently expanded wine and liquor store hours across the county.

In May there will be a county infrastructure package, they will allocate funding for the design of the Washington Street Bridge. Bridge replacement is scheduled to be done no later than 2022.

Mr. Page is working on providing a summer weekend ferry service pilot program. He has secured county funding from Dutchess and Orange; he is likely to come back and ask for a Newburgh and Beacon contribution for the service as well.

#### Frits Zernike

Mr. Zernike, a County Legislator provided an update on the wine and liquor bill at the county level. He announced that the County Executive will likely veto a bill which will expand wine and liquor store hours. However, the legislators will likely be able to override the veto. He thanked the Mayor for supporting the bill.

#### Mayor Casale:

Mayor Casale thanked the Beacon Volunteer Ambulance Corps members for their life-saving efforts over the past 60 years. Mayor Casale read a proclamation that declared April 16, 2019 Beacon Volunteer Ambulance Corps Day. He congratulated them on their 60<sup>th</sup> Anniversary and thanked them for all of the money they have saved the city over the past 60 years. He went onto empathize with the ambulance corps system. If anyone is interested in volunteering, please call 845 831 4540 or email [recruitment@beaconvac.org](mailto:recruitment@beaconvac.org)

Mayor Casale stated that he received a letter from a resident regarding the Protect Our Courts Act. That letter can be found below:

*Dear Mayor Casale and Beacon City Council Members,*

*I am unable to make it to tonight's city council meeting, but would like to have my comments included in the record regarding the recent surge in the presence of ICE officers in local courts of the Hudson Valley in recent weeks.*

*I urge you to pass a resolution in support of the Protect Our Courts Act now before the State Assembly. It is crucial that ALL of our citizens be able to access local courts, for both criminal and civil matters, without fear of being arrested by federal agents. Whether a person needs to address criminal charges or pay a traffic fine or get help regarding domestic abuse, they must feel they can safely access the courthouse. To quote from the bill, "the use of court calendars and courthouses as a means of locating allegedly undocumented individuals...leaves many immigrants, documented and undocumented, afraid to access the justice system or respond to court summonses for fear of potentially life-changing immigration-related repercussions. This trend has a potentially damaging impact on all New Yorkers, not just immigrant communities, as the operation of our judicial system and public safety are undermined."*

*I also urge you to stand firm in keeping Beacon a sanctuary for immigrants. We hear in the media that cities that have declared themselves sanctuaries are being threatened by the federal government with loss of funding and other retaliation. But an article in the NY Times reported that in NY state and other states, the courts have been ruling in favor of municipalities. In November, a New York appellate court rules that local law enforcement cannot detain immigrants for ICE. The article notes that courts in NY and other states have "prohibited local law enforcement from complying with so-called detainers, the requests from ICE for those officers to hold immigrants." [nytimes.com/2018/12/12/nyregion/sanctuary-cities-state-courts.html](https://www.nytimes.com/2018/12/12/nyregion/sanctuary-cities-state-courts.html)*

*I thank you for your attention to this issue and for all your hard work.*

*Sincerely,*

*Julie Winterbottom*

The Beacon Library will be voting for Board Members on April 25<sup>th</sup> from 12 – 8 pm.

The New Vision Church has been running a food pantry on Saturdays from 10:30 – 12:30 at the Recreation Center. They have an abundance of food. If you have any questions, please call 845 202 7199. He thanked the New Vision Church for their service.

The Arbor Day Celebration will be on April 26<sup>th</sup> at 4 pm at the Yankee Clipper Diner.

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

#### **1. A Resolution Approving the Appointment of Will Hough to the Recreation Committee**

- Motion by Council person Rembert
- Second by Council person Mansfield
- Resolution passes 6-0

Will Hough:

Mr. Hough stated that he has been a part of the Beacon community for about 18 months. A couple of months ago he stopped a kid from robbing a store in Beacon and he decided he wanted to help make kids stronger mentally and physically. He is a former special operations military official. He looks forward to working together with the Mayor and the citizens of Beacon. Mr. Hough thanked the Council for appointing him.

#### **2. A Resolution to Set Public Hearing on Proposed Local Law to Delete Chapter 183 and Amend Chapter 223 Sections 15 and 63 of the Code of the City of Beacon Regarding the Sign Law**

- Motion by Council person Grant
- Second by Council person McCredo
- Resolution passes 6-0

#### **3. A Resolution to Set Public Hearing on Verizon Wireless Facility at 110 Howland Avenue**

- Motion by Council person Rembert
- Second by Council person Mansfield
- Resolution Passes 6-0



**4. Scheduling of an Information Session for Public Comment on Preliminary Draft Zoning Code Tables for Schedule of Uses and Rezoning of Certain Properties**

- Motion by Council person McCredo
- Second by Council person Grant
- Resolution passes 6-0

**5. A Resolution Supporting Universal Rent Stabilization and Control**

- Motion by Council person Rembert
- Second by Council person McCredo
- Resolution passes 6-0

Council person Lee Kyriacou:

Mr. Kyriacou asked for the specifics of the resolution.

Mayor Casale:

The Mayor read the resolution which can be found in the agenda for April 15, 2019.

**6. A Resolution to Declare Fairview Tank Replacement Project a Type II Action Under SEQRA**

This resolution was not voted on. Rather, the Council voted to table the vote until May 6<sup>th</sup> because it must be voted on at the same time as the Water Bond which is on the agenda for May 6<sup>th</sup>.

**Motion to table until May 6**

- Motion by Council person Rembert
- Second by Council person Grant
- Motion passes 6 – 0

**7. A Resolution Authorizing Sale of City of Beacon Property Adjacent to 351 Tioronda Avenue**

- Motion by Council person Grant
- Second by Council person Mansfield
- Resolution passes 6-0

**Approval of Minutes**

Motion to approve council minutes from April 1, 2019

- Motion by Council person Grant
- Second by Council person McCredo
- Motion passes 6-0

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

**Speakers:**

Louis Amoroso Sr.

Mr. Amoroso stated that an individual who spoke in the earlier Public Comment period made statements hypocritical to the stance he took years ago when he was influential in preventing Mr. Amoroso Sr. from serving on the Planning Board. According to Mr. Amoroso Sr., this individual took pro-development stances in the past however, his stance has now changed since there is a planned development in his own neighborhood.

**Adjournment:**

- Motion by Council person Rembert
- Second by Council person Mansfield
- Motion passes 6-0

City Council / Zoning Board of Appeals / Planning Board Retreat: April 22, 2019

Next Workshop: April 29, 2019

Next Meeting: May 6, 2019

**City of Beacon Council Agenda**  
**5/6/2019**

**Title:**

**Real Estate**

**Subject:**

**Background:**