



**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

October 15, 2018
7:00 PM
City Council Agenda

Call to Order

Pledge of Allegiance

Roll Call

Public Comment:

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

Public Hearings:

- A public hearing to receive public comment on a proposed Local Law to amend Chapter 211 of the Code of the City of Beacon concerning 30-minute parking on West Main Street
- A public hearing to receive public comment on a proposed resolution authorizing the submission of the fiscal year 2019 Dutchess County Community Development Block Grant Program application for Green Street Park improvements
- A public hearing to receive public comment on a proposed resolution authorizing the submission of the fiscal year 2019 Dutchess County Community Development Block Grant Program application for Wilkes Street Sewer Slip Lining

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. A resolution authorizing the Submission of the Fiscal Year 2019 Dutchess County Community Development Block Grant Program application for Green Street Park Improvements
2. A resolution authorizing the submission of the fiscal year 2019 Dutchess County Community Development Block Grant program application for Wilkes Street Sewer Slip Lining
3. A resolution to adopt a Local Law to amend Chapter 223, Article IVE, Section 41.21 of the Code of the City of Beacon regarding the Linkage District Regulations for Uses that require a Special Permit
4. A resolution to adopt a Local Law to amend Chapter 223, Section 61.3 of the Code of the City of Beacon concerning Public Notice Signs
5. A resolution granting an Amended Special Use Permit to Beacon Lofts and Storage, LLC at 39 Front Street
6. A resolution authorizing entering into a Right-of-Way Easement Agreement with Central Hudson Gas & Electric and Verizon New York, Inc. for City property located on Cross Street
7. A resolution authorizing a Stormwater Management Facility Inspection and Maintenance Easement Agreement regarding 123 Rombout Avenue
8. A resolution awarding the contract for the Fairview Tank Replacement to Statewide Aquastore, Inc
9. A resolution to award the contract for the Removal and Disposal of Sludge from a Digester at the City of Beacon Wastewater Treatment Facility to Spectraserv
10. Resolution to Certify Base Percentages and Proportions for the 2018 Assessment Roll Pursuant to Article 19 of the Real Property Tax Law
11. Resolution re: Certiorari Settlement - Mtr. of Continental Healthcare VIII Limited Partnership v. Board of Assessors of the City of Beacon, et al. (Sup. Ct. Dutchess Co. Index Nos. 51760/17 and 52144/18) - Settlement of 2017 and 2018 Tax Certiorari Proceedings
12. A resolution to amend and replace the City's existing policy regarding sexual harassment

Approval of Minutes:

- Approval of Minutes from October 1, 2018

2nd Opportunity for Public Comments:

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

Adjournment:

City of Beacon Council Agenda
10/15/2018

Title:

A public hearing to receive public comment on a proposed Local Law to amend Chapter 211 of the Code of the City of Beacon concerning 30-minute parking on West Main Street

Subject:

Background:

ATTACHMENTS:

Description	Type
LL West Main St	Local Law
Map West Main Parking	Backup Material

DRAFT LOCAL LAW NO. ____ OF 2018

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 211 OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to amend Chapter 211 of the Code of the City of Beacon concerning parking on West Main Street.

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

Section 1. Chapter 211, Section 17, Subsection B of the Code of the City of Beacon entitled “Time limit parking” is hereby amended as follows:

§211-17 Time limit parking.

- B. Time Limit Parking. In accordance with the provisions of Subsection A, no person shall park a vehicle for longer than the time limit shown upon any of the following described streets or parts of streets:

Name of Street	Side	Time Limit; Hours/Days	Location
Bank Street	East	4 hours; 6:00 a.m. to 6:00 p.m./weekdays	From West Main Street to Tompkins Avenue
Beekman Street	West	2 hours; all/all	From River Street to a point 200 feet south
Branch Street	North	4 hours; 6:00 a.m. to 6:00 p.m./weekdays	Entire length

Buchanan Street	West	2 hours; 7:00 a.m. to 3:00 p.m./Mon. through Fri. during school session	Entire length
Conklin Street	South	2 hours	Between Fishkill Avenue and Mead Avenue
East Main Street		2 hours; 9:00 a.m. to 5:00 p.m.	From Main Street to Leonard Street
Eliza Street	Both	2 hours	From Main Street to Church Street
Ferry Street	North	4 hours/Mon. through Fri.	Entire length
High Street	Both	4 hours; 6:00 a.m. to 6:00 p.m./weekdays	Entire length
Main Street	North	2 hours; 9:00 a.m. to 5:00 p.m./all	From Route 9D to North Street
Main Street	South	2 hours; 6:00 a.m. to 6:00 p.m./Mon. through Fri.	From a point 300 feet west of the intersection with Beekman Street to the westerly terminus of Main Street
Main Street	South	2 hours 9:00 a.m. to 5:00 p.m./all	From Route 9D to South Street
Main Street	South	4 hours 9:00 a.m. to 5:00 p.m./all	Diagonal parking from South Street to East Main Street
Main Street	West	No restrictions; all/all	From North Street to Herbert Street

Ralph Street	Both	4 hours; 6:00 a.m. to 6:00 p.m./weekdays	Entire length
Riverfront Park	--	4 hours; all/Mon. through Fri.	Entire parking lot
River Street	Both	4 hours; 6:00 a.m. to 6:00 p.m./weekdays	From West Main Street to Beekman Street
River Street	East	2 hours; all/all	From Beekman Street to Lower Main Street
Tilden Avenue	Both	2 hours; 7:00 a.m. to 3:00 p.m./Mon. through Fri. during school session	From Buchanan Street to Van Buren Street
Tompkins Avenue	Both	4 hours; 6:00 a.m. to 6:00 p.m./weekdays	Entire length
Van Buren Street	Both	2 hours; 7:00 a.m. to 3:00 p.m./Mon. through Fri. during school session	Entire length
West Church Street	Both	4 hours; 6:00a.m. to 6:00 p.m./weekdays	Entire length
West Main Street	Both <u>North</u>	4 hours; 6:00 a.m. to 6:00 p.m./weekdays	Entire length <u>From a point 270 feet west of the “no parking here to the corner” sign to the terminus of West Main Street</u>
<u>West Main Street</u>	<u>South</u>	<u>4 hours; 6:00 a.m. to 6:00 p.m./weekdays</u>	<u>From a point 260 feet west of the “no parking here to the corner” sign to the terminus of West</u>

Main Street

West Main Street

North

30 minutes; all/all

To a point 270 feet west of the “no parking here to the corner” sign

West Main Street

South

30 minutes; all/all

To a point 260 feet west of the “no parking here to the corner” sign

Section 3. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 211 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 4. Numbering for Codification

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

Section 5. Severability

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

Section 6. Effective Date

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

Google Maps Beekman St & W Main St



© 2018

Brett's True Value
Brett's

The CineHub

Beekman St

Beekman St

Beekman St

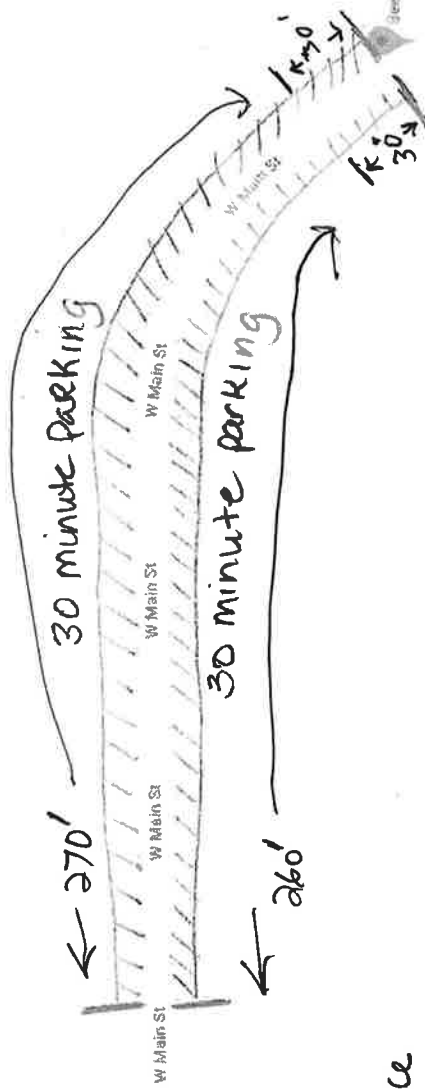
Beekman St

Beekman St & W Main St

Beekman St

Google

W Main St



Residence

City of Beacon Council Agenda
10/15/2018

Title:

A public hearing to receive public comment on a proposed resolution authorizing the submission of the fiscal year 2019 Dutchess County Community Development Block Grant Program application for Green Street Park improvements

Subject:

Background:

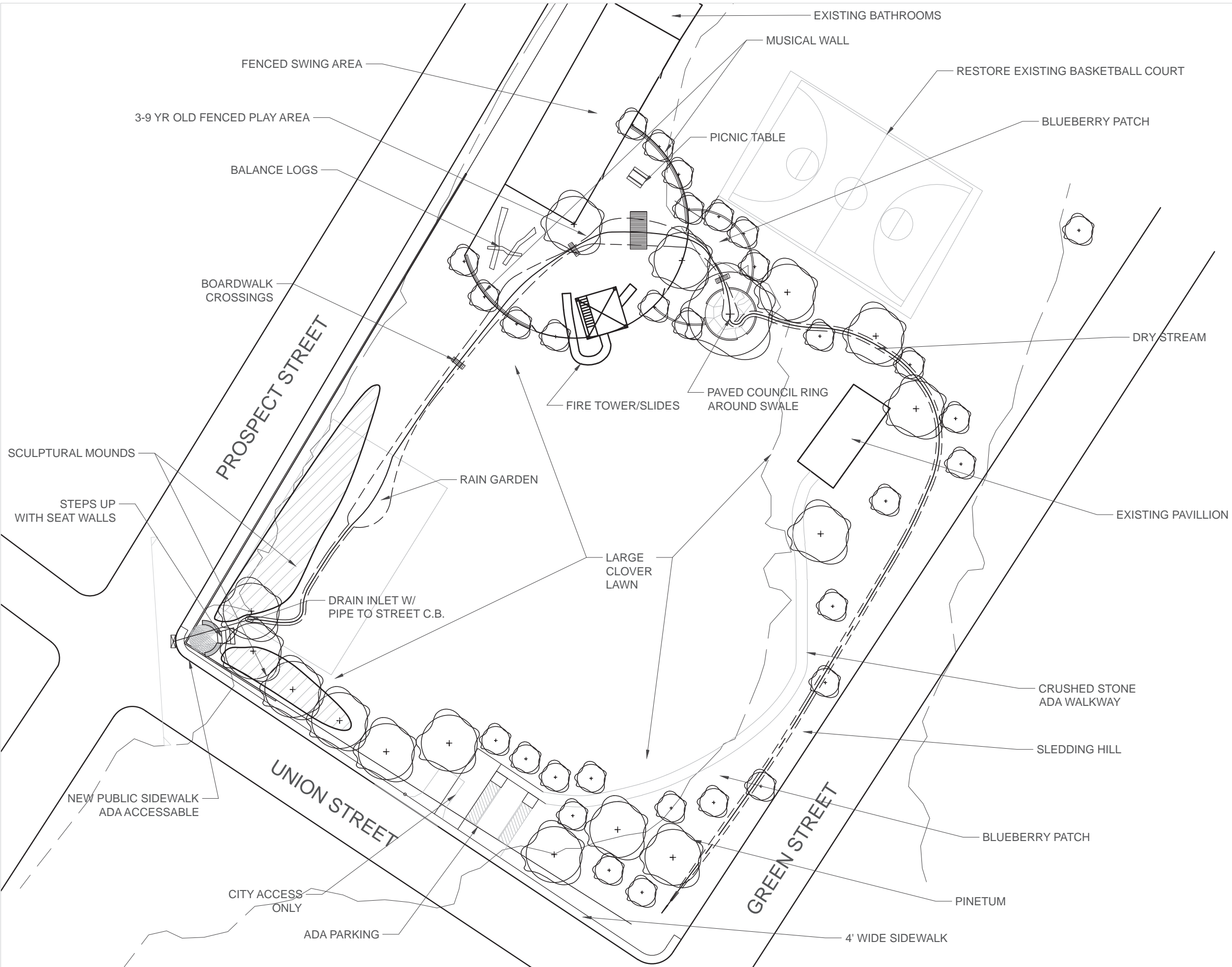
ATTACHMENTS:

Description

Green St Park Master Plan

Type

Backup Material



General Notes

NOTES:
ARTIST'S
RENDERING ONLY. SEE CIVIL
ENGINEER DRAWINGS FOR
ACTUAL PLANS. THIS DRAWING
IS INTENDED FOR PLANNING
PURPOSES ONLY.

No.	Revision/Issue	Date



One Nature, LLC
178 Main Street
Beacon, NY 12508
Ecological Services
Landscape Construction
Native Plant Nursery
onenaturellc.com

Project Name and Address
Working Drawing
Owner:
Town:
Address: GREEN STREET PLAYGROUND
Acres:

DRAFT MASTERPLAN	Sheet ARTIST RENDERING
Date 9/21/18	
Scale 1/8" = 1'	

**City of Beacon Council Agenda
10/15/2018**

Title:

A public hearing to receive public comment on a proposed resolution authorizing the submission of the fiscal year 2019 Dutchess County Community Development Block Grant Program application for Wilkes Street Sewer Slip Lining

Subject:

Background:

City of Beacon Council Agenda
10/15/2018

Title:

A resolution authorizing the Submission of the Fiscal Year 2019 Dutchess County Community Development Block Grant Program application for Green Street Park Improvements

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso_CDBG_Green St Park	Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2018

**A RESOLUTION AUTHORIZING THE SUBMISSION OF THE
FISCAL YEAR 2019 DUTCHESS COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION
FOR GREEN STREET PARK IMPROVEMENTS**

WHEREAS, City of Beacon (hereinafter referred to as the Municipality) is participating in the Dutchess County Community Development Consortium, and

WHEREAS, input from citizens and groups has been received and considered at a public hearing, and

WHEREAS, an application has been prepared for the above referenced activity which addresses our community concerns.

NOW, THEREFORE BE IT RESOLVED, that the Dutchess County Community Development Block Grant Program for the above referenced activity is approved.

BE IT FURTHER RESOLVED, that the submission of the application to the Dutchess County Department of Planning and Development is authorized.

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

City of Beacon Council Agenda
10/15/2018

Title:

A resolution authorizing the submission of the fiscal year 2019 Dutchess County Community Development Block Grant program application for Wilkes Street Sewer Slip Lining

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso_Wilkes St Slip Lining	Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2018

**A RESOLUTION AUTHORIZING THE SUBMISSION OF THE
FISCAL YEAR 2019 DUTCHESS COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION
FOR WILKES STREET SEWER SLIP LINING**

WHEREAS, City of Beacon (hereinafter referred to as the Municipality) is participating in the Dutchess County Community Development Consortium, and

WHEREAS, input from citizens and groups has been received and considered at a public hearing, and

WHEREAS, an application has been prepared for the above referenced activity which addresses our community concerns.

NOW, THEREFORE BE IT RESOLVED, that the Dutchess County Community Development Block Grant Program for the above referenced activity is approved.

BE IT FURTHER RESOLVED, that the submission of the application to the Dutchess County Department of Planning and Development is authorized.

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

City of Beacon Council Agenda
10/15/2018

Title:

A resolution to adopt a Local Law to amend Chapter 223, Article IVE, Section 41.21 of the Code of the City of Beacon regarding the Linkage District Regulations for Uses that require a Special Permit

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso_Linkage Dist	Resolution
LL Linkage Dist	Local Law



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _ OF 2018

A RESOLUTION TO ADOPT A LOCAL LAW TO AMEND CHAPTER 223, ARTICLE IVE, SECTION 41.21 OF THE CODE OF THE CITY OF BEACON REGARDING THE LINKAGE DISTRICT REGULATIONS FOR USES THAT REQUIRE A SPECIAL PERMIT.

BE IT RESOLVED, THAT THE BEACON CITY COUNCIL HEREBY ADOPTS
A Local Law to amend Chapter 223, Article IVE, Section 41.21 of the Code of the City of Beacon regarding the Linkage District Regulations for Uses that require a Special Permit.

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

LOCAL LAW NO. ____ OF 2018

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW AMENDING CHAPTER 223, Article IVE, Section 41.21
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend Chapter 223, Article IVE, Section 41.21 of the Code of the City of Beacon regarding the Linkage District Regulations for Uses that require a Special Permit.

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

Section 1. Chapter 223 of the City Code, Article IVE entitled “Linkage District (L),” Section 41.21, Subsection B is hereby amended as follows:

§ 223-41.21 Regulations.

....

B. Uses by special permit.

(1) The following uses are allowed in existing buildings as permitted uses. For newly constructed buildings, the following uses are allowed by special permit from the Planning Board, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan, will enhance the architectural character of the street, and will contribute to creating a more urban, pedestrian-friendly quality in the L District, and that the conditions and standards in § 223-18 B(1)(a) through (d) have been met:

(a) Retail, personal services business or restaurant, coffee house, retail sales from trucks or trailers in accordance with § 223-26.3 or other establishment that serves food, with or without alcoholic beverages, provided that:

[1] The floor area of each such establishment is not greater than 5,000 square feet;

[2] The use is within 400 feet of the Route 9D-Beekman Street intersection, as identified on the Zoning Map, or located along the north side of West Main Street between Beekman Street and River Street; and

- [3] The Planning Board finds that there are no substantial detrimental effects on parking, traffic or on the character of surrounding neighborhoods or the community.
- (b) Office and manufacturing uses, including but not limited to microbreweries, microdistilleries, wineries and other food preparation businesses, with or without tasting rooms, that may also sell goods made on the site for consumption off the premises, provided that:
 - [1] The total office or manufacturing floor area of the building is no greater than 25,000 square feet;
 - [2] The use is on West Main Street or the use is within 400 feet of the Route 9D-Beekman Street intersection as identified on the Zoning Map; and
 - [3] The Planning Board finds that there are no substantial detrimental effects on parking, traffic or on the character of surrounding neighborhoods or the community.
- (2) In considering the appropriateness of the proposed use, the Planning Board shall consider impacts on shadows, traffic, and parking and may impose traffic and parking mitigation measures, including but not limited to provision of pedestrian walkways and stairways on site. When making a decision on a special permit, the Planning Board shall follow the procedures indicated in § 223-41.21 H(2) of this chapter.

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Severability

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

Section 4. Effective Date

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

City of Beacon Council Agenda
10/15/2018

Title:

A resolution to adopt a Local Law to amend Chapter 223, Section 61.3 of the Code of the City of Beacon concerning Public Notice Signs

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso_Public notice signs	Resolution
LL Public Notice Sigs	Local Law



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

**A RESOLUTION TO ADOPT A LOCAL LAW TO AMEND CHAPTER 223, SECTION
61.3 OF THE CODE OF THE CITY OF BEACON CONCERNING PUBLIC NOTICE
SIGNS**

BE IT RESOLVED, THAT THE BEACON CITY COUNCIL HEREBY ADOPTS
a LOCAL LAW to amend Chapter 223, Section 61.3 of the Code of the City of Beacon
concerning Public Notice Signs.

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

DRAFT LOCAL LAW NO. ____ OF 2018

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 223, SECTION 61.3 OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to
amend Chapter 223,
Section 61.3 of the
Code of the City of
Beacon concerning
Public Notice Signs.

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

Section 1. Chapter 223, Section 61.2 entitled “Hearing Notice Requirements, Subsection C of the Code of the City of Beacon is hereby amended as follows:

§ 223-61.2 Hearing notice requirements.

...

C. Public notice signs.

- (1) The applicant shall post one notification sign on the subject property, or in the case of a corner lot post a notification sign on all abutting streets, no later than 14 days prior to the initial public hearing and any continued public hearing thereafter. The applicant shall update said sign at least 14 days prior to every public hearing which the applicant's matter will be heard. The Building Inspector may require, in his or her discretion, the applicant to post an additional public notice sign, based on topography of the surrounding land, parcel size and shape, or any other factors the Building Inspector, in his or her discretion, feels may impact effective public notice.
- (2) Such sign shall be at least two feet by three feet in size, consist of sturdy and serviceable material containing a white background with black letters and be placed in a location visible from the most commonly traveled street or highway upon which the property fronts, or in the case of a corner lot on all streets, but in no case more than 20 feet back from the front lot line. Such sign shall read as follows, in legible lettering with the heading at least five inches in height and the content at least two inches in height:

PUBLIC NOTICE
A PUBLIC HEARING FOR A [application type] APPLICATION WILL BE
HELD BY THE CITY OF BEACON [City Council, Planning Board, or Zoning
Board of Appeals]
ON [insert date] AT [insert time] P.M.
AT THE CITY OF BEACON CITY HALL,
1 MUNICIPAL PLAZA, BEACON, NY
ADDITIONAL INFORMATION IS AVAILABLE AT THE BEACON
BUILDING DEPARTMENT
(845) 838-5020

- (3) In the event that the applicant shall appear before more than one board, the sign shall be appropriately revised to reflect the time and place of each board's meeting. At least two working days before the public hearing, the applicant shall also submit to the secretary of the applicable board a signed affidavit certifying to the fact and date of said posting.
- (4) The applicant shall, in good faith, maintain the public notice sign in good condition throughout the posting period.
- (5) The applicant shall remove the notification sign within five days of the adoption of any resolution concerning the application.

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

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

Section 4. Severability

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

person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 6. Effective Date

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

DRAFT

City of Beacon Council Agenda
10/15/2018

Title:

A resolution granting an Amended Special Use Permit to Beacon Lofts and Storage, LLC at 39 Front Street

Subject:

Background:

ATTACHMENTS:

Description

Reso_HIP Lofts

Type

Resolution

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2018

RESOLUTION

**GRANTING A SPECIAL USE PERMIT FOR
39 FRONT STREET**

WHEREAS, Beacon Lofts and Storage, LLC (the “Applicant”), submitted an application to amend its Special Use Permit to construct an additional 29 artist live/work units (the “Proposed Action”), to be placed in a newly constructed building (Building 16) on property located at 39 Front Street (Mason Circle) in the Light Industrial (LI) Zoning District and the Historic District and Landmark Overlay Zone (“HDLO”) and designated on the Tax Map of the City of Beacon as Parcel ID# **30-6055-04-590165-00** (the “Property”); and

WHEREAS, the Special Use Permit Application was submitted by the Applicant in conjunction with its application to the Planning Board for Amended Site Plan approval; and

WHEREAS, the Proposed Action includes a request for a Certificate of Appropriateness from the Planning Board pursuant to the criteria set forth in § 134-7 of the City of Beacon Code; and

WHEREAS, the City Council is the approval authority for the Special Use Permit pursuant to City of Beacon Zoning Code §§ 223-18.B, 223-24.3, and 223-24.7; and

WHEREAS, on January 6, 2014 the City Council granted a Special Use Permit by Resolution 02-2014 to allow the Applicant to construct 143 dwelling units on the Property; and

WHEREAS, the Applicant seeks to amend its existing Special Use Permit and Site Plan to eliminate the previously approved construction of Buildings 9A and 12, demolish Buildings 16, 18, 24, and 25, construct a larger Building 16, and extend the existing Building 9 to include one Live/Work loft; and

WHEREAS, the Applicant is proposed to increase the total number of units to 172; and

WHEREAS, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Proposed Action on November 14, 2017 and continued the hearing to December 19, 2017, at which time the (SEQRA) public hearing was closed; and

WHEREAS, after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials

prepared in connection with the Proposed Action, the Planning Board adopted a Negative Declaration on December 12, 2017; and

WHEREAS, on February 21, 2018, the Zoning Board of Appeals granted a height variance of 31 feet to allow the Applicant to construct a new building (Building 16) with a height of 66 feet on the Property; and

WHEREAS, the Planning Board issued a report to the City Council dated March 15, 2018 recommending approval of the Special Use Permit; and

WHEREAS, the Site Plan is shown on drawings entitled “Amendment to Special Use Permit Application,” Sheets 1-10, prepared by Aryeh Siegel, Architect; Hudson Land Design, Civil Engineer; LQ Design, Landscape Architect; and TEC Land Surveying, Surveyor, last revised July 26, 2017; and

WHEREAS, on September 17, 2018, the City Council opened a public hearing on the Special Permit application at which time all interested persons were given the opportunity to be heard and the public hearing was closed on September 17, 2018; and

WHEREAS, the City Council has reviewed the application for a Special Use Permit against the standards for a Special Use Permit set forth in the City of Beacon Zoning Code §§ 223-18.B, 223-24.3, and 223-24.7, and finds that the proposal complies with these sections of the City of Beacon Zoning Code, as set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds pursuant to §§ 223-18 , 223-24.3 and 223-24.7 of the City of Beacon Zoning Code:

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located. Building 16 is located in the center of the property and is substantially setback from Route 52 and Fishkill Creek. The proposed Building is located at an elevation 24 feet lower than the elevation of Route 52 and 25 feet lower than the elevation across Fishkill Creek.
2. The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings. The project consists of mixed-use redevelopment of a portion of the former Grovewill Mills industrial site. The proposed building is compatible with the historic setting of Grovewill Mills.
3. The proposed amended site plan features less development near the creek and eliminates land use on adjoining properties.
4. Operations in connection with the proposed multifamily special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or

other characteristic than would be the operations of any permitted use, not requiring a special permit.

5. Parking areas will be of adequate size for the particular use and properly located and suitably screened from the adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
6. Any exterior restoration shall maintain the architectural and historic integrity of the structure. Any new construction shall be compatible with neighboring structures.
7. The proposed use is compatible with the neighborhood, and activities permitted within the structure can be adequately buffered from any surrounding residential homes.
8. The resulting traffic generation will not overburden existing roads, and adequate parking can be provided without unduly destroying the landscape or the setting of the structure.
9. The proposed use is appropriate to the structure, will aid in the preservation of the site and will not result in undue alterations or enlargement of the structure.
10. The larger number of artist live/work units is warranted because of the building size, building configuration, the nature of the proposed preservation and the adaptive reuse of the building.

BE IT FURTHER RESOLVED, that the City Council grants an Amended Special Use Permit to Beacon Lofts and Storage, LLC to construct an additional 29 artist live/work units, to be placed in a newly constructed building (Building 16) on property located at 39 Front Street as set forth and detailed on the plans prepared by Aryeh Siegel, Architect; Hudson Land Design, Civil Engineer; LQ Design, Landscape Architect; and TEC Land Surveying, Surveyor, last revised July 26, 2017, upon the following conditions:

1. Prior to the issuance of a Building Permit, the Applicant shall obtain Site Plan and Certificate of Appropriateness Approval from the City of Beacon Planning Board consistent with the design standards in the Historic Preservation Chapter, Section 134-7.
2. The Planning Board shall make a determination as to whether the Applicant should use the proposed façade design or the alternative façade design with piers. The Planning Board shall review the Applicant's proposed renderings for both designs.
3. The Applicant shall post a weatherproofed copy of the site plan and architectural renderings of the proposed project on Front Street side of the project, the location, size and substance of which shall be to the reasonable satisfaction of the Building Inspector. The renderings shall be posted upon the issuance of the first demolition permit.

4. The Applicant shall revise its plans to identify an access point to the northern portion of the Greenway Trail located by the proposed stairs shown on the existing site plan, and a walking route through or around the north parking lot which residents of the proposed development may use to access the northern portion of the Greenway Trail. During the Planning Board's site plan review, the Applicant shall set forth a date by which the stairs will be constructed and the access will be provided. This date shall be subject to approval by the Planning Board.
5. To assure unobstructed public access to the northern portion of the trail from Front Street, the Applicant shall revise its plans to show an access point to the northern portion of the Greenway Trail from Front Street that is not limited based on business hours. The northern portion of the Greenway Trail shall be redesigned to remain open from dawn to dusk public use and shall not be closed off by any gate, fence or similar barrier. During the Planning Board's site plan review, the Applicant shall set forth a date by which this access will be constructed. This date shall be subject to approval by the Planning Board.
6. Prior to the issuance of a Building Permit, the Applicant shall submit for review and approval by the City Attorney as to form a deed restriction which prohibits additional residential dwelling units on the subject property beyond the 172 Artist Live/Work units currently proposed, for so long as the subject property is governed by zoning restrictions which allow 243 or fewer Artist Live/Work units, as do the Light Industrial (LI) Zoning District regulations currently applicable to the property.
7. As agreed to by the Applicant, and more fully set forth in the Zoning Board Resolution approved on February 21, 2018, upon the issuance of a Building Permit and vesting of rights to complete construction of Building 16 according to the amended Site Plan, the area variance previously granted by the City of Beacon Zoning Board of Appeals by Resolution 2013-12, dated June 18, 2013, to permit Building 9A to have a height of 47 feet where 35 feet is required, is rescinded and superseded.
8. No permits shall be issued until the Applicant has paid to the City all applicable fees and professional review fees incurred in connection with review of this Application.
9. A copy of this Resolution shall be attached to the Certificate of Occupancy.
10. As used herein, the term "Applicant" shall include its heirs, successors and assigns.
11. The City Council hereby recognizes that a Building Permit was issued in September 2014 for certain improvements approved in the Council's January 6, 2014 Resolution which satisfied Condition 5 of said Resolution. With respect to the project set forth in this resolution, the Applicant requires at least the following permits: (1) a Demolition Permit to remove the laundry building; (2) a Demolition Permit to remove Building 16; (3) a Building Permit to construct the storage

building; (4) a Building Permit to construct Building 16; and (5) a Building Permit to extend Building 9. All Demolition Permits must be obtained within a year from the date of issuance of this Resolution, and all Building Permit applications in connection with the project must be filed by September 1, 2021, including any Building Permit not listed above. This condition shall satisfy the requirements set forth in City Code Section 223-18.F(1). This Special Permit Approval shall expire if:

- a. The applicant fails to meet the conditions set forth herein; or
 - b. Said use ceases for more than six (6) months for any reason.
12. The City Council hereby incorporates Condition 6(a) set forth in the City Council's Special Permit Approval Resolution dated January 6, 2014, whereby the City Council granted the Applicant twelve (12) six-month extensions (for a total of six (6) years). The Council is not granting any further extensions as part of this approval resolution. Therefore, all required improvements associated with this project shall be completed by September 2022.
 13. All conditions, set forth in the City Council's January 4, 2014 Special Permit Approval Resolution, and not superseded herein, shall remain in full force and effect.
 14. Any proposed revision to this Amended Special Permit Approval shall be submitted to the City Council. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revision, and whether such revision is material enough to require further environmental analysis, further project review and/or a public hearing, as it may deem appropriate.
 15. The Building Inspector may revoke this Special Permit Approval where it is found that the use of the premises does not conform with the limitations and conditions contained in the Special Permit Approval.
 16. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
 17. The approvals granted by this resolution do not supersede the authority of any other entity.

Dated: October 15, 2018

Resolution No. _____ of 2018		Date: <u>2018</u>					
<input type="checkbox"/> Amendments <input type="checkbox"/> Not on roll call.		<input type="checkbox"/> On roll call		<input type="checkbox"/> 2/3 Required <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					
Motion Carried							

City of Beacon Council Agenda
10/15/2018

Title:

A resolution authorizing entering into a Right-of-Way Easement Agreement with Central Hudson Gas & Electric and Verizon New York, Inc. for City property located on Cross Street

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso_Cen Hud agreement	Resolution
CenHud easement	Agreement

CITY OF BEACON
CITY COUNCIL

Resolution No. _____ of 2018

**RESOLUTION AUTHORIZING ENTERING INTO
A RIGHT-OF-WAY EASEMENT AGREEMENT WITH
CENTRAL HUDSON GAS & ELECTRIC AND VERIZON NEW YORK, INC.
FOR CITY PROPERTY LOCATED ON CROSS STREET**

WHEREAS, the City of Beacon has been requested to grant an easement to Central Hudson Gas & Electric Corporation and Verizon New York, Inc. for any use relating the electric or communication industry, which easement is 10 feet in width as more particularly detailed at Exhibit A of the Right of Way Easement on property owned by the City of Beacon on Cross Street and more particularly identified on the Dutchess County Real Property Tax Map as Parcel I.D. No. 5954-27-787978 and known as the Cross Street Parking Lot.

NOW THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the Mayor and/or City Administrator to sign the Right of Way Easement Agreement for said purpose, and to take any other action necessary to give effect to this resolution.

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

In consideration of the sum of \$1.00 and other valuable considerations, the receipt whereof from Central Hudson Gas & Electric Corporation, a domestic corporation having its principal office (residence) at 284 South Avenue, Poughkeepsie, New York and **Verizon New York, Inc.**, a domestic corporation having its principal office (residence) at **140 West Street, New York, NY** is hereby acknowledged, the undersigned hereby grant(s) and convey(s) unto said corporation(s), and each of them, their respective successors, assigns and lessees (hereinafter collectively referred to as the “Corporations”), an easement for any use relating to the electric or communication industry, including, but not limited to, the installation, operation and maintenance of overhead and/or underground electric or communication facilities, subject to all applicable federal, state and local laws, which easement shall be 10 feet in width throughout its extent, in, upon, under, over and across the lands of the undersigned, including roads and highways thereon and adjacent thereto, situated in the City of Beacon, County of Dutchess, State of New York.

Said easement shall begin in the southernmost corner of parcel # 130200-5954-27-787978-0000 and extend in a northwesterly direction a distance of 86.9 feet. This easement is for the entire length of the property boundary that the above-mentioned parcel shares with parcel # 130200-5954-27-781973-0000. See Exhibit A: Parcel 787978 Sketch for reference.

Together with the permanent right at all times to have access thereto within the easement and across the remaining premise(s) of the undersigned, and to enter thereon, and to construct, excavate, place, relocate, extend, operate, maintain and to protect, repair, replace and remove, in, over and under the property covered by said easement, such facilities, including, but not limited to, lines or poles, cables, crossarms, wires, guys, braces, underground conduits, and all other appurtenances and fixtures adaptable to the present and future needs, uses and purposes of said Corporations, their respective successors, assigns and lessees, subject to all applicable federal, state and local laws, and provided that physical damage to the property owned by the undersigned caused solely by said Corporations, their respective successors, assigns, lessees, contractors or subcontractors, shall be restored to its condition prior to such damage to the greatest extent practicable at the expense of the Corporations.

Together with the permanent right to also trim, cut, clear cut to ground level and at the election of either Corporation remove at any time such brush, trees and other objects, thereon or on adjacent property of the undersigned, including trees, brush and other objects located outside the easement, as in the sole judgment of either Corporation may fall upon or come in contact with the facilities or may interfere with, obstruct or endanger the construction, operation or maintenance of said rights, facilities and other appurtenances and fixtures or any thereof, which may hereafter be constructed in, over, or across said easement. Any chemical use shall be in accordance with all Federal and State regulations pertaining to utility right-of-way maintenance.

The exact location of said easement and lines is to be as determined by said Corporations having regard to the origin, general direction and destination of said facilities and the requirements of said Corporations, but shall be generally as shown at Exhibit A and no greater than 10 feet in width.

Reserving unto the undersigned the right to only plant and cultivate lawn grass and low growing ornamental shrubs within said easement, and the right to cross and recross said easement, provided that any such cultivation and/or use of said easement shall not in the sole judgment of said Corporations interfere with, obstruct or endanger any of the rights granted as aforesaid and provided that no house, shed, garage, outbuilding, pool, road, driveway or other structures or above or in ground improvements shall be erected, constructed placed, installed, or located and no excavating, mining or blasting shall be undertaken or performed within the limits of said easement without the prior written consent of said Corporations. Notwithstanding the foregoing, the parking of vehicles is permitted within the easement area.

This easement and the provisions hereof shall be binding upon and inure to the benefit of the heirs, legal representatives, successors, assigns and lessees of the undersigned and said Corporations, respectively. This easement and the provisions hereof are subject to all existing easements of record.

Signed, sealed and delivered, on,

In the presence of: *Subscribing Witness Only*

(Sign & Print Name)

(Business Name)

(Sign Name)

(Print Name and Title)

(Sign Name) (L.S)

(Print Name and Title)

Residing at

<i>Number</i>	<i>Street</i>
.....	
<i>Town, City or Village</i>	<i>State</i>
.....	
<i>County</i>	

ACKNOWLEDGEMENT OF CONVEYANCE

State of New York)
)ss.:
County of _____)

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

.....
Notary Public

NEW YORK ALL-PURPOSE ACKNOWLEDGMENT

State of New York)
)ss.:
County of _____)

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

.....
Notary Public

CERTIFICATE OF SUBSCRIBING WITNESS

State of New York)
)ss.:
County of _____)

On theday of in the year, before me, the undersigned, a Notary Public in and for said State, personally appeared....., the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they resides in.....;that he/she/theyknow(s).....
.....to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said
..... execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

Notary Public

RIGHT OF WAY

R/W No.

Town.....

PD # Village.....

City

Granted by

to

Central Hudson Gas & Electric Corporation

Date: _____

Map: _____ Line: _____

Pole No: _____

Work Order #: J#:

SBL:

Address of ROW:

RECORD AND RETURN TO:

Central Hudson Gas & Electric Corporation
284 South Avenue
Poughkeepsie, NY 12601
Attn: Real Property Services

City of Beacon Council Agenda
10/15/2018

Title:

A resolution authorizing a Stormwater Management Facility Inspection and Maintenance Easement Agreement regarding 123 Rombout Avenue

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso_storm water	Resolution
Stormwater agreement 123 Rombout	Agreement

**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ of 2018

**RESOLUTION AUTHORIZING A STORMWATER MANAGEMENT FACILITY
INSPECTION AND MAINTENANCE EASEMENT AGREEMENT REGARDING 123
ROMBOUT AVENUE**

WHEREAS, My Four Dghtr's Realty Corp. obtained approval from the City of Beacon Planning Board on October 11, 2017 for an 10-unit residential development at 123 Rombout Avenue pursuant to certain plans generally entitled, "123 Rombout Avenue," prepared by Aryeh Siegel, Architect, and Hudson Land Design, dated July 25, 2017, last revised September 26, 2017 (the "Project"); and

WHEREAS, a Drainage Report for 123 Rombout Avenue, and a Stormwater Management System Operation and Maintenance Plan, both prepared by Hudson Land Design, have been approved in connection with the Project; and

WHEREAS, the purpose of the proposed Stormwater Management Facility Inspection and Maintenance Easement Agreement is to provide for and ensure the long-term maintenance and continuation of the stormwater control measures required by the approved plans, Drainage Report and Stormwater Management System Operation and Maintenance Plan.

NOW THEREFORE, BE IT RESOLVED THAT, the City Council hereby authorizes the Mayor and/or City Administrator to sign the Stormwater Management Facility Inspection and Maintenance Easement Agreement for said purpose, along with all documents as may be necessary for the recording of such Agreement, subject to review and approval by the City Attorney and City Engineer.

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

**STORMWATER CONTROL FACILITY
MAINTENANCE AGREEMENT AND EASEMENT**

WHEREAS, the **CITY OF BEACON** ("Municipality") and **MY FOUR DGHTR'S REALTY CORP.** ("Facility Owner") desire to enter into this agreement (the "Agreement"), dated this ____ day of _____, 2018, to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for certain real property located at 123 Rombout Avenue, Beacon, New York, identified as tax parcel 5954-35-794799, more fully shown on a the site plans consisting of eight (8) sheets generally entitled "123 Rombout Avenue", prepared by Aryeh Siegel, Architect, and Hudson Land Design, dated July 25, 2017, last revised September 26, 2017 and filed in the City of Beacon Building Department (the "Approved Project Plans"), and further described by metes and bounds in Schedule A annexed hereto (the "Premises"); and

WHEREAS, this Agreement is provided in connection with a residential development project known as Site Plan Approval for 123 Rombout Avenue, which received a Use Variance to allow ten (10) multi-family apartments (10 units) from the Zoning Board of Appeals on May 16, 2017, and Site Plan Approval from the City of Beacon Planning Board on October 11, 2017, based on the Approved Project Plans, which include certain stormwater management facilities and control measures (collectively, the "Facility") required to be constructed and maintained in accordance with the Approved Project Plans, as well as in the approved Drainage Report for 123 Rombout Avenue, prepared by Hudson Land Design Professional Engineering, P.C., dated July 25, 2017 (the "Drainage Report"), and the Stormwater Management System Operation and Maintenance Plan (the "SWMSOMP") prepared by Hudson Land Design Professional Engineering, P.C., dated August 23, 2018; and

WHEREAS, the Municipality and the Facility Owner desire that the Facility be built in accordance with the Approved Project Plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the Facility;

NOW, THEREFORE, IN WITNESS WHEREOF, the Municipality and the Facility Owner agree as follows:

1. This Agreement binds the Municipality and the Facility Owner, its successors and assigns, to the maintenance provisions depicted in the Approved Project Plans and described in the SWMSOMP, which are included in Schedule B of this Agreement.
2. The Facility Owner shall maintain, clean, repair, and replace the Facility and keep the Facility in continuous operation in accordance with the in the Approved Project Plans and the SWMSOMP as necessary to ensure optimum performance of the stormwater control measures to design specifications. The stormwater control measures shall include, if applicable, but shall not be limited to, the following items located at the Premises: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices, detention ponds and retention

ponds. The maintenance schedule of the SWMSOMP is included in Schedule B of this Agreement.

3. The Facility Owner hereby grants unto the Municipality, its successors and assigns a perpetual easement and right-of-way to enter upon the Premises in order to access the Facility at reasonable times and in a reasonable manner for periodic inspection by the Municipality to ensure that the Facility is maintained in proper working condition and meets the design standards established by the SWMSOMP.

4. The Facility Owner shall be responsible for all expenses related to the maintenance of the Facility and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities, as applicable, except as otherwise set forth hereinafter.

5. The Facility Owner shall provide for the periodic inspection of the Facility in accordance with the SWMSOMP, and shall have the facilities inspected on a yearly basis by a Professional Engineer licensed by the State of New York, to determine the condition and integrity of the stormwater control measures. The inspecting professional shall prepare and submit to the Municipality within 30 days of the inspection but not later than June 1 of each year, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.

6. The Facility Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the Facility except in accordance with written approval of the Municipality which approval shall not be unreasonably withheld, delayed or conditioned.

7. The Facility Owner shall promptly undertake necessary repairs and replacement of the Facility at the direction of the Municipality or in accordance with the recommendations of the inspecting professional.

8. The Facility Owner hereby covenants that it is seized of the Premises in fee simple and has full authority to execute this Agreement; shall do nothing in the Premises which would prevent, impede or disturb the full use and intended purpose of this Agreement; and shall execute and deliver any further documents reasonably necessary to assure the benefits of this Agreement to the Municipality.

9. This Agreement shall not confer unto the Municipality any duty or obligation to repair or maintain the Facility. Further, the Municipality's acceptance of any rights pursuant to this Agreement shall not be deemed as the acceptance of any duty or obligation to repair or maintain the Facility, except that any damage to the Facility caused by the Municipality's negligence during inspections or otherwise shall be restored, repaired or otherwise remedied by the Municipality at the Municipality's sole cost.

10. This Agreement shall be recorded in the Office of the County Clerk, County of Dutchess as a condition of final site plan approval and as a condition to the issuance of a building permit.

11. If ever the Municipality determines that the Facility Owner has failed to construct or maintain the Facility in accordance with the Approved Project Plans or SWMSOMP, or has

failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality shall provide the Facility Owner with written notice via certified mail, return receipt requested, specifying such failure. Copies of any written notices to the Facility Owner shall be contemporaneously provided to the Fee Owner, if different from the Facility Owner, via certified mail, return receipt requested. The written notice shall provide that the Facility Owner has fifteen (15) days to cure any defect and/or failure specified therein. In the event the failure cannot be cured within fifteen (15) days, the Facility Owner shall advise the Municipality as to same in writing within fifteen (15) days of receipt of the Municipality's notice to cure. The Facility Owner shall be afforded the opportunity to request a reasonable time frame to cure said failure/defect if the Facility Owner so desires. If the Facility Owner fails to provide written notice requesting an extension of time to cure a failure/defect and the Facility Owner does not cure said failure/defect, the Municipality is authorized to undertake such steps as are reasonably necessary for the preservation, continuation or maintenance of the Facility and to affix the expenses thereof as a lien against the Premises.

12. In the event the Municipality exercises its rights hereunder, it shall return the Premises to a reasonably similar condition as it existed prior to the exercise of such rights.

13. All notice and demands shall be made in writing and delivered by certified mail, return receipt requested, with postage pre-paid thereon, addressed as follows:

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

Facility Owner:
My Four Daughters Realty Corp.
5-44 47th Avenue
Long Island City, New York 11101
Attn: Michael Angeliades

With a copy to:
Keane & Beane, P.C.
445 Hamilton Avenue, Ste 1500
White Plains, New York 10601
Attn: Nicholas M. Ward-Willis, Esq.

With a copy to:
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Attn: Taylor M. Palmer, Esq.

14. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument.

Signature pages follow.

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

On the ____ day of _____ 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public – State of New York

Record & Return:

Keane & Beane, P.C.
445 Hamilton Avenue, Ste 1500
White Plains, New York 10601
Attn: Nicholas M. Ward-Willis, Esq.

Section: 5954
Block: 35
Lot(s): 794799
County: Dutchess

Schedule A

Legal Description – TAX ID: 5954-35-794799

All that certain plot, piece, or parcel of land situate, lying and being in the city of Beacon, County of Dutchess and State of New York bounded and described as follows:

Beginning at a drill hole found on the South side of Rombout Avenue, said point being the Northerly corner of parcel herein described; thence along Rombout Avenue South 59°56'50" East a distance of 151.94 feet to a point; thence along the lands now or formerly of Unlimited Properties of Beacon South 30°04'24" West a distance of 232.75 feet to a point; thence along lands of now or formerly of Schaeufele & Mosher North 58°34'18" West a distance of 63.16 feet to a point; thence continuing along the lands of Schaeufele & Mosher and along lands now or formerly of Keeler & Mayen-Keeler South 30°54'54" West a distance of 156.11 feet to a point; thence along the lands now or formerly of Lapine North 76°10'50" West a distance of 86.72 feet to the lands now or formerly of Crossix, LLC; thence North 18°52'10" East a distance of 288.74 feet to a point; thence South 64°05'10" East a distance of 4.27 feet; thence along the lands now or formerly of Demattei South 87°36'40" East a distance of 49.78 feet to a point and North 32°44'00" East a distance of 105.00 feet to point of beginning.

Containing 57,822 square feet or 1.327 acres.

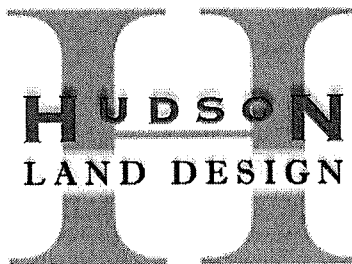
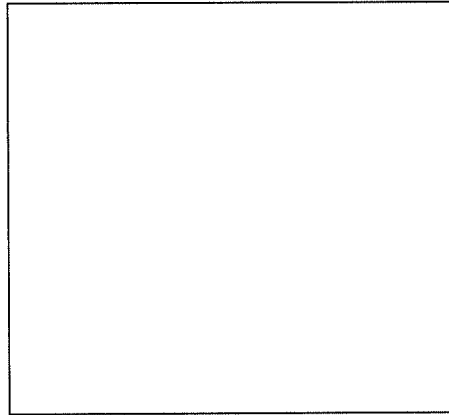
SCHEDULE B

Stormwater Management System Operation **Maintenance Plan (SWMSOMP)**

***Stormwater Management System
Operation and Maintenance Plan:
for
123 Rombout Avenue Site Plan***

Prepared for:
My Four Dghtr's Realty Corp.
5-44 74th Avenue
Long Island City, NY 11101

August 23, 2018



Prepared by:
Hudson Land Design Professional Engineering, P.C.
174 Main Street
Beacon, NY 12508
Ph: 845-440-6926

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APPENDICES

APPENDIX A: OPERATION AND MAINTENANCE PLAN

1.0 INTRODUCTION

1.1 Summary of Stormwater Management System

The 123 Rombout Avenue project is located on the south side of Rombout Avenue in the City of Beacon, Dutchess County, New York. The total parcel area consists of ± 1.3 acres, and contains an office building, a parking lot, and a warehouse building that used to serve as lumber yard. The parcel is located within the R1-5 zoning district and has a tax map designation of 5954-35-794799.

The proposed project consists of repurposing the existing warehouse into a residential apartment building. A portion of the existing warehouse will be demolished and re-built. As such, and in accordance with City and State standards, a stormwater management system is being incorporated into the plan. The calculations and details associated with the proposed stormwater management system are within the Drainage Analysis Report dated July 25, 2017; Latest Revision March 5, 2018, and the Site Plan Set dated March 28, 2017; Latest Revision May 01, 2018. The latest version of both the Drainage Analysis Report and Site Plan Set as approved by the City of Beacon Planning Board shall be referred to.

The stormwater management system consists of several series of structures and culvert pipes that convey the stormwater runoff offsite through an existing closed drainage system, and ultimately to an existing catch basin that is a part of the City of Beacon's Municipal Stormwater Management System located in School Street. The O&M plan in Appendix A provides a general overview of the layout of the onsite stormwater management system.

2.0 STORMWATER SYSTEM COMPONENTS

2.1 Catch Basins

Several catch basins are located throughout the site. Catch basins are pre-cast concrete structures located below grade that collect site runoff from the surface via a grate inlet, or from other portions of the site via pipe inlet. There are 7 catch basins located on the site identified as CB 1&2 and EX CB 1-5. Catch basins are equipped with a sump to capture sediment. All catch basins have an outlet culvert pipe that conveys the runoff to its designed outlet. All culvert pipes on the site associated with the proposed catch basins are 15" diameter corrugated high density polyethylene (HDPE) and the pipes associated with the existing catch basins are 15" corrugated metal pipe (CMP). The ultimate discharge point from the site is identified as EX 5 and flows offsite through a closed pipe system to a City owned and maintained catch basin located in School Street.

2.2 Yard Drains

Two yard drains are located throughout the site. Yard drains are pre-cast concrete structures located below grade that collect site runoff from the surface via a grate inlet, or from other portions of the site via pipe inlet. There are two yard drains located on the site identified as YD 3 & 4. Yard drains are equipped with a sump to capture sediment. All yard drains have an outlet culvert pipe that conveys the runoff to its designed outlet. All culvert pipes on the site associated with the yard drains are 15" diameter corrugated HDPE.

2.3 Stormwater Manholes

Stormwater manholes are pre-cast concrete structures located below grade that act as changes in culvert pipe direction or as junctions for multiple culvert pipes being combined. There is one stormwater manhole located on the site identified as EX. STMH 1. Stormwater manholes are equipped with a sump to capture sediment. The stormwater manhole has an outlet culvert pipe that conveys the runoff to a downstream catch basin.

2.4 Trench Drains

Trench drains are HDPE or pre-cast reinforced concrete channels located below grade with surface grates that capture sheet flow drainage. There is one trench drain located on the site that serve to collect stormwater runoff for the existing 3-story brick building located on the eastern side of the site. The trench drain has an 8" culvert pipe at the outlet that conveys the runoff to PLAN

2.5 Culvert Piping

Proposed culvert piping consists of smooth interior corrugated HPDE pipe. The culvert pipes are 15" in diameter.

3.0 MAINTENANCE

3.1 Responsibility for Maintenance

The My Four Dghtr's Realty Corporation. (hereinafter referred to as the Owner) will be responsible for maintaining the private drainage system as identified in this Operation and Maintenance Plan. Any major maintenance (such as re-grading, drain replacement, or similar effort) should only be conducted by a competent professional, such as a licensed contractor. The Owner itself, and contractors retained by the Owner must familiarize themselves with the purposes, design specifications, features, and operation of the stormwater management system. Site maintenance service providers (e.g., landscape maintenance and other maintenance companies), need to be informed of the specific maintenance requirements for the stormwater management system and should review the Site Plan Set, Drainage Analysis Report and the Stormwater Management System Operation and Maintenance Plan (this document). Any earth disturbing activities must implement erosion and sediment control measures to prevent transport of sediment to the stormwater management system.

3.2 Maintenance Requirements

The Owner shall provide for the periodic inspection of the stormwater facilities in accordance with this Operations and Maintenance Report and shall have the facilities inspected on a yearly basis by a Professional Engineer licensed by the State of New York, to determine the condition and integrity of the stormwater control measures. The inspecting professional shall prepare and submit to the City of Beacon within 30 days of the inspection but not later than June 1 of each year, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.

3.2.1 Catch Basins, Yard Drains, Stormwater Manhole, Trench Drain and Culvert Piping

In addition to standard periodic inspection following larger storm events, the following is a mandatory inspection schedule.

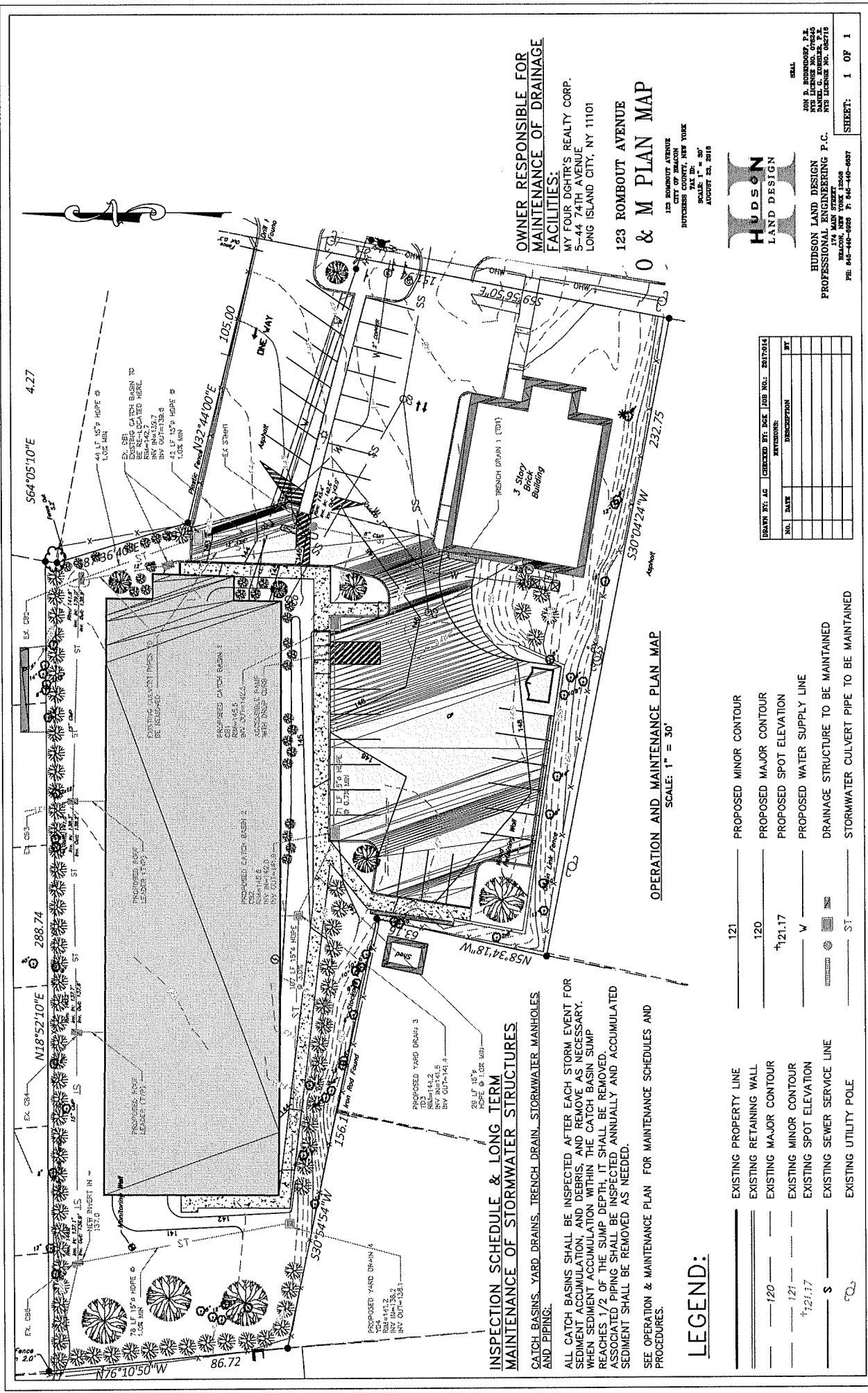
Frequency	Observation	Maintenance Activity
Spring and Fall	Inspect all catch basins, yard drains, stormwater manholes, trench drains and their associated piping. Look for obstructions, vegetation, debris, litter, sediment, etc. blocking the structures or pipes. Inspect the trench drain for siltation. Utilize vacuum truck if necessary. Observe the flow of water after a rainfall event. Any evidence of ponding in the structure indicates a potential blockage.	Remove obstructions, remove sediment accumulations, etc. via vacuum truck or other acceptable method

4.0 LOG BOOK

All inspection reports shall include the date, weather conditions on the day of the inspection and leading up to the inspection, a list of the stormwater management system components that were inspected, the results of the inspection, and the maintenance performed. The inspection reports shall be kept within a log book for long term monitoring. Additional notes and significant repairs should be noted with applicable dates and also kept within the log book. In addition to the required reporting noted in Section 3.1, a copy of all inspection reports shall be made available to the City of Beacon Building Department upon request.

APPENDIX A

Operation & Maintenance Plan



INSPECTION SCHEDULE & LONG TERM MAINTENANCE OF STORMWATER STRUCTURES

CATCH BASINS, YARD DRAINS, TRENCH DRAIN, STORMWATER MANHOLES AND PIPING.

ALL CATCH BASINS SHALL BE INSPECTED AFTER EACH STORM EVENT FOR SEDIMENT ACCUMULATION, AND DEBRIS, AND REMOVE AS NECESSARY. WHEN SEDIMENT ACCUMULATION WITHIN THE CATCH BASIN SUMP REACHES 1/2 OF THE SUMP DEPTH, IT SHALL BE REMOVED. ASSOCIATED PIPING SHALL BE INSPECTED ANNUALLY AND ACCUMULATED SEDIMENT SHALL BE REMOVED AS NEEDED.

SEE OPERATION & MAINTENANCE PLAN FOR MAINTENANCE SCHEDULES AND PROCEDURES.

LEGEND:

- EXISTING PROPERTY LINE
- EXISTING RETAINING WALL
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING SPOT ELEVATION
- EXISTING SEWER SERVICE LINE
- EXISTING UTILITY POLE
- PROPOSED MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED SPOT ELEVATION
- PROPOSED WATER SUPPLY LINE
- DRAINAGE STRUCTURE TO BE MAINTAINED
- STORMWATER CULVERT PIPE TO BE MAINTAINED

NO.	DATE	DESCRIPTION	BY

OWNER RESPONSIBLE FOR
MAINTENANCE OF DRAINAGE
FACILITIES:
MY FOUR DGT'S REALTY CORP.
5-44 74TH AVENUE
LONG ISLAND CITY, NY 11101

123 ROMBOUT AVENUE
0 & M PLAN MAP

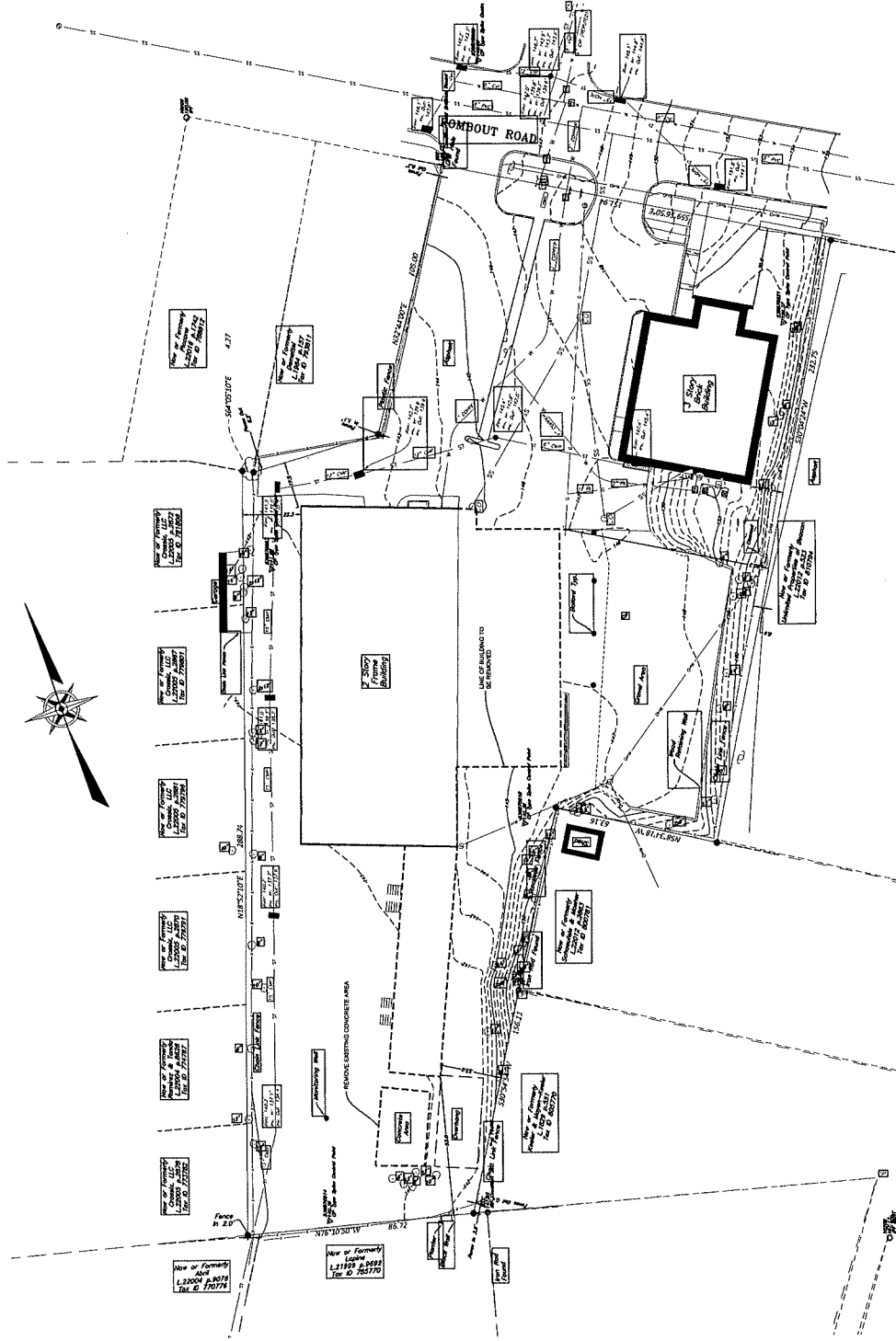
123 ROMBOUT AVENUE
LONG ISLAND CITY, NEW YORK
DUTCHES COUNTY, NEW YORK
TAX ID:
SCALE: 1" = 30'
AUGUST 01, 2018



HUDSON LAND DESIGN
PROFESSIONAL ENGINEERING P.C.
123 ROMBOUT AVENUE
LONG ISLAND CITY, NEW YORK 11101
PHONE: 646-440-0820 F: 646-440-0837
SHEET: 1 OF 1

SCHEDULE B

Approved Project Plans



Existing Conditions / Demolition Plan

Scale: 1" = 20'

Site Plan Application Survey / Demolition Plan

Sheet 2 of 8 - Existing Conditions Survey / Demolition Plan

Owner:
My Four Daughter's Realty Corp.
5-44 74th Ave.
Long Island City, New York 11101

Architect:
Aryeh Siegel, Architect
84 Main Circle
Beacon, New York 12508

Civil Engineer:
Hudson Land Design
174 Main Street
Beacon, New York 12508

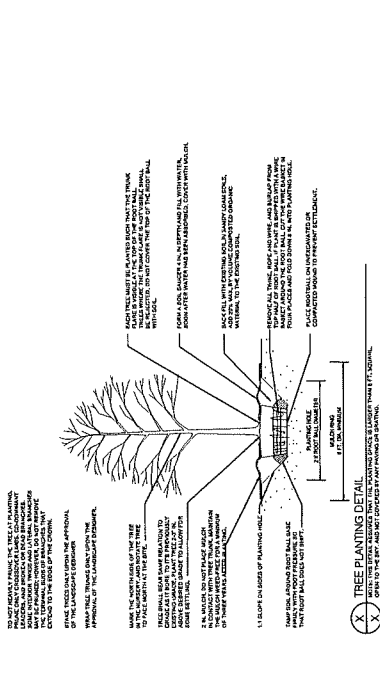
Surveyor:
TEC Surveying
15C Ticonderoga Avenue
Beacon, New York 12508

123 Rombout Avenue
Beacon, New York
Scale: 1" = 20'
July 25, 2017

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE _____ DAY OF _____, 20____, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF ANY RESOLUTIONS AND ORDINANCES, EXISTING, BEING ENACTED, OR HEREINAFTER ENACTED, AND TO THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE _____ DAY OF _____, 20____, BY _____, CHAIRMAN, AND _____, SECRETARY, IN WITNESS WHEREOF, THE ACTING CHAIRMAN OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, HAS HEREIN SET HIS HAND AND SEAL OF OFFICE.

NO.	DATE	REVISIONS	BY
1	7/25/17	REVISED PER PLANNING BOARD COMMENTS	AS
2	8/2/17	REVISED PER PLANNING BOARD COMMENTS	AS

PLANT SCHEDULE					
KEY	BOTANICAL NAME	QTY.	SIZE	NOTES	SPACING
TREES					
CC	CECROPS CHAMBERSII	1	12" x 12"	SEE DRAWING	SEE DRAWING
CC	CECROPS CHAMBERSII	1	6" x 6"	SEE DRAWING	SEE DRAWING
MA	MAGNOLIA GRANDIFLORA	2	24"	SEE DRAWING	MULTI-STEM FORM
SR	STYRAX RETICULATA	3	20" x 20"	SEE DRAWING	SEE DRAWING
SHRUBS					
VA	VIRGINIANA VAMBERLE	20	3 GAL.	CONT.	
VA	VIRGINIANA VAMBERLE	2	5 GAL.	CONT.	
VA	VIRGINIANA VAMBERLE	3	3 GAL.	CONT.	
VA	VIRGINIANA VAMBERLE	25	5 GAL.	CONT.	
VA	VIRGINIANA VAMBERLE	65	5 GAL.	CONT.	
HERBACEOUS					
AS	ALLIUM SPHENOCYPHALON	110	5 LBS.	TRAY	
CF	CHRYSEALACEA BLUE ENIGMA	270	PLUG	TRAY	
DC	DESMODIUM ILLINOENSE	68	PLUG	TRAY	
SN	SALVIA EMERSONIA LANCEOLATA	260	PLUG	TRAY	



Site Lighting & Landscaping Plan
Scale: 1" = 20'

NO.		DATE	DESCRIPTION	BY
1	02/21/17	REVISED PER PLANNING BOARD COMMENTS	AS	
2	02/21/17	REVISED PER PLANNING BOARD COMMENTS	AS	

Site Plan Application Sheet 3 of 8 - Site Lighting & Landscaping Plan

123 Rombout Avenue
Beacon, New York
Scale: 1" = 20'
July 25, 2017

Surveyor
TEC Surveying
150 Tiononda Avenue
Beacon, New York 12508

Civil Engineer
Hudson Land Design
174 Main Street
Beacon, New York 12508

Architect
Aryeh Siegel, Architect
84 Mason Circle
Beacon, New York 12508

Owner:
My Four Daughter's Realty Corp.
544 7th Ave.
Long Island City, New York 11101

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE _____ DAY OF _____, 20____.

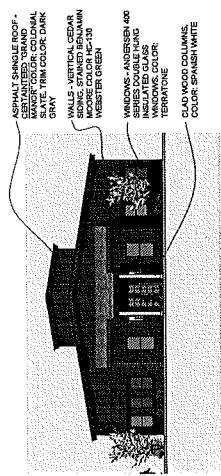
SEIGNED BY _____ DAY OF _____, 20____ BY _____

CHAIRMAN SECRETARY

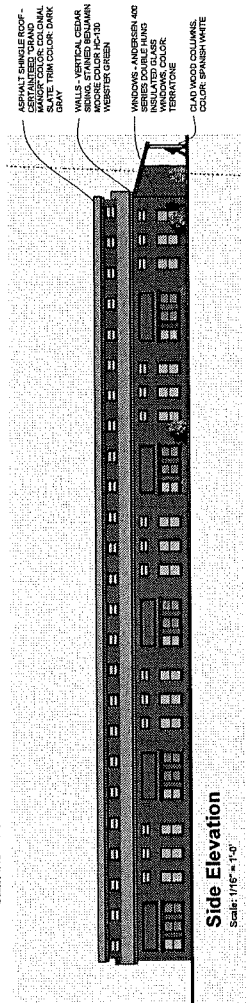
APPROVED BY THE BOARD OF THE CITY OF BEACON, NEW YORK, ON THE _____ DAY OF _____, 20____.

SEIGNED BY _____ DAY OF _____, 20____ BY _____

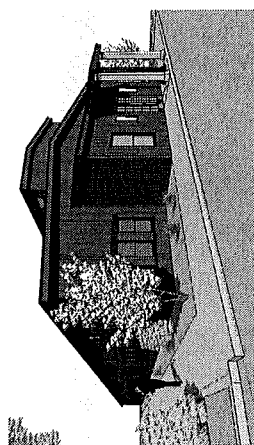
CHAIRMAN SECRETARY



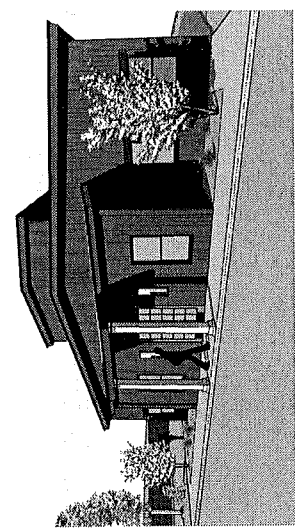
Front Elevation
Scale: 1/16" = 1'-0"



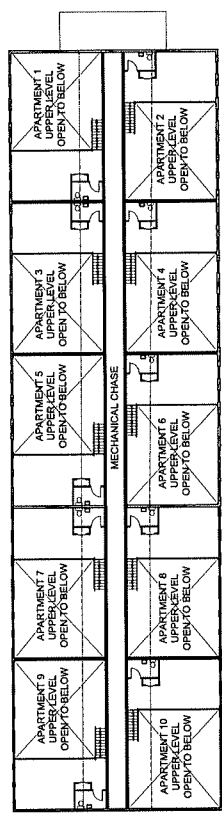
Side Elevation
Scale: 1/16" = 1'-0"



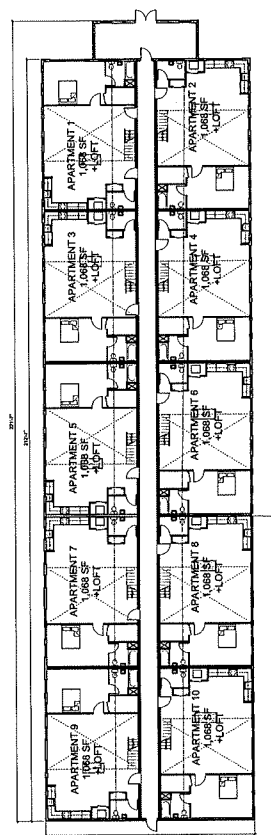
View
Not to Scale



View
Not to Scale



Loft Level Plan
Scale: 1/16" = 1'-0"



First Floor Plan
Scale: 1/16" = 1'-0"

NO.	DATE	REVISIONS	DESCRIPTION	BY
1	02/27/17	REVISED PER PLANNING BOARD COMMENTS	ASB	
2	02/27/17	REVISED PER PLANNING BOARD COMMENTS	ASB	

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, IN THE
EXERCISE OF ITS AUTHORITY, AND SUBJECT TO ALL REQUIREMENTS AND
AS APPROVED, SMALL SUBMITTAL APPROVAL.

DATED THIS _____ DAY OF _____, 20____.

CHAIRMAN

SECRETARY

IN WITNESS WHEREOF, THE CHAIRMAN OF SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY
RESPECTIVELY MAY SIGN THIS PAGE.

The image contains three technical drawings of landscape curbs, each with a title and a list of notes.

MOUNTABLE CURB
 ABUTTING GRASS OR LANDSCAPE

NOTES:
 1. CURB SHALL BE 4" HIGH TO CURB-WALK AND 4" DEEPER WITH VERTICAL FINISHES SPECIFICATION SECTION 05110.
 2. EXPOSED JOINTS OF 1/2" COLLARLESS OR 3/4" COLLARLESS JOINTS SHALL BE PLACED AT 10 FOOT INTERVALS.
 3. TOP ADJACENT CURBS ABUTTING SIDEWALK SHALL BE 1/2" HIGHER.

ABUTTING GRASS OR LANDSCAPE

NOTES:
 1. CURB SHALL BE 4" HIGH TO CURB-WALK AND 4" DEEPER WITH VERTICAL FINISHES SPECIFICATION SECTION 05110.
 2. EXPOSED JOINTS OF 1/2" COLLARLESS OR 3/4" COLLARLESS JOINTS SHALL BE PLACED AT 10 FOOT INTERVALS.
 3. TOP ADJACENT CURBS ABUTTING SIDEWALK SHALL BE 1/2" HIGHER.

ABUTTING SIDEWALK

NOTES:
 1. CURB SHALL BE 4" HIGH TO CURB-WALK AND 4" DEEPER WITH VERTICAL FINISHES SPECIFICATION SECTION 05110.
 2. EXPOSED JOINTS OF 1/2" COLLARLESS OR 3/4" COLLARLESS JOINTS SHALL BE PLACED AT 10 FOOT INTERVALS.
 3. TOP ADJACENT CURBS ABUTTING SIDEWALK SHALL BE 1/2" HIGHER.

CAST-IN-PLACE CONCRETE CURB DETAIL

ABOUT THE AUTHOR

MOUNTABLE CURB
 ALIBITTING GRASS OR LANDSCAPE

PAVEMENT SECTION DETAIL

PAVEMENT RESTORATION DETAIL

PARKING AND STRIPING DETAIL

CONCRETE SIDEWALK DETAIL

PEDESTRIAN RAMP WITH DROP CURB DETAIL

PAINTED CROSSWALK DETAIL

CONCRETE MODU

Site Details



HUDSON
LAND DESIGN

123 Rombout Avenue
Beacon, New York
Scale: As Noted
March 28, 2017

REVISIONS:			BY
NO.	DATE	DESCRIPTION	
1	7/25/17	ADDED SHEET	CMB
2	8/28/17	REVISED PER PLANNING BOARD COMMENTS	CMB
3	9/05/17	NO CHANGE THIS SHEET	CMB
4	3/5/18	REVISED PER PLANNING BOARD COMMENTS	CMB

APPROVED BY RESOLUTION OF THE MANAGING BOARD OF THE CITY OF BRAGANCA, NEW YORK, ON THE _____ DAY OF _____, 19____, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION, THE CITY COMMISSIONER, BRAGANCA, IN WITNESS WHEREOF, HE HAS HEREUNTO SET HIS HAND AND THE SEAL OF SAID CITY, AT BRAGANCA, NEW YORK, ON THE _____ DAY OF _____, 19____.

_____, CHAIRMAN

_____, SECRETARY

IN WITNESS WHEREOF, THE CHAIRMAN OF THE SECRETARIAT, THE ACTING CHAIRMAN OR ACTING SECRETARY, RESPECTIVELY, HAS HEREUNTO SET HIS HAND IN THE PLACE.

[illegible]

NOTES:

1. ALL WORK SHALL CONFORM WITH THE USDOT STANDARD SPECIFICATION FOR CONSTRUCTION AND MAINTENANCE OF HIGHWAYS, 2003 EDITION, AND ALL FEDERAL, STATE, SPECIFICALLY SECTION 608-200, SIDEWALKS, DRIVEWAYS, AND BICYCLE PATHS.
2. GROUND RAMP AND SIDE FLARES AS INDICATED IN THE PLANS OR AS ORDERED BY THE ENGINEER.
3. TACTILE WARNING STRIPS SHALL BE PROVIDED ON ALL RAMPS

[illegible]

NOTES:

1. ALL DIMENSIONS SUBJECT TO CURRENT MUNICIPALITY ZONING AND SITE REGULATIONS.
2. PAINTED HANDICAP SYMBOL TO BE IN ACCORDANCE WITH NYSDOT AND ADA STANDARDS.
3. IF PARKING ABOUT A SIDEWALK, THEN THE REGULATORY SIGNS SHALL BE PLACED BEHIND THE SIDEWALK.

CES-50

(S)7. AQUAL CONCRETE OF COURSE - NYSDOT TYPE 6
8. 1/2" ASPHALT CONCRETE UNDER COURSE - NYSDOT TYPE 3
9. 1/2" GRANULAR SUBBASE COURSE - NYSDOT TYPE 3A(1)
NOTES:
1. SAW CUT MIN. 18" BEYOND EXCAVATION WITH SMOOTH EDGES.
2. 18" JOINT BETWEEN EXISTING AND NEW TOP COURSE TO BE POLISHED.
3. FURNISH, PLACE AND COMPACT SUBBASE.
4. THICK CONT IN ACCORDANCE WITH NYSDOT STANDARD SPEC.

BACK STAKES OR SPECIFIED OR CALLED OUT IN THESE DRAWINGS OR REQUIRED BY THE CONTRACTOR TO BE MAINTAINED AT ALL TIMES TO THE 457-FOOT ELEVATION OF THE ABOVE REFERENCED TYPICAL STANDARD SPECIFICATIONS.

WHERE IT IS NECESSARY TO PLACE BILLS FOR PURPOSES OF ILLUSTRATING THE SUBGRADE ELEVATION UP TO A SPECIFIED GRADE, THE FILL MATERIAL PLACED THEREON SHALL BE IN CONFORMANCE WITH SECTION 203.03.01 AND EMBANKMENT OF THE ABOVE REFERENCED TYPICAL STANDARD SPECIFICATIONS.

IT IS EXPECTED THAT THE CONTRACTOR SHALL BE AWARE AND AVOID IN THE FUTURE THE CONSTRUCTION OF ANY TYPE OF EMBANKMENT AND ANY TYPE OF UNSUITABLE SOILS ARE INCORPORATED DURING CONSTRUCTION, THE CONTRACTOR SHALL CONTACT THE ENGINEER FOR POSSIBLE MODIFICATIONS TO THE PAYMENT SCHEDULE.

[illegible]

SECTION A-A

TOP OF DECK

BOTTOM OF DECK

REINFORCEMENT

CONCRETE

ASPHALT

PAVEMENT

CURB

SIDEWALK

DRAINAGE

GUTTER

SLOPE

ELEVATION

DISTANCE

SCALE

NOTES

BRIDGE DECK IS TO BE CONSTRUCTED OF CONCRETE AND REINFORCED WITH STEEL BARS. THE REINFORCEMENT IS TO BE PLACED IN ACCORDANCE WITH THE SPECIFICATIONS FOR REINFORCED CONCRETE.

[illegible][illegible]

Sheet 8 of 8



City of Beacon Council Agenda
10/15/2018

Title:

A resolution awarding the contract for the Fairview Tank Replacement to Statewide Aquastore, Inc

Subject:

Background:

ATTACHMENTS:

Description

Reso_Fairview Tank

Type

Resolution



**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ of 2018

**RESOLUTION TO AWARD THE CONTRACT FOR THE FAIRVIEW TANK
REPLACEMENT TO STATEWIDE AQUASTORE INC.**

WHEREAS, one bid proposal was submitted and opened on July 3, 2018 for a Portable Engine Generator; and

WHEREAS the bid was reviewed and found to be complete; and

WHEREAS, the bidder submitted a Non-Collusive Bidding Certificate and bid bond;
and

WHEREAS, Statewide Aquastore, Inc. has completed work similar to the work outlined within the proposal project and references were checked and found to be acceptable; and

WHEREAS, the bid price of \$1,427,445.00 is lower than the engineer's estimate of \$1,470,000.00,

NOW, THEREFORE BE IT RESOLVED, that the contract for the Fairview Tank Replacement be awarded to Statewide Aquastore, Inc; 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 2018		Date: <u>2018</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					
Motion Carried							

City of Beacon Council Agenda
10/15/2018

Title:

A resolution to award the contract for the Removal and Disposal of Sludge from a Digester at the City of Beacon Wastewater Treatment Facility to Spectraserv

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso_Sludge removal	Resolution

**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ of 2018

**RESOLUTION TO AWARD THE CONTRACT FOR THE REMOVAL AND DISPOSAL
OF SLUDGE FROM A DIGESTER FROM THE CITY OF BEACON WASTEWATER
TREATMENT FACILITY TO SPECTRASERV**

WHEREAS, two bid packages were submitted and opened on September 25, 2018 for the Removal and Disposal of Sludge from the City of Beacon Wastewater Treatment Facility; and

WHEREAS, the two proposals were carefully reviewed and considered complete both having submitted Non-Collusive Bidding Certificates and bid bonds; and

WHEREAS, Spectraserv was the lower bidder and has successfully completed a number of projects at the City's Wastewater Treatment Facility; and

WHEREAS, the bid price of \$197,600.00 is lower than the estimate and approved Capital Improvement cost of \$250,000.00,

NOW, THEREFORE BE IT RESOLVED, that the contract for the Removal and Disposal of Sludge from a Digester at the Wastewater Treatment Facility be awarded to Spectraserv; 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 2018		Date: <u>2018</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					
Motion Carried							

City of Beacon Council Agenda
10/15/2018

Title:

Resolution to Certify Base Percentages and Proportions for the 2018 Assessment Roll Pursuant to Article 19 of the Real Property Tax Law

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso_base_proportions	Resolution
2018 Beacon ORPTS	Backup Material

CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. ____ OF 2018

**RESOLUTION TO CERTIFY BASE PERCENTAGES AND PROPORTIONS
FOR THE 2018 ASSESSMENT ROLL PURSUANT TO ARTICLE 19
OF THE REAL PROPERTY TAX LAW**

BE IT RESOLVED; that the City Council hereby approves and certifies the “Base Percentages, Current Percentages and Current Base Proportions” and, “Adjusted Base Proportions” as set forth in the attached certification form entitled “Certificate of Adjusted Base Proportions Pursuant to Article 19, RPTL”, for the levy of taxes on the 2018 assessment roll pursuant to Article 19 of the Real Property Tax Law, and hereby establishes the Adjusted Base Proportions for the 2018 Assessment Roll as 69.36007% for homestead properties and 30.63993% for non-homestead properties to be used for tax purposes.

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

* RP-6701		NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES				10/03/18	
		16 SHERIDAN AVENUE, ALBANY, NY 12210-2714					
		CERTIFICATE OF BASE PERCENTAGES, CURRENT PERCENTAGES AND					
		CURRENT BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL, FOR THE					
		LEVY OF TAXES ON TH 2018 ASSESSMENT ROLL					
*****		*****				*****	
* Approved Assessing Unit		City of Beacon, 130200				* CERTIFICATION	
* Name of Portion		City of Beacon, 130200				*	
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Ratio
CBPH to CPH
0.905066196

RP-6703	NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES 16 SHERIDAN AVENUE, ALBANY, NY 12210-2714					10/03/18
CERTIFICATE OF ADJUSTED BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTI FOR THE 2018 ASSESSMENT ROLL						
Approved Assessing Unit		City of Beacon, 130200				
Name of Portion		City of Beacon, 130200				
Reference Roll	2017					
Levy Roll	2018					

Section I	DETERMINATION OF PORTION CLASS NET CHANGE IN ASSESSED VALUE DUE TO PHYSICAL AND QUANTITY CHANGES AND COMPUTATION OF CLASS CHANGE IN LEVEL OF ASSESSMENT FACTOR					
	(A) Total Assessed Value on the Reference Roll Excluding Special Franchise and Wholly Exmt	(B) Total Assessed Value of Physical and Quantity Increases between the Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases between the Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes	(E) Surviving Total Assessed Value on the Reference Roll	
Class				(B-C)	(A-C)	
Homestead	913,713,700	9,213,600	1,074,500	8,139,100	912,639,200	
Nonhomestead	229,701,857	24,606,500	1,103,300	23,503,200	228,598,557	

		(F) Total Assessed Value of Equalization Increases between the Reference Roll and Levy Roll	(G) Total Assessed Value of Equalization Decreases between the Reference Roll and Levy Roll	(H) Net Equalization Changes	(I) Change in Level of Assessment Factor	
Class				(F-G)	(H/E)+1	
Homestead		20,807,973	713,800	20,094,173	1.02202 1.025	
Nonhomestead		3,924,869	782,182	3,142,687	1.01375 1.0123	

Section II	COMPUTATION OF PORTION CLASS ADJUSTMENT FACTOR					
	(J) Taxable Assessed Value on the Levy Roll Excluding Special Franchise	(K) Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (J/I)	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assmnt	(M) Total Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (K+L)	(N) Taxable Assessed Value on the Reference Roll	
Class				(O) Class Adjustment Factor (M/N)		
Homestead	919,795,800	899,980,345	0	899,980,345	889,774,212 1.01147	
Nonhomestead	251,477,954	248,067,614	19,253,963	267,321,577	244,104,305 1.09511	

Section III	COMPUTATION OF ADJUSTED BASE PROPORTIONS					
	(P) Current Base Proportions	(Q) Current Base Proportions adjusted for Physical and Quantity Changes (P*O)		(R) Adjusted Base Proportions (Q/sum of Q)		
Class						
Homestead	71.02212	71.83678		69.36007		
Nonhomestead	28.97788	31.73403		30.63993		
Total	100.00000	103.57080		100.00000		

I, the clerk of the legislative body of the approved assessing unit identified above, hereby certify that the legislative body determined on _____ base percentages, current percentages, and current base proportions as set forth herein for the assessment roll and portion as identified above.						

I, the clerk of the legislative body of the approved assessing unit identified above, hereby certify that the legislative body determined on _____ base percentages, current percentages, and current base proportions as set forth herein for the assessment roll and portion as identified above.

signature

title

date

1.0093
1.1015

City of Beacon Council Agenda
10/15/2018

Title:

Resolution re: Certiorari Settlement - Mtr. of Continental Healthcare VIII Limited Partnership v. Board of Assessors of the City of Beacon, et al. (Sup. Ct. Dutchess Co. Index Nos. 51760/17 and 52144/18) - Settlement of 2017 and 2018 Tax Certiorari Proceedings

Subject:

Background:

ATTACHMENTS:

Description

Tax Cert_Continental Healthcare

Type

Resolution

**RESOLUTION RE: CERTIORARI SETTLEMENT -
*Mtr. of Continental Healthcare VIII Limited Partnership
v. Board of Assessors of the City of Beacon, et al.*
(Sup. Ct. Dutchess Co. Index Nos. 51760/17 and 52144/18) -
SETTLEMENT OF 2017 AND 2018 TAX CERTIORARI PROCEEDINGS**

WHEREAS, there are tax certiorari proceedings, entitled *Mtr. of Continental Healthcare VIII Limited Partnership v. Assessor of the City of Beacon, et al.* (Sup. Ct. Dutchess Cty. Index Nos. 51760/17 and 52144/18), pending before the Supreme Court, Dutchess County; and

WHEREAS, these proceedings challenge the real property tax assessment of non-homestead property located at 10 Hastings Drive, which is identified as Tax Lot No. 6055/03/328043 on the Tax Map of the City of Beacon; and

WHEREAS, by virtue of these proceedings, the real property tax assessment established by the City of Beacon with respect to said parcel has been contested in the years 2017 and 2018; and

WHEREAS, a settlement has been reached by and between Continental Healthcare VIII Limited Partnership and the City of Beacon providing for a disposition of these proceedings; and

WHEREAS, a proposed Stipulation of Settlement and Consent Judgment effectuating these settlement terms has been prepared, subject to the approval of the City Council of the City of Beacon; and

WHEREAS, the City Council of the City of Beacon and City Administration have obtained the advice and assistance of its counsel, Keane & Beane, P.C., and the City Assessor with respect to the settlement terms, the Stipulation of Settlement and Consent Judgment and has duly considered same; and

WHEREAS, under the settlement terms, the City will be liable for City tax refunds that equal Six Thousand Nine Hundred Sixty-Eight and 50/100 (\$6,968.50) Dollars through the 2017 assessment year and corresponding 2018 City tax year;

WHEREAS, the settlement terms contain provisions that will serve to avoid future assessment challenges through the year 2021 with regard to the aforementioned property; and

NOW, THEREFORE, BE IT RESOLVED that the City Council accepts the settlement of these proceedings so that the following adjustments are made to the real property tax assessment of the aforementioned premises:

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2017	\$13,250,000	\$12,700,000	\$550,000
2018	\$13,250,000	\$12,700,000	\$550,000

BE IT FURTHER RESOLVED, that counsel for the City of Beacon, Keane & Beane, P.C., together with the City Administration, is hereby authorized to undertake such actions as are necessary to confirm and effectuate this settlement, including execution of the Stipulation of Settlement incorporating the settlement terms.

Resolution No. _____ of 2018		Date: <u>2018</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					
Motion Carried							

City of Beacon Council Agenda
10/15/2018

Title:

A resolution to amend and replace the City's existing policy regarding sexual harassment

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso_sexual harassment	Resolution
Sexual Harassment Prevention Policy	Backup Material
SH Complaint Form	Backup Material
SH Notice of reso	Backup Material



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

**A RESOLUTION TO AMEND AND REPLACE THE CITY OF BEACON'S EXISTING
SEXUAL HARASSMENT POLICY**

BE IT RESOLVED, THAT THE BEACON CITY COUNCIL hereby amends and replaces the City's existing policy regarding sexual harassment with the attached updated Sexual Harassment Prevention policy.

Resolution No. _____ of 2018

Date: 2018

- ☐ Amendments
☐ Not on roll call
☐ On roll call

- ☐ 2/3 Required
☐ 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 J. Casale					
Motion Carried							

Sexual Harassment Policy for THE CITY OF BEACON

Introduction

The City of Beacon (the “City”) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the City’s commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the City. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. The City’s policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the City. In the remainder of this document, the term “employees” refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, consistent with any state law and/or collective bargaining agreement, to the extent applicable (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The City will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the City who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the City

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

Administrator. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the City to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct, consistent with any state law and/or collective bargaining agreement, to the extent applicable.
5. The City will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The City will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The City will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the City Administrator.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable and be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.

- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. The City cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the City Administrator. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the City Administrator.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the City Administrator.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The City will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the City Administrator, or his/her designee, will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.

- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by the City but is also prohibited by state, federal, and local law.

Aside from the internal process at the City, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290, *et seq.*, applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the City does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC

by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

For example, the Dutchess County Commission on Human Rights (CCR) has the power to report complaints alleging unlawful discriminatory practices under Article 15 of the Executive Law to the State Division of Human Rights. If you believe you have a human rights issue, the CCR can review the issue with you and, as needed, assist you with preparing and filing a complaint with the New York State Division of Human Rights. Contact the Dutchess County Human Rights Commission / EEO Officer Jody Miller at 22 Market Street, Poughkeepsie, New York 12601, 845-486-2169 or email dchumanrights@dutchessny.gov.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

THE CITY OF BEACON

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the City Administrator, One Municipal Plaza, Beacon, NY 12508 in person or by mail. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

☐ Email ☐ Phone ☐ In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: ☐ Supervisor ☐ Subordinate ☐ Co-Worker ☐ Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____

Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

CITY OF BEACON

NOTICE OF RESOLUTION OF COMPLAINT OF DISCRIMINATORY HARASSMENT

COMPLAINANT'S NAME: _____

WORK SITE: _____

DATE COMPLAINT FILED: _____

PERSON COMPLAINED OF: _____

TITLE AND DEPARTMENT: _____

FINAL DETERMINATION: _____

Your signature serves as an acknowledgement that you have received a copy of this Notice of Resolution Form.

Acknowledged by:

Complainant's Signature: _____ Date: _____

Person Complained of's Signature: _____ Date: _____

**City of Beacon Council Agenda
10/15/2018**

Title:

Approval of Minutes from October 1, 2018

Subject:

Background:

ATTACHMENTS:

Description
Minutes_Oct 01

Type
Minutes

CALL TO ORDER

Mayor Casale called the meeting to order at 7:00 PM

PLEDGE OF ALLEGIANCE

Mayor Casale led the Pledge of Allegiance

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

ROLL CALL

Present:

Councilmembers George Mansfield, At Large (GM); Terry Nelson, Ward One (TN); John Rembert, Ward Two (JR); Jodi McCredo, Ward Three (JM); Amber Grant, Ward Four (AG) and Mayor Randy Casale (RC) **Total: 6, quorum present**

Also Present:

City Administrator Anthony Ruggiero (AR); City Attorney Nick Ward-Willis (NWW)

Excused:

Councilmember Lee Kyriacou (LK)

1ST OPPORTUNITY FOR PUBLIC COMMENT

Speakers:

- Dennis Pavelock spoke about building concerns; parks disproportionately located in neighborhoods; timing of roadwork – could be done at night; gas line blast in Massachusetts – what would our first responders be up against? Mentioned that Saturdays in October there will be ghost tours in Beacon – fundraiser for the Beacon Historical Society – for information visit www.beaconhistorical.org.

PRESENTATIONS

- David Orr from Cornell Local Roads presented the Beacon Highway Department with a first place plaque awarded at the national level for their Confined Space Simulator submission in their “Build a Better Mousetrap”.
- City Administrator Ruggiero read letter which presented an overview of the 2019 Budget.

PUBLIC HEARING

- **A public hearing to receive public comment on a proposed Local Law to amend Chapter 223, Section 61.3 of the Code of the City of Beacon concerning Public Notice Signs**

Speakers:

- Arthur Camins spoke about the benefits of larger (4x3) signs and the need for renderings and information on projects to be included.
 - Motion made by TN, seconded by JR to **close the public hearing**. The motion was carried unanimously by voice vote.
- **A public hearing to receive public comment on a proposed resolution amending the language in Section 223-41.21 B of the Code of the City of Beacon concerning the Linkage District**

Speakers: none

- Motion made by JR, seconded by JM to **close the public hearing**. The motion was carried unanimously by voice vote.

COUNCIL REPORTS

- AG- no report
- JR – requested people slow down by South Avenue
- LK – excused
- GM – thanked the volunteers who participated in Spirit of Beacon Day; spoke about the fantastic diversity in the community and the benefit of interacting face to face as opposed to social media.
- JM – thanked Gwenno James and the volunteers for their work on Spirit of Beacon Day; shared information about the Beacon City School District PTO Collaborative's Discount Card – contact her or the PTO for more information;

shared information on Narcan training being offered by the Beacon Volunteer Ambulance Corp 7:30-8:30 PM on 10/17 at 76 Old Glenham Road, Glenham – for more information call 845-831-4540.

- TN – thanked Gwenno James and all the volunteers of the Spirit of Beacon Day for a great event; received complaints film shoot happening on North Elm – would like to revisit permit and requirements, would like to see visible notice.
- AR – no report
- RC – provided an update on paving; City of working with Central Hudson to repave the roads torn up to replace gas lines; October 22 is Dutchess County Hazardous Waste Collection Day – see www.cityofbeacon.org for information; parking restrictions will be in effect for the Car Show being held on 10/14 – restrictions can be reviewed at City of Beacon website.

LOCAL LAWS AND RESOLUTIONS

1. **A resolution authorizing the Mayor or City Administrator to sign an agreement with Complur for parking ticket collection**
 - A **motion was made** by JM, seconded by AG **to adopt**. The **motion was carried** unanimously by roll call vote.
2. **A resolution to schedule a public hearing on October 15, 2018 to receive public comment on a proposed resolution authorizing the submission of the fiscal year 2019 Dutchess County Community Development Block Grant Program application for Green Street Park improvements and Wilkes Street Sewer Slip Lining**
 - A **motion was made** by TN, seconded by JM **to adopt**. The **motion was carried** unanimously by roll call vote.
3. **A resolution setting a public hearing for October 15, 2018 to receive public comment on a proposed local law to amend Chapter 211 of the Code of the City of Beacon concerning parking on West Main Street**
 - A **motion was made** by AG, seconded by JR **to adopt**. The **motion was carried** unanimously by voice vote.

APPROVAL OF MINUTES

- A **motion was made** by JM, seconded by TN **to approve** the minutes from September 17, 2018. The **motion was carried** unanimously by voice vote.

2ND OPPORTUNITY FOR PUBLIC COMMENT

Speakers - none

EXECUTIVE SESSION: PERSONNEL

- A **motion was made** by JM, seconded by AG to go into executive session. **Motion was carried** unanimously by voice vote. **Meeting went into executive session.**

Next Council Meeting is Monday October 15, 2018 at 7:00 PM.

Next Council Workshop is October 9, 2018 at 7:00 PM.

A video recording of this meeting in its entirety can be found here -<http://www.cityofbeacon.org/Government/videos.htm>

Submitted by Lisa Edelson

