



**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

February 19, 2019
7:00 PM
City Council Agenda

Call to Order

Pledge of Allegiance

Roll Call

Public Comment:

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

Public Hearings:

- Public Hearing on Proposed Local Law to Amend Section 223-24.5 Wireless Telecommunication Services Facilities; Section 223-25, Site Development Plan Approval; Section 223-26.4, Small Cell Wireless Telecommunication Facilities; And Section 223-63, Definitions of the Code of the City of Beacon

Reports:

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

Local Laws and Resolutions:

1. Resolution to Adopt Local Law to Amend Section 223-24.5, Wireless Telecommunication Services Facilities, Section 223-25, Site Development Plan Approval, Section 223-26.4, Small Cell Wireless Telecommunications Facilities, and Section 223-63, Definitions of the Code of the City of Beacon Concerning Wireless Telecommunication Facility Services
2. Resolution Amending the Fee Schedule Concerning Wireless Telecommunication Services Facilities
3. Resolution Appointing Dave Buckley as Building Inspector II
4. Resolution Adopting the City of Beacon Investment Policy
5. Resolution in Support of the Green Light Legislation to Ensure Equal Access to Driver's Licenses for all Residents of New York State
6. Resolution Setting Public Hearing on Local Law Amending Chapter 199, Article IX, Section 39 of the Code of the City of Beacon Concerning the Cold War Veteran's Real Property Tax Exemption
7. Resolution Adopting Provision of Real Property Tax Law Granting A Temporary Extension For Payment Of Real Property Taxes For Furloughed Federal Employees

Approval of Minutes:

- Council Meeting Minutes January 22, 2019

2nd Opportunity for Public Comments:

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

Adjournment:

DRAFT LOCAL LAW NO. ____ OF 2018

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND SECTION 223-24.5, WIRELESS
TELECOMMUNICATION SERVICES FACILITIES,
SECTION 223-25, SITE DEVELOPMENT PLAN APPROVAL,
SECTION 223-26.4, SMALL CELL WIRELESS
TELECOMMUNICATIONS FACILITIES,
AND SECTION 223-63, DEFINITIONS,
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to
amend Sections 223-
24.5, 223-25, 223-26.4
and 223-63 of Code of
the City of Beacon,
concerning Wireless
Telecommunication
Services Facilities.

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

SECTION 1. Section 223-24.5 of the Code of the City of Beacon entitled “Wireless Telecommunication Services Facilities” is amended as follows:

§ 223-24.5. Wireless telecommunication services facilities.

A. Statement of intent and objectives.

- (1) The City Council has determined that the establishment of zoning provisions to institute minimum standards for wireless telecommunications services facilities shall be among the legislative purposes of the Zoning Law of the City of Beacon and is in accordance with the goals, objectives and policies of the City's Development Plan.
- (2) The purpose of these special regulations is to reasonably control the location, construction and maintenance of wireless telecommunications services facilities in order to encourage the siting of said facilities in nonresidential areas and to protect, to the maximum extent practicable, aesthetic impacts, the open space character of portions of the City of Beacon, the property values of the community, and the health

and safety of citizens, while not unreasonably limiting competition among telecommunication providers.

- B. Use. Except as provided hereinafter, no wireless telecommunication services facility shall be located, constructed or maintained on any lot, building, structure or land area in the City of Beacon unless a special use permit has been issued in conformity with the requirements of this chapter and all other applicable regulations.
- C. Exemptions. The provisions of this section shall not apply to (1) wireless telecommunication services facilities that obtain a small cell permit from the Planning Board pursuant to § 223-26.4, or (2) unlicensed wireless telecommunication services facilities installed wholly within a principal or accessory building, such as but not limited to baby monitors, heart monitors, garage door openers and burglar alarm transmitters, and serving only that building.

D. Special use permit application.

(1) An application for approval of a wireless telecommunication services facility shall be submitted on the relevant forms for special use permit approval and shall be jointly filed by the operator of the wireless telecommunication services facility and the owner of the property on which such facility is proposed to be located.

(2) The special use permit application shall contain the following:

- (a) A site development plan showing applicant's entire property and adjacent properties and streets, at a convenient scale. The site development plan shall also describe any new proposed structure and antenna(s) and all related fixtures, antenna equipment, appurtenances and apparatus, including but not limited to height above preexisting grade, materials, color and lighting;
- (b) The location, size, and height of all existing and proposed structures on the property which is the subject of the application;
- (c) The applicant's name, address, telephone number, and e-mail address;
- (d) The names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the special use permit application;
- (e) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
- (f) The location of the nearest residential structure;

- (g) Identify and disclose the number and locations of wireless telecommunication services facilities that the applicant has installed or locations the applicant has considered in the past year within the City;
- (h) A description of the anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the potential traffic safety and noise impact of such maintenance;
- (i) Identify all existing and proposed wireless telecommunication services facilities which impact upon the service area covering the City of Beacon, including but not limited to topographic maps of the City with service coverage and service gap grids and all proposed as well as other functionally acceptable locations for such facility(ies);
- (j) The operator of the wireless telecommunication services facility shall submit a certificate of public utility, unless it can be demonstrated to the satisfaction of the City Council that the operator of such facility is exempt from such requirement pursuant to New York State law;
- (k) Where the owner of the property on which a wireless telecommunication services facility is proposed contemplates that such property may be used for the installation of two or more such facilities, the property owner shall submit a conceptual master plan identifying the total number and location of such facilities; and
- (l) Any application for a wireless telecommunication services facility shall include a statement and appropriate documentation demonstrating that City-owned sites, buildings and structures and the City's existing facilities inventory have been reviewed to the extent relevant to provide wireless telecommunication services facility in the area which is the subject of such application and that all reasonable efforts have been made to locate or collocate such facility on all City-owned sites, buildings and structures and on all sites identified in such existing facilities inventory within the service area.
- (m) Any amendment to information contained in a special use permit application shall be submitted in writing to the City within 30 days after the change necessitating the amendment.
- (3) The City may reject applications not meeting the requirements stated herein or which are otherwise incomplete.
- (4) No wireless telecommunication services facilities shall be installed, constructed or modified until the application is reviewed and approved by the City Council and the special use permit has been issued.

(5) The applicant and all future owners of the premises and the wireless telecommunication services facility shall at all times keep on file in the office of the City Clerk the name, address, and telephone number of the owner and operator of such facility and of at least one individual who shall have authority to arrange for the maintenance of the premises and facility and who shall be authorized to accept service of notices and legal process on behalf of the owner and operator(s) of the premises and facility and to bind the owner to any settlement, fine, judgment, or other disposition (other than incarceration) which may result from any civil or criminal action or proceeding instituted by the City against such owner and/or operator(s).

E. Every application for a small cell wireless telecommunication services facility shall be referred to the Planning Board for report and recommendation thereon before the public hearing required by law. Within 30 days of the date of the first Planning Board meeting on or after the date of referral, the Planning Board shall forward its recommendation to the City Council and the applicant, and shall indicate whether the application should be approved, disapproved or approved with modifications and shall specify what modifications, if any, are necessary.

F. Application fees. At the time an applicant submits an application for a wireless telecommunication services facility, such applicant shall pay a nonrefundable application fee in an amount as determined by the City Council and set forth in the City of Beacon fee schedule, in addition to any other fee required by law.

G. Reimbursement for the use of the public right-of-way. In addition to permit application fees, every wireless telecommunication services facility located in the public right-of-way is subject to the City's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the public right-of-way. The annual fee for use of the public right-of-way shall be set forth in the City of Beacon fee schedule.

D.H. Location and access.

~~(a)(1)~~ Subject to the City Council's review and evaluation of technological, structural, safety and financial considerations associated with alternative locations for the siting of wireless telecommunication services facilities, the ~~following~~ locational priorities ~~shall apply in the order specified set forth below are~~; consistent with the City's obligation to create the least amount of adverse aesthetic impact and to preserve the scenic values of the City.

(2) Applications for small cell wireless facilities shall locate, site and erect said facility in accordance with the following priorities, (a) being the highest priority and (f) being the lowest priority.

(a) On the roof of any City-owned or federal, state or local government owned buildings or structures.

- (b) Location on privately owned buildings.
- (c) Location on existing City-owned utility poles.
- (d) Location on City-owned infrastructure on private poles.
- (e) Location on City-owned property, where there is no existing pole.
- (f) Location on privately owned utility poles.
- (3) Applications for all non-small cell wireless facilities shall locate, site and erect said facility in accordance with the following priorities, (a) being the highest priority and (g) being the lowest priority:
 - (a) On-Collocation on existing wireless telecommunication services facilities on lands owned or controlled by the City; City-owned or City Housing Authority-owned sites, buildings and structures.
 - (b) Co-loc
 - (b) Collocation on a site with existing wireless telecommunication services facilities in the City; an existing wireless telecommunication services facility or radio tower, as identified on an inventory of existing facilities which shall be maintained by the City (the "existing facilities inventory"). Co-location Collocation shall be required unless it has been demonstrated to the satisfaction of the City Council that:
 - [1] None of the sites identified on the existing facilities inventory within the service area can accommodate the proposed wireless telecommunication services facility in a reasonable financially and technologically feasible manner consistent with the wireless communications service carrier's system requirements;
 - [2] None of the sites identified on the existing facilities inventory within the service area can accommodate the proposed wireless telecommunications services facility with respect to structural or other engineering limitations, including frequency incompatibilities; or
 - [3] The owners of the sites identified on the existing facilities inventory within the service area lawfully refuse to permit the applicant's use of the site.
 - (c) On sites, buildings and structures located in the HI and LI Zoning Districts.
 - (d) On sites, buildings and structures in the PB, HB, OB, LB and GB Zoning Districts.

~~(e)~~ On sites, buildings and structures in the ~~CB-CMS~~ Zoning District.

~~(f)~~ On sites, buildings and structures in Residential Zoning Districts.

~~(e)(g)~~ On sites, buildings and structures in the WD, WP, or Historic District and Landmark Overlay Zone.

~~(4)~~ If the proposed site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of higher priority was not selected. The applicant seeking such an exemption must satisfactorily demonstrate the reason or reasons why such a special use permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit was not granted for the proposed use.

~~(2)~~ Except for collocation on an existing wireless telecommunication services facility or radio tower identified on the existing facilities inventory and except for location on a building (and the premises thereof) which is at least nine stories in height, new wireless telecommunication services facilities shall not be located in the WD, WP and Residential Zoning Districts, nor in the Historic District and Landmark Overlay Zone.

~~(3)~~~~(5)~~ Wherever possible, new wireless telecommunication services facilities shall be in the form of antennas attached to an existing building or structure and/or shall be in the form of stealth structures. Lattice towers shall be the structures of last resort.

~~(4)~~~~(6)~~ All new wireless telecommunication services facilities and premises shall be of proper size, location and design to accommodate ~~co-location~~ collocation of other service providers' facilities, unless otherwise permitted by the City Council. To the maximum extent practicable, existing roadways shall be used to provide access to the site of a wireless telecommunication services facility.

~~(5)~~~~(7)~~ An applicant may not bypass a site of higher priority by stating the site presented is the only site leased or selected. An application shall address ~~collation~~ collocation as an option and, if such option is not proposed, the applicant must explain why collocation is commercially or otherwise impracticable.

~~(6)~~~~(8)~~ Notwithstanding the above, wireless telecommunication services facilities are permitted in all zoning districts in the City of Beacon. The City Council may approve any site located within the City, provided the City Council finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants.

~~E.H.~~ Setbacks. Wireless telecommunication services facilities, except those structurally mounted to an existing building or structure, shall be located not less than two times the otherwise applicable setback requirements for principal structures for

the district in which the property is located, or not less than the height of the facility plus the otherwise applicable setback requirements for principal structures for the zoning district in which the property is located, whichever shall be greater. Wireless telecommunication services facilities structurally mounted to the roof of an existing building or structure shall be set back at least 15 feet from the edge of the roof along any street frontage, unless from the side of the building or structure so as to minimize its visibility, but in no case less than 10 feet unless a stealth design is proposed, in which case the City Council may waive or modify this requirement the City Council makes a written determination that such designs are not necessary or feasible.

I. Height limitations. Within the height limitations set forth below, a wireless telecommunication services facility should not exceed the minimum height reasonably necessary to accomplish the purpose it is proposed to serve. Coverage requirements, safety, visual impacts, and proximity to occupied buildings are all factors that can be considered in determining the appropriate height.

~~F. Notwithstanding the following height limitations, in no case shall a wireless telecommunication services facility exceed the minimum height reasonably necessary to accomplish the purpose it is proposed to serve.~~

(1) The height of any antennas, or other associated antenna equipment, structurally mounted as part of a wireless telecommunication services facility shall not ~~exceed~~ by be placed more than ~~105~~ feet above the highest point of the existing structure on which such antennas or antenna equipment is affixed. Antennas shall be mounted so that the bottom of the antenna is at least 20 feet above the grade at the base of the pole.

(2) The height of any monopole or tower utilized in a wireless telecommunication services facility shall not exceed 150 feet in height measured from the highest point of such facility to the finished grade elevation of the ground immediately adjacent to the structure.

(3) Applicants must submit documentation justifying the total height.

J. Visual mitigation. The applicant/provider shall prepare a visual impact assessment of the proposed wireless telecommunication services facility based upon appropriate modeling, photographic simulation and other pertinent analytical techniques as required by the City Council.

(1) All wireless telecommunication services facilities shall be sited so as to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residents in the area of the wireless telecommunication services facility.

(2) Landscaping and/or other screening and mitigation, including but not limited to architectural treatment, stealth design, use of neutral or compatible coloring and

materials, or alternative construction and transmission technologies, shall be required to minimize the visual impact of such facility from public thoroughfares, important viewsheds designated by the City Council or listed in the City's Comprehensive Plan, vantage points and surrounding properties to the extent practicable, as determined by the City Council.

~~(3)~~ No signs shall be erected on any wireless telecommunication services facility except as may be required by the City Council for security or safety purposes.

~~(4)~~ All equipment enclosures and storage buildings associated with the wireless telecommunication services facilities shall be consistent or compatible with adjacent buildings in terms of design, materials and colors and shall be appropriately landscaped.

~~G.(5)~~ All special use permit applications for wireless telecommunication services facilities shall contain a demonstration that the facility is sited as to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residences in the area of the wireless telecommunication services facilities.

~~H.K.~~ Materials. A wireless telecommunication services facility shall be of galvanized finish or painted gray or another neutral or compatible color determined to be appropriate for the proposed location of such facility in the reasonable judgment of the City Council. The mountings of wireless telecommunication antennas shall be nonreflective and of the appropriate color to blend with their background.

~~H.L.~~ Lighting. The wireless telecommunication services facility shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.

~~J.M.~~ Operational characteristics. Unless otherwise superseded by the Federal Communications Commission (FCC), the design and use of the proposed wireless telecommunication services facility, including its cumulative impact with other existing and approved facilities, shall be certified to conform to the maximum NIER exposure standards promulgated by the FCC, as amended. Said certification shall include a report by a licensed professional electrical engineer with expertise in radio communication facilities and/or health physicist acceptable to the City Council. A copy of such certification report shall be submitted to the City Council prior to commencing operation of such facility and a copy shall be filed with the Building Inspector. The City Council may require annual certification of conformance with the applicable emission standards. Additionally, copies of certification reports shall be submitted to the City Council whenever they are required to be submitted to the FCC. The City Council may hire a qualified professional of its choosing to review and confirm such initial and subsequent certification report(s), the cost of which shall be reimbursed by the applicant in accordance with the escrow account procedures established by the City for the

reimbursement of professional review fees for subdivision, site plan and special use permit applications. Any violation of the emissions standards shall require immediate discontinuation and correction of the use responsible for the violation.

~~K.N.~~ Noise. Noise-producing equipment shall be sited and/or insulated to prevent any detectable increase in noise above ambient levels as measured at the property line.

~~L.O.~~ Utility service. Electrical and land-based telephone lines extended to serve the wireless telecommunication services facility sites shall be installed underground. If the wireless telecommunication services facility is attached to a building, and if determined practical and economically feasible by the City Council, all wires from the ground to said facility shall be located within the building. If permitted to be located outside said building, the wires shall be enclosed in a conduit whose materials and colors are consistent or compatible with the building.

~~M.P.~~ Safety provisions. A wireless telecommunication services facility shall be designed and erected so that in the event of structural failure it will fall within the required setback area and, to the maximum extent possible, away from adjacent development.

~~N.Q.~~ Security provisions. A security program shall be formulated and implemented for the site of a wireless telecommunication services facility. Such program may include physical features such as fencing, anti-climbing devices or elevating ladders on monopoles and towers, and/or monitoring either by staff or electronic devices to prevent unauthorized access and vandalism.

~~O.R.~~ ~~Annual~~ Structural/safety inspection and report.

(1) A monopole or tower over 50 feet in height shall be inspected ~~annually~~ at least once a year from a structural and safety perspective at the expense of the service provider by a licensed professional engineer, or at any other time upon a determination by the Building Inspector that the monopole or tower may have sustained structural damage, and a copy of the inspection report shall be submitted to the Building Inspector.

(2) The City of Beacon reserves the right to inspect any wireless telecommunication services facility to ensure compliance with the provisions of this section and any other provisions found within the Federal Communications Commission (FCC) regulations and City of Beacon Code, State or Federal Law. The City of Beacon and/or its agents shall have the authority to enter the property upon which a wireless telecommunication facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.

~~P.S.~~ Lease agreement. In the case of an application for approval of a wireless telecommunication services facility to be located on lands owned by a party other than the applicant or the City, a copy of the lease agreement with the property owner, absent

the financial terms of such agreement, together with any subsequent modifications thereof, shall be provided to the City Council and a copy shall be filed with the City Clerk and the Building Inspector.

Q.T. Interference. In the event that the wireless telecommunication services facility causes interference with the radio or television reception within the City of Beacon, the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected.

~~S. Removal. A wireless telecommunication services facility shall be dismantled and removed from the property on which it is located within 60 days when it has been inoperative or abandoned for a period of one year or more from the date on which it ceased operation. The applicant shall provide to the City written notification, including identification of the date the use of the facility was discontinued or abandoned by one or more of the service providers, acknowledgment of the requirement to remove the facility, and identification of plans for the future of the facility. The applicant shall post a bond to ensure that the wireless telecommunication services facility shall be removed upon abandonment as set forth herein at the applicant's sole expense.~~

~~R. Application procedure:~~

~~(a) An application for approval of a wireless telecommunication services facility shall be submitted on the relevant forms for special use permit approval and shall be jointly filed by the operator of the wireless telecommunication services facility and the owner of the property on which such facility is proposed to be located. A site plan drawing showing the location of the proposed facility shall accompany the application for special use permit approval. Special use approval by the City Council in accordance with §§ 223-18 and 223-19 of this chapter shall be required. The City may enlist the services of a radio frequency (RF) engineer and/or other relevant consultants, at the applicant's cost, for the review of the application.~~

~~(b) The operator of the wireless telecommunication service shall submit a certificate of public utility, unless it can be demonstrated to the satisfaction of the City Council that the operator of such facility is exempt from such requirement pursuant to New York State law. The operator of such facility shall also demonstrate to the satisfaction of the City Council that there is a compelling public need for such facility at the location(s) proposed by the applicant. Such demonstration shall include the preparation of existing and master effective service area plans which:~~

~~(a) Minimize the number of such facilities within the service area(s);~~

- ~~(b) Maximize co-location collocation of wireless telecommunication service facilities;~~
- ~~(c) Identify all existing and proposed wireless telecommunication facilities which impact upon the service area covering the City of Beacon, including but not limited to topographic maps of the City with service coverage and service gap grids and all proposed as well as other functionally acceptable locations for such facility(ies); and~~
- ~~(d) Analyze feasible alternatives to reasonably minimize the visual impacts and exposure levels.~~
- ~~(c) Where the owner of the property on which a wireless telecommunication services facility is proposed contemplates that such property may be used for the installation of two or more such facilities, the property owner shall submit a conceptual master plan identifying the total number and location of such facilities.~~
- ~~(d) Any application for a wireless telecommunication services facility shall include a statement and appropriate documentation demonstrating that City-owned sites, buildings and structures and the City's existing facilities inventory have been reviewed to the extent relevant to provide wireless telecommunication services in the area which is the subject of such application and that all reasonable efforts have been made to locate or co-locate such facility on all City-owned sites, buildings and structures and on all sites identified in such existing facilities inventory within the service area.~~
- ~~(2) As a condition of special use permit approval, the applicant shall be required to provide a written agreement, in recordable form suitable for filing and prepared to the satisfaction of the City Attorney, acknowledging that it shall be required to allow the co-location collocation of other future wireless telecommunication service facilities at fair market cost, unless otherwise unreasonably limited by technological, structural or other engineering considerations.~~
- ~~(3) The applicant and all future owners of the premises and the wireless telecommunication services facility shall at all times keep on file in the office of the City Clerk the name, address, and telephone number of the owner and operator of such facility and of at least one individual who shall have authority to arrange for the maintenance of the premises and facility and who shall be authorized to accept service of notices and legal process on behalf of the owner and operator(s) of the premises and facility and to bind the owner to any settlement, fine, judgment, or other disposition (other than incarceration) which may result from any civil or criminal action or proceeding instituted by the City against such owner and/or operator(s).~~

~~S.U.~~ The City Clerk shall forward a copy of the City Council special use permit decision to the City Tax Assessor to allow the City to better assess the utility infrastructure for wireless telephone facilities.

~~T.V.~~ Removal, relocation or modification of wireless telecommunication services facilities in the public right of way

(1) Notice. Within ninety (90) days following written notice from the City , the wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any wireless telecommunication services facility within the public right-of-way whenever the City has determined that such removal, relocation, change or alteration, is necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the public right-of-way.

~~(+)(2)~~ Abandonment of Facilities. Upon abandonment of a wireless telecommunication service facility within a public right-of-way of the City, the wireless provider shall notify the City within ninety (90) days. Following receipt of such notice the City may direct the wireless provider to remove all or any portion of the small cell facility if the City, or any of its departments, determines that such removal will be in the best interest of the public health, safety and welfare.

SECTION 2. Section 223-25 entitled “Site Development Plan Approval,” Subsection A, is hereby amended as follows:

§ 223-25. Site development plan approval.

- A. Approval required. No building permit shall be issued, other than for interior alterations, and no change in type of use, as categorized in § 223-26F hereof, shall be permitted, other than one-family dwellings or small cell wireless telecommunication services facilities, except in conformity with an approved site development plan, and no certificate of occupancy for such structure or use shall be issued until all the requirements for such approval and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved plan and conditions. Revisions of such plans shall be subject to the same approval procedure.

SECTION 3. Section 223-26.4 entitled “Small Cell Wireless Telecommunications Facilities” Subsection B(6) of the Code of the City of Beacon is hereby amended as follows:

§ 223-26.4 Small cell wireless telecommunications facilities.

- B. Special use permit approval by the City Council is required under § **223-24.5** for the following uses. All special use permit applications must comply with the requirements set forth in § **223-24.5**.

...

- (6) Installation of antenna equipment on a pole, located at an elevation less than ~~45~~8 feet from the ground.

SECTION 4. Section 223-26.4 entitled “Small Cell Wireless Telecommunications Facilities” Subsection C(4) of the Code of the City of Beacon is hereby amended as follows:

§ 223-26.4 Small cell wireless telecommunications facilities.

- C. Small cell permit from the Planning Board.

...

- (4) Small cell permit application for Planning Board approval. The small cell permit application shall be made by the wireless telecommunications provider or its duly authorized representative and shall contain the following:

- (a) A site development plan showing applicant’s entire property and adjacent properties and streets, at a convenient scale. The site development plan shall also describe any new proposed structure and antenna(s) and all related

fixtures, antenna equipment, appurtenances and apparatus, including but not limited to height above preexisting grade, materials, color and lighting;

~~(b)~~ (b) The location, size, and height of all existing and proposed structures on the property which is the subject of the application;

~~(a)(c)~~ (c) The applicant's name, address, telephone number, and email address;

~~(b)(d)~~ (d) The names, addresses, telephone numbers, and email addresses of all consultants, if any acting on behalf of the applicant with respect to the filing of the application;

~~(e)~~ (e) A general description of the proposed work and the purpose of the work proposed. A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;

~~(f)~~ (f) The location of the nearest residential structure;

~~(e)(g)~~ (g) .Identify and disclose the number and locations of any small cells that the applicant has installed or locations the applicant has considered in the past year for small cell infrastructure within the City and those submitted or anticipated to be submitted within a one-year period;

~~(h)~~ (h) A description of the anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the potential traffic safety and noise impact of such maintenance; and

~~(d)(i)~~ (i) The operator of the wireless telecommunication services facility shall submit a certificate of public utility, unless it can be demonstrated to the satisfaction of the City Council that the operator of such facility is exempt from such requirement pursuant to New York State law.

~~(j)~~ (j) Any amendment to information contained in a small cell permit application shall be submitted in writing to the City within 30 days after the change necessitating the amendment.

~~(k)~~ (k) The City may reject applications not meeting the requirements stated herein or which are otherwise incomplete.

SECTION 5. Section 223-26.4 entitled “Small Cell Wireless Telecommunications Facilities” Subsection C(5) of the Code of the City of Beacon is hereby amended as follows:

§ 223-26.4 Small cell wireless telecommunications facilities.

C. Small cell permit from the Planning Board.

...

~~(5) A wireless telecommunications provider shall pay to the City an application fee and administrative fee as set forth in this section.~~

(5) Small Cell Wireless Facility Fees

- (a) Application fee. At the time an applicant submits an application for a small cell facility, such applicant shall pay a nonrefundable application fee in an amount as determined by the City Council and set forth in the City of Beacon fee schedule, in addition to any other fee required by law.
- (b) Reimbursement for the use of the public right-of-way. In addition to permit application fees, every wireless telecommunication services facility located in the public right-of-way is subject to the City’s right to fix annually a fair and reasonable fee to be paid for use and occupancy of the public right-of-way. The annual fee for use of the public right-of-way shall be set forth in the City of Beacon fee schedule.

Section 6. Section 223-26.4 Subsection E of the Code of the City of Beacon entitled “Small cell facility permit fees” is hereby amended as follows:

§ 223-26.4. Small cell wireless telecommunication facilities.

...

~~E. Small cell facility permit fees:~~

- ~~(1) In order to ensure that the limited private use of the public right of way authorized herein does not become an additional cost to the City, it is hereby determined by the City Council that the following fees shall be charged to small cell permit applicants and small cell permit holders.~~
- ~~(2) Small cell permit application fee shall be \$250 (nonrefundable) due to the City Building Department upon submittal of a completed application for review.~~
- ~~(3) Annual small cell permit fees:~~
 - ~~(a) For placement on existing private utility poles: \$500 per year per pole.~~
 - ~~(b) For placement on existing City owned buildings, utility poles, infrastructure or property: \$750 per year.~~

- ~~(c) For placement of new poles in the right-of-way: \$1,000 per year per pole.~~
- ~~(d) Fee start date: The annual permit fee shall be payable January 2 of the year following installation. Failure to pay the annual permit fee shall result in the imposition of a 5% penalty fee, additional collection fees if necessary, and suspension or revocation of the permit.~~

E. Structural/safety inspection and report. The City of Beacon reserves the right to inspect any wireless telecommunication services facility to ensure compliance with the provisions of this section and any other provisions found within the Federal Communications Commission (FCC) regulations and City of Beacon Code, State and Federal Law. The City of Beacon and/or its agents shall have the authority to enter the property upon which a wireless telecommunication services facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.

Section 7. Section 223-26.4.F(1) of the Code of the City of Beacon entitled is hereby amended as follows:

§ 223-26.4 Small cell wireless telecommunication facilities.

...

F. Planning Board requirements as to aesthetics and neighborhood impact mitigation for small cell permits.

(1) In order to preserve the character and integrity of City neighborhoods the City Council finds that the following requirements are essential to protect the public health, safety and welfare, and scenic preservation.

- (a) New small cell facilities shall not be located in the Historic District and Landmark Overlay Zone, unless the applicant demonstrates to the Planning Board's satisfaction that the selected site is necessary to provide adequate wireless services, including but not limited to, filling a gap in coverage, densifying a wireless network, introducing a new service or otherwise improving service capabilities.
- (b) New small cell facilities shall include stealth technology designs, unless the Planning Board makes a written determination that such designs are not feasible.
- (c) The Planning Board may consider alternative locations for equipment, whether pole mounted or ground mounted.
- (d) All small cells placed on any roof shall be set back at least 15 feet from the edge of the roof along any street frontage, unless the Planning Board makes a written determination waiving the setback requirement.

- (e) The Planning Board shall consider all impacts to site lines and aesthetic views.
- (f) Except within the public right-of-way, all proposed poles, pole equipment and enclosures shall comply with the designated setback requirements.
- (g) Up to three small cells will be allowed per utility pole if technically feasible and if in the determination of the Planning Board there are no safety or aesthetic concerns. Small cells must be designed and placed in an aesthetically pleasing manner to the reasonable satisfaction of the approving agency.
- (h) No small cell placement shall be allowed on ornamental streetlighting poles as determined by the Building Inspector.
- (i) No small cell facilities shall obstruct pedestrian or vehicular traffic in any way.
- (j) In no event shall any utility pole or wireless telecommunication support structure as of January 1, 2018, installed in the public right-of-way, exceed 50 feet in height, unless special permit approval is obtained from the City Council pursuant to § 223-24.5. A shorter pole may be required if the initial proposal is deemed out of character with the neighborhood as determined by the Planning Board.
- (k) Each new small cell facility, including antennas or other associated equipment, installed in the public right-of-way shall not exceed more than 10 feet above the existing utility pole or wireless telecommunications support structure on which it is being located; ~~unless special permit approval is obtained from the City Council pursuant to § 223-24.5.~~
- (l) Antennas shall be mounted so that the bottom of the antenna is at least 20 feet above the grade at the base of the pole.

SECTION 8. Chapter 223, Article VI, Section 63 of the Code of the City of Beacon entitled “Definitions” is hereby amended to add, amend and delete the following definitions:

§ 223-63 Definitions.

ACCESSORY EQUIPMENT

~~Any equipment servicing or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds.~~

ANTENNA EQUIPMENT

Equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and when collocated on a structure, is mounted or installed at the same time as such antenna.

SMALL CELL WIRELESS TELECOMMUNICATIONS FACILITY or SMALL CELL FACILITY

Small cells are low-powered wireless base stations that function like cells in a mobile wireless network, typically covering targeted indoor or localized outdoor areas ranging in size from homes and offices to stadiums, shopping malls, hospitals, and metropolitan outdoor spaces. A small cell facility meets each of the following conditions:

- A. The structure on which antenna facilities are mounted:
 - a. Is 50 feet or less in height, or
 - b. Is no more than 10 percent taller than other adjacent structures, or
 - c. Is not extended to a height of more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
- B. Each antenna associated with the deployment, exuding associated antenna equipment, is no more than three cubic feet in volume;
- C. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- D. The facility does not require federal antenna structure registration;
- E. The facility is not located on Tribal lands, as defined under 36 C.F.R. § 800.16(x); and

- F. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards established by the Federal Communications Commission in Rule 1.1307(b).

~~both the following qualifications: i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed element, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and ii) all other wireless equipment associated with the facility is cumulatively no more than 17 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.~~

Section 9. Ratification, Readoption and Confirmation

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

Section 10. 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 11. 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 12. Effective Date

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

MEMORANDUM

TO: City of Beacon City Council

FROM: Keane & Beane, P.C.

RE: Wireless Telecommunication Local Law

DATE: February 1, 2019

On August 6, 2018, the City Council adopted Local Law 13-2018 to create Section 223-26.4 of the Code of the City of Beacon to regulate small cell wireless facilities. This local law specifically established policies and procedures for the deployment and installation of small cell wireless telecommunication facilities in the City of Beacon.

Existing Section 223-24.5 of the Code of the City of Beacon regulates all other wireless telecommunication facilities not specifically addressed by the provisions of Local Law 13-2018. Section 223-24.5 requires certain wireless telecommunication facilities to obtain a special use permit from the City Council. The provisions of Section 223-24.5 have not been updated since 2002. As they exist now, the provisions set forth in Section 223-24.5 conflict with Local Law 13-2018 and the Federal Communications Commission's adopted *Declaratory Ruling and Third Report and Order*.

Please note that the Local Law has been expanded to amend the following Sections of the City of Beacon Code in addition to Section 223-24.5, Wireless Telecommunication Services Facilities.

- Section 223-25.A., Site Development Plan Approval.
- Section 223-26.4., Small Cell Wireless Telecommunications Facilities, Subsection B(6), C(4), C(5), E and F.
- Section 223-63., Definitions.

This memorandum explains the revisions made to the proposed Local Law concerning Wireless Telecommunication Services Facilities.

Purpose of the Wireless Telecommunication Local Law

The proposed amendments to Section 223-24.5 eliminate any conflict with the provisions of Local Law 13-2018. Specifically, the proposed local law makes it clear that wireless telecommunication facilities that obtain small cell permits from the Planning Board are exempt from the special permit application process and requirements set forth in Section 223-24.5.

Certain small cell facilities will require special use permit approval if the small cell facility falls within Section 223-26.4.B. The proposed Local Law amending Section 223-24.5 creates a special use permit approval process designed to regulate both small cell facilities and telecommunication towers.

Wireless Infrastructure Order

On September 26, 2018, the Federal Communications Commission (“FCC”) adopted the *Declaratory Ruling and Third Report and Order* (the “Wireless Infrastructure Order”). In the Wireless Infrastructure Order, the FCC concluded that a state or local regulation constitutes an illegal effective prohibition of a wireless facility if it “materially limits or inhibits the ability of any competition or potential competitor to compete in a fair and balanced legal and regulatory environment.” The FCC advises that a state or local legal regulation will have the effect of prohibiting wireless telecommunication services where such regulation materially inhibits a provider’s ability to engage in any of a variety of activities related to its provision of a covered service, including but not limited to, filling a coverage gap, densifying a wireless network, introducing new services or otherwise improving service capabilities.

Amendments to Prior Draft Concerning Section 223-24.5

Our office has updated the attached local law concerning Wireless Telecommunication Services Facilities to incorporate the revisions suggested by the City of Beacon Planning Board in its memorandum dated January 8, 2019 and to address requirements adopted by the FCC in its Wireless Infrastructure Order. Please note, the Dutchess County Planning Department reviewed the local law and indicated it to be a matter of local concern. The County did not provide any additional comments.

Specifically, the updated Local Law sets forth different locational priorities for small cell facilities and non-small cell wireless telecommunication service facilities. The updated Local Law makes it clear that wireless telecommunication facilities are permitted in all zoning districts; however an applicant must provide a detailed explanation as to why a site of higher priority was not selected. The locational priorities have been updated and reorganized to better address the City’s goals.

In addition, our office removed the requirement set forth in Section 223-24.5.R(2), that applicants must demonstrate that there is a compelling public need for the wireless telecommunication facility. The FCC has concluded that there is a compelling need to deploy small cell facilities to ensure that the United States remains the leader in advanced wireless services and wireless technology. Under the Wireless Infrastructure Order, municipalities may not prohibit wireless telecommunication services if a provider is filling a coverage gap, densifying a wireless network, introducing new services or improving service capabilities.

Please note that all the special use permit application requirements have been moved from Subsection R to Subsection D. We believe it is important that such requirements appear earlier in Section 223-24.5 to make it more clear to a potential applicant what materials they must submit to the City. To create a more complete application, we have also added several new application requirements, specifically adding the requirements listed in Sections 223-24.5.D(2)(a),(b),(e) and (f).

Site Development Plan Approval for Small Cell Wireless Telecommunication Facilities

Section 223-25 of the City Code has been amended to exempt small cell wireless telecommunication service facilities from requirements of site development plan approval. An applicant for both a small cell permit and a wireless telecommunication facility special use permit is required to submit a site development plan. While formal site plan review by the Planning Board pursuant to Section 223-25 is not required for small cell wireless telecommunication facilities, the Planning Board or the City Council is required to perform a thorough review of the application materials and assess project specific impacts. Under both Section 223-24.5 and Section 223-26.4 the Planning Board or the City Council will review and consider the submitted site plan and application materials so that the proposed development will have a harmonious relationship with the existing or permitted development of contiguous land and adjacent neighborhoods.

Furthermore, every application for a small cell wireless telecommunication facility before the City Council for special use permit approval shall be referred to the Planning Board for report and recommendation thereon before the public hearing.

We believe these changes will improve the City's review of small cell wireless telecommunication facilities and improve the procedural process for obtaining a small cell permit or a special use permit.

Amendments Concerning Section 223-26.4

The following changes were made to Section 223-26.4 to respond to the FCC's Wireless Infrastructure Order. Section 223-26.4 was adopted before the Wireless Infrastructure Order was issued.

- Section 223-26.4.B(6): This Section currently requires an application for a small cell wireless facility to obtain a special use permit from the City Council if the applicant proposes to install equipment on a pole, located at an elevation less than 15 feet from the ground. In light of our review of several recent small cell wireless facility applications, our office believes that 15 feet is difficult for applicants to meet. We believe that an 8 foot requirement may be more practical.

- Section 223-26.4.C(4): To create a more complete small cell application, we have added several new application requirements, specifically adding the requirements listed in Sections 223-26.4.C(4)(a),(b),(e), (f) and (i). These provisions are also included in Section 223-24.5.
- Section 223-26.4.C(5): Our office has deleted the reference to application fees. Such fees will be adopted by resolution and set forth in the City of Beacon Fee Schedule. We have added new language to address the required application fee and right-of-way fee.
- Section 223-26.4.E. Our office has deleted the reference to specific fees because, as stated above, such fees will be adopted by resolution and set forth in the City of Beacon Fee Schedule. We have added a new Section E to address structural and safety inspections.
- Section 223-26.4.F(1)(a): Our office has amended this Section to state new small cell facilities shall not be located in the Historic District and Landmark Overlay Zone, unless the applicant demonstrates to the Planning Board's satisfaction that the selected site is necessary to provide wireless services, including but not limited to, filling a gap in coverage, densifying a wireless network, introducing a new service or otherwise improving service capabilities. This language is used by the FCC in the Wireless Infrastructure Order.

Amendments Concerning Section 223-63

We have updated the definition of small cell wireless telecommunications facility to mimic the definition adopted and codified by the FCC. We have also added a definition for antenna equipment. This definition also mimics the definition adopted and codified by the FCC.

Please let us know if you have any questions or comments.

Ecc: Anthony Ruggiero, City Administrator
Dave Buckley, Building Inspector
John Clarke, City Planner



Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

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

RE: City Council request to review proposed Local Law to amend Section 223-24.5
regarding Wireless Telecommunication Facilities

DATE: January 9, 2019

As requested, the Planning Board reviewed the proposed Local Law to amend Section 223-24.5 of City Code regarding Wireless Telecommunication Facilities. A comprehensive review took place during the regular meeting on January 8, 2019. Members generally supported the draft local law, but the Planning Board has the following suggestions for the City Council:

1. Section 223-24.5 D(1)(c)(ii) includes an HB district that does not currently exist on the Zoning Map, and in Section 223-24.5 D(1)(c)(iii) the CB district has been changed to the CMS district;
2. The priority locations in Section 223-24.5 D could also include consideration of specific views adopted as important by the City Council or listed in the Comprehensive Plan Update;
3. Section 223-24.5 G(4) appears to missing an “and” after “existing vegetation”;
4. Section 223-24.5 O should omit the words “annual” and “annually” and insert “at least once a year” to allow an additional inspection, if a complaint or other reason might require a more frequent check;
5. In Section 223-24.5 O(2) the word “operate” could be changed to “operator.”

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



Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

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

RE: City Council request to review changes to proposed Local Law amending various Sections of the City Code regarding Wireless Telecommunication Facilities

DATE: February 15, 2019

As requested, the Planning Board reviewed changes made to the proposed Local Law amending Section 223-24.5 of City Code regarding Wireless Telecommunication Facilities. A comprehensive review took place during the regular meeting on February 13, 2019. Members supported the changes as drafted and in addition, recommended the Council consider establishing a minimum height specifically for the location of antennas as distinguished from the ancillary equipment. In this regard, the Planning Board recommends that the antennas associated with the wireless telecommunication facilities should be required to be located a minimum distance above grade, particularly in areas of pedestrian travel.

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

**Dutchess County Department of
Planning and Development**

Fax Info

To
Dept
Fax #

Date
From
Phone #

12/27/18 # pgs 1

239 Planning/Zoning Referral – Exemption Communities

Municipality:

City of Beacon

Referring Agency:

☐ Planning Board

☐ Zoning Board of Appeals

☒ Municipal Board

Tax Parcel Number(s):

Project Name:

LL Wireless Telecommunication service facilities

Applicant:

City Council

Address of Property:

**Parcel(s) within
500 feet of:**

- ☐ State Road _____
- ☐ County Road _____
- ☐ State Property (w/public building or recreation area)
- ☐ County Property (w/public building or recreation area)
- ☒ Municipal Boundary
- ☐ Farm operation in an Agricultural District

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
- ☒ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Rezoning involving all map changes
- ☒ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☐ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☐ Use Variances for all non-residential uses
- ☐ Area Variances for all non-residential uses

Exempt Actions:*

239 Review is NOT Required

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals
- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Date Response Requested (if less than 30 days):

If subject of a previous referral, please note County referral number(s):

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

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

No Comments:

- ☒ Matter of Local Concern
- ☐ No Jurisdiction
- ☐ No Authority
- ☐ Project Withdrawn
- ☐ Exempt from 239 Review

Comments Attached:

- ☐ Local Concern with Comments
- ☐ Conditional
- ☐ Denial
- ☐ Incomplete — municipality must resubmit to County
- ☐ Incomplete with Comments — municipality must resubmit to County
- ☐ Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: 12/24/18

Date Received: 12/24/18

Date Requested: 2/4/19

Date Required: 1/22/19

Date Response Faxed: 12/27/18

Notes:

Received by Fax on 12/24/18

☐ Major Project

Referral #: ZR18-405

☐ Also mailed hard copy

Reviewer:

Jennifer Flanagan

Dutchess County Department of Planning and Development

Fax Info Only	To	Date 2/13 #pgs 1
	Co./Dept.	From
	Fax #	Phone #

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Numbers(s):

Project Name: **LL: Wireless Telecommunications (Revised)**

Applicant: **City Council**

Address of Property:

Please Fill in this section

Exempt Actions:* 239 Review is NOT Required

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals
- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
- ☒ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Rezoning involving all map changes
- ☐ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☐ Use Variances for all non-residential uses
- ☐ Area Variances for all non-residential uses
- ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)

Parcels within 500 feet of:

- ☒ State Road:
- ☒ County Road:
- ☐ State Property (with recreation area or public building)
- ☐ County Property (with recreation area or public building)
- ☒ Municipal Boundary
- ☐ Farm operation in an Agricultural District

Date Response Requested: **2/19/2019**

Entered By: **Cocozza, Jennifer**

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

For County Office Use Only

Response From Dutchess County Department of Planning and Development

No Comments:

- ☒ Matter of Local Concern
- ☐ No Jurisdiction
- ☐ No Authority
- ☐ Withdrawn
- ☐ Incomplete - municipality must resubmit to County
- ☐ Exempt from 239 Review

Comments Attached:

- ☐ Local Concern with Comments
- ☐ Conditional
- ☐ Denial
- ☐ Incomplete with Comments- municipality must resubmit to County
- ☐ Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: **2/5/2019**

Date Received: **2/5/2019**

Date Requested: **2/19/2019**

Date Required: **3/6/2019**

Date Transmitted: **2/13/19**

Notes:

☐ Also mailed hard copy

Reviewer:

Jennifer Cocozza

☐ Major Project

Referral #: **ZR19-018**

Date Printed: 2/5/2019

City of Beacon Council Agenda
2/19/2019

Title:

Resolution to Adopt Local Law to Amend Section 223-24.5, Wireless Telecommunication Services Facilities, Section 223-25, Site Development Plan Approval, Section 223-26.4, Small Cell Wireless Telecommunications Facilities, and Section 223-63, Definitions of the Code of the City of Beacon Concerning Wireless Telecommunication Facility Services

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution to Adopt Local Law to Amend Section 223-24.5, Wireless Telecommunication Services Facilities, Section 223-25, Site Development Plan Approval, Section 223-26.4, Small Cell Wireless Telecommunications Facilities, and Section 223-63, Definitions o	Resolution
Proposed Local Law to Amend Section 223-24.5 Wireless Telecommunication Services Facilities; Section 223-25, Site Development Plan Approval; Section 223-26.4, Small Cell Wireless Telecommunication Facilities; And Section 223-63, Definitions of the Code of	Local Law



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2019

**RESOLUTION ADOPTING LOCAL LAW TO AMEND SECTION 223-24.5, WIRELESS
TELECOMMUNICATION SERVICES FACILITIES, SECTION 223-25, SITE
DEVELOPMENT PLAN APPROVAL, SECTION 223-26.4, SMALL CELL WIRELESS
TELECOMMUNICATIONS FACILITIES, AND SECTION 223-63, DEFINITIONS OF
THE CODE OF THE CITY OF BEACON**

BE IT RESOLVED, that the Beacon City Council hereby adopts a Local Law to Amend Section 223-24.5, Wireless Telecommunication Services Facilities, Section 223-25, Site Development Plan Approval, Section 223-26.4, Small Cell Wireless Telecommunications Facilities, and Section 223-63, Definitions of the Code of the City of Beacon concerning wireless telecommunication facility services.

Resolution No. ____ of 2019			Date: <u>February 19, 2019</u>				
<input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
Motion Carried							

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND SECTION 223-24.5, WIRELESS
TELECOMMUNICATION SERVICES FACILITIES,
SECTION 223-25, SITE DEVELOPMENT PLAN APPROVAL,
SECTION 223-26.4, SMALL CELL WIRELESS
TELECOMMUNICATIONS FACILITIES,
AND SECTION 223-63, DEFINITIONS,
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to
amend Sections 223-
24.5, 223-25, 223-26.4
and 223-63 of Code of
the City of Beacon,
concerning Wireless
Telecommunication
Services Facilities.

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

SECTION 1. Section 223-24.5 of the Code of the City of Beacon entitled “Wireless Telecommunication Services Facilities” is amended as follows:

§ 223-24.5. Wireless telecommunication services facilities.

A. Statement of intent and objectives.

- (1) The City Council has determined that the establishment of zoning provisions to institute minimum standards for wireless telecommunications services facilities shall be among the legislative purposes of the Zoning Law of the City of Beacon and is in accordance with the goals, objectives and policies of the City's Development Plan.
- (2) The purpose of these special regulations is to reasonably control the location, construction and maintenance of wireless telecommunications services facilities in order to encourage the siting of said facilities in nonresidential areas and to protect, to the maximum extent practicable, aesthetic impacts, the open space character of portions of the City of Beacon, the property values of the community, and the health

and safety of citizens, while not unreasonably limiting competition among telecommunication providers.

- B. Use. Except as provided hereinafter, no wireless telecommunication services facility shall be located, constructed or maintained on any lot, building, structure or land area in the City of Beacon unless a special use permit has been issued in conformity with the requirements of this chapter and all other applicable regulations.
- C. Exemptions. The provisions of this section shall not apply to (1) wireless telecommunication services facilities that obtain a small cell permit from the Planning Board pursuant to § 223-26.4, or (2) unlicensed wireless telecommunication services facilities installed wholly within a principal or accessory building, such as but not limited to baby monitors, heart monitors, garage door openers and burglar alarm transmitters, and serving only that building.
- D. Special use permit application.
- (1) An application for approval of a wireless telecommunication services facility shall be submitted on the relevant forms for special use permit approval and shall be jointly filed by the operator of the wireless telecommunication services facility and the owner of the property on which such facility is proposed to be located.
- (2) The special use permit application shall contain the following:
- (a) A site development plan showing applicant's entire property and adjacent properties and streets, at a convenient scale. The site development plan shall also describe any new proposed structure and antenna(s) and all related fixtures, antenna equipment, appurtenances and apparatus, including but not limited to height above preexisting grade, materials, color and lighting;
 - (b) The location, size, and height of all existing and proposed structures on the property which is the subject of the application;
 - (c) The applicant's name, address, telephone number, and e-mail address;
 - (d) The names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the special use permit application;
 - (e) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
 - (f) The location of the nearest residential structure;

- (g) Identify and disclose the number and locations of wireless telecommunication services facilities that the applicant has installed or locations the applicant has considered in the past year within the City;
- (h) A description of the anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the potential traffic safety and noise impact of such maintenance;
- (i) Identify all existing and proposed wireless telecommunication services facilities which impact upon the service area covering the City of Beacon, including but not limited to topographic maps of the City with service coverage and service gap grids and all proposed as well as other functionally acceptable locations for such facility(ies);
- (j) The operator of the wireless telecommunication services facility shall submit a certificate of public utility, unless it can be demonstrated to the satisfaction of the City Council that the operator of such facility is exempt from such requirement pursuant to New York State law;
- (k) Where the owner of the property on which a wireless telecommunication services facility is proposed contemplates that such property may be used for the installation of two or more such facilities, the property owner shall submit a conceptual master plan identifying the total number and location of such facilities; and
- (l) Any application for a wireless telecommunication services facility shall include a statement and appropriate documentation demonstrating that City-owned sites, buildings and structures and the City's existing facilities inventory have been reviewed to the extent relevant to provide wireless telecommunication services facility in the area which is the subject of such application and that all reasonable efforts have been made to locate or collocate such facility on all City-owned sites, buildings and structures and on all sites identified in such existing facilities inventory within the service area.
- (m) Any amendment to information contained in a special use permit application shall be submitted in writing to the City within 30 days after the change necessitating the amendment.
- (3) The City may reject applications not meeting the requirements stated herein or which are otherwise incomplete.
- (4) No wireless telecommunication services facilities shall be installed, constructed or modified until the application is reviewed and approved by the City Council and the special use permit has been issued.

- (5) The applicant and all future owners of the premises and the wireless telecommunication services facility shall at all times keep on file in the office of the City Clerk the name, address, and telephone number of the owner and operator of such facility and of at least one individual who shall have authority to arrange for the maintenance of the premises and facility and who shall be authorized to accept service of notices and legal process on behalf of the owner and operator(s) of the premises and facility and to bind the owner to any settlement, fine, judgment, or other disposition (other than incarceration) which may result from any civil or criminal action or proceeding instituted by the City against such owner and/or operator(s).
- E. Every application for a small cell wireless telecommunication services facility shall be referred to the Planning Board for report and recommendation thereon before the public hearing required by law. Within 30 days of the date of the first Planning Board meeting on or after the date of referral, the Planning Board shall forward its recommendation to the City Council and the applicant, and shall indicate whether the application should be approved, disapproved or approved with modifications and shall specify what modifications, if any, are necessary.
- F. Application fees. At the time an applicant submits an application for a wireless telecommunication services facility, such applicant shall pay a nonrefundable application fee in an amount as determined by the City Council and set forth in the City of Beacon fee schedule, in addition to any other fee required by law.
- G. Reimbursement for the use of the public right-of-way. In addition to permit application fees, every wireless telecommunication services facility located in the public right-of-way is subject to the City's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the public right-of-way. The annual fee for use of the public right-of-way shall be set forth in the City of Beacon fee schedule.
- D.H. Location and access.
- ~~(a)(1)~~ (1) Subject to the City Council's review and evaluation of technological, structural, safety and financial considerations associated with alternative locations for the siting of wireless telecommunication services facilities, the following locational priorities shall apply in the order specified set forth below are; consistent with the City's obligation to create the least amount of adverse aesthetic impact and to preserve the scenic values of the City;
- (2) Applications for small cell wireless facilities shall locate, site and erect said facility in accordance with the following priorities, (a) being the highest priority and (f) being the lowest priority.
- (a) On the roof of any City-owned or federal, state or local government owned buildings or structures.

- (b) Location on privately owned buildings.
- (c) Location on existing City-owned utility poles.
- (d) Location on City-owned infrastructure on private poles.
- (e) Location on City-owned property, where there is no existing pole.
- (f) Location on privately owned utility poles.
- (b)(3) Applications for all non-small cell wireless facilities shall locate, site and erect said facility in accordance with the following priorities, (a) being the highest priority and (g) being the lowest priority:
 - (e)(a) ~~On Collocation on existing wireless telecommunication services facilities on lands owned or controlled by the City; City-owned or City Housing Authority-owned sites, buildings and structures.~~
 - (a)(b) ~~Co-loc~~
 - (b) ~~Collocation on a site with existing wireless telecommunication services facilities in the City; an existing wireless telecommunication services facility or radio tower, as identified on an inventory of existing facilities which shall be maintained by the City (the "existing facilities inventory"). Co-location Collocation shall be required unless it has been demonstrated to the satisfaction of the City Council that:~~
 - [1] ~~None of the sites identified on the existing facilities inventory within the service area can accommodate the proposed wireless telecommunication services facility in a reasonable financially and technologically feasible manner consistent with the wireless communications service carrier's system requirements;~~
 - [2] ~~None of the sites identified on the existing facilities inventory within the service area can accommodate the proposed wireless telecommunications services facility with respect to structural or other engineering limitations, including frequency incompatibilities; or~~
 - [3] ~~The owners of the sites identified on the existing facilities inventory within the service area lawfully refuse to permit the applicant's use of the site.~~
 - (a)(c) On sites, buildings and structures located in the HI and LI Zoning Districts.
 - (b)(d) On sites, buildings and structures in the PB, HB, OB, LB and GB Zoning Districts.

~~(e)~~ On sites, buildings and structures in the ~~CB-CMS~~ Zoning District.

~~(f)~~ On sites, buildings and structures in Residential Zoning Districts.

~~(e)(g)~~ On sites, buildings and structures in the WD, WP, or Historic District and Landmark Overlay Zone.

~~(4)~~ If the proposed site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of higher priority was not selected. The applicant seeking such an exemption must satisfactorily demonstrate the reason or reasons why such a special use permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit was not granted for the proposed use.

~~(2)~~ Except for collocation on an existing wireless telecommunication services facility or radio tower identified on the existing facilities inventory and except for location on a building (and the premises thereof) which is at least nine stories in height, new wireless telecommunication services facilities shall not be located in the WD, WP and Residential Zoning Districts, nor in the Historic District and Landmark Overlay Zone.

~~(3)(5)~~ Wherever possible, new wireless telecommunication services facilities shall be in the form of antennas attached to an existing building or structure and/or shall be in the form of stealth structures. Lattice towers shall be the structures of last resort.

~~(4)(6)~~ All new wireless telecommunication services facilities and premises shall be of proper size, location and design to accommodate ~~co-location~~ collocation of other service providers' facilities, unless otherwise permitted by the City Council. To the maximum extent practicable, existing roadways shall be used to provide access to the site of a wireless telecommunication services facility.

~~(5)(7)~~ An applicant may not bypass a site of higher priority by stating the site presented is the only site leased or selected. An application shall address ~~collation~~ collocation as an option and, if such option is not proposed, the applicant must explain why collocation is commercially or otherwise impracticable.

~~(6)(8)~~ Notwithstanding the above, wireless telecommunication services facilities are permitted in all zoning districts in the City of Beacon. The City Council may approve any site located within the City, provided the City Council finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants.

~~E.H.~~ Setbacks. Wireless telecommunication services facilities, except those structurally mounted to an existing building or structure, shall be located not less than two times the otherwise applicable setback requirements for principal structures for

the district in which the property is located, or not less than the height of the facility plus the otherwise applicable setback requirements for principal structures for the zoning district in which the property is located, whichever shall be greater. Wireless telecommunication services facilities structurally mounted to the roof of an existing building or structure shall be set back at least 15 feet from the edge of the roof along any street frontage ~~from the side of the building or structure so as to minimize its visibility, but in no case less than 10 feet unless a stealth design is proposed, in which case the City Council may waive or modify this requirement the City Council makes a written determination that such designs are not necessary or feasible.~~

~~F.I.~~ Height limitations. Notwithstanding the following height limitations, in no case shall a wireless telecommunication services facility exceed the minimum height reasonably necessary to accomplish the purpose it is proposed to serve.

- (1) The height of any antennas, or other associated antenna equipment, structurally mounted as part of a wireless telecommunication services facility shall not ~~exceed~~ by be placed more than 105 feet above the highest point of the existing structure on which such antennas or antenna equipment is affixed. Antennas shall be mounted to that the bottom of the antenna is at least 20 feet above the grade at the base of the pole.
- (2) The height of any monopole or tower utilized in a wireless telecommunication services facility shall not exceed 150 feet in height measured from the highest point of such facility to the finished grade elevation of the ground immediately adjacent to the structure.
- (3) Applicants must submit documentation justifying the total height.

J. Visual mitigation. The applicant/provider shall prepare a visual impact assessment of the proposed wireless telecommunication services facility based upon appropriate modeling, photographic simulation and other pertinent analytical techniques as required by the City Council.

- (1) All wireless telecommunication services facilities shall be sited so as to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residents in the area of the wireless telecommunication services facility.
- (2) Landscaping and/or other screening and mitigation, including but not limited to architectural treatment, stealth design, use of neutral or compatible coloring and materials, or alternative construction and transmission technologies, shall be required to minimize the visual impact of such facility from public thoroughfares, important viewsheds designated by the City Council or listed in the City's Comprehensive Plan, ~~vantage points~~ and surrounding properties to the extent practicable, as determined by the City Council.

~~(3)~~ No signs shall be erected on any wireless telecommunication services facility except as may be required by the City Council for security or safety purposes.

~~(4)~~ All equipment enclosures and storage buildings associated with the wireless telecommunication services facilities shall be consistent or compatible with adjacent buildings in terms of design, materials and colors and shall be appropriately landscaped.

~~G.(5)~~ All special use permit applications for wireless telecommunication services facilities shall contain a demonstration that the facility is sited as to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residences in the area of the wireless telecommunication services facilities.

~~H.K.~~ Materials. A wireless telecommunication services facility shall be of galvanized finish or painted gray or another neutral or compatible color determined to be appropriate for the proposed location of such facility in the reasonable judgment of the City Council. The mountings of wireless telecommunication antennas shall be nonreflective and of the appropriate color to blend with their background.

~~H.L.~~ Lighting. The wireless telecommunication services facility shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.

~~J.M.~~ Operational characteristics. Unless otherwise superseded by the Federal Communications Commission (FCC), the design and use of the proposed wireless telecommunication services facility, including its cumulative impact with other existing and approved facilities, shall be certified to conform to the maximum NIER exposure standards promulgated by the FCC, as amended. Said certification shall include a report by a licensed professional electrical engineer with expertise in radio communication facilities and/or health physicist acceptable to the City Council. A copy of such certification report shall be submitted to the City Council prior to commencing operation of such facility and a copy shall be filed with the Building Inspector. The City Council may require annual certification of conformance with the applicable emission standards. Additionally, copies of certification reports shall be submitted to the City Council whenever they are required to be submitted to the FCC. The City Council may hire a qualified professional of its choosing to review and confirm such initial and subsequent certification report(s), the cost of which shall be reimbursed by the applicant in accordance with the escrow account procedures established by the City for the reimbursement of professional review fees for subdivision, site plan and special use permit applications. Any violation of the emissions standards shall require immediate discontinuation and correction of the use responsible for the violation.

~~K.N.~~ Noise. Noise-producing equipment shall be sited and/or insulated to prevent any detectable increase in noise above ambient levels as measured at the property line.

~~L.O.~~ Utility service. Electrical and land-based telephone lines extended to serve the wireless telecommunication services facility sites shall be installed underground. If the wireless telecommunication services facility is attached to a building, and if determined practical and economically feasible by the City Council, all wires from the ground to said facility shall be located within the building. If permitted to be located outside said building, the wires shall be enclosed in a conduit whose materials and colors are consistent or compatible with the building.

~~M.P.~~ Safety provisions. A wireless telecommunication services facility shall be designed and erected so that in the event of structural failure it will fall within the required setback area and, to the maximum extent possible, away from adjacent development.

~~N.Q.~~ Security provisions. A security program shall be formulated and implemented for the site of a wireless telecommunication services facility. Such program may include physical features such as fencing, anti-climbing devices or elevating ladders on monopoles and towers, and/or monitoring either by staff or electronic devices to prevent unauthorized access and vandalism.

~~O.R.~~ ~~Annual~~ Structural/safety inspection and report.

(1) A monopole or tower over 50 feet in height shall be inspected ~~annually~~ at least once a year from a structural and safety perspective at the expense of the service provider by a licensed professional engineer, or at any other time upon a determination by the Building Inspector that the monopole or tower may have sustained structural damage, and a copy of the inspection report shall be submitted to the Building Inspector.

(2) The City of Beacon reserves the right to inspect any wireless telecommunication services facility to ensure compliance with the provisions of this section and any other provisions found within the Federal Communications Commission (FCC) regulations and City of Beacon Code, State or Federal Law. The City of Beacon and/or its agents shall have the authority to enter the property upon which a wireless telecommunication facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.

~~P.S.~~ Lease agreement. In the case of an application for approval of a wireless telecommunication services facility to be located on lands owned by a party other than the applicant or the City, a copy of the lease agreement with the property owner, absent the financial terms of such agreement, together with any subsequent modifications thereof, shall be provided to the City Council and a copy shall be filed with the City Clerk and the Building Inspector.

~~Q.T.~~ Interference. In the event that the wireless telecommunication services facility causes interference with the radio or television reception within the City of Beacon, the

applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected.

~~S. Removal. A wireless telecommunication services facility shall be dismantled and removed from the property on which it is located within 60 days when it has been inoperative or abandoned for a period of one year or more from the date on which it ceased operation. The applicant shall provide to the City written notification, including identification of the date the use of the facility was discontinued or abandoned by one or more of the service providers, acknowledgment of the requirement to remove the facility, and identification of plans for the future of the facility. The applicant shall post a bond to ensure that the wireless telecommunication services facility shall be removed upon abandonment as set forth herein at the applicant's sole expense.~~

~~R. Application procedure.~~

~~(a) An application for approval of a wireless telecommunication services facility shall be submitted on the relevant forms for special use permit approval and shall be jointly filed by the operator of the wireless telecommunication services facility and the owner of the property on which such facility is proposed to be located. A site plan drawing showing the location of the proposed facility shall accompany the application for special use permit approval. Special use approval by the City Council in accordance with §§ 223-18 and 223-19 of this chapter shall be required. The City may enlist the services of a radio frequency (RF) engineer and/or other relevant consultants, at the applicant's cost, for the review of the application.~~

~~(b) The operator of the wireless telecommunication service shall submit a certificate of public utility, unless it can be demonstrated to the satisfaction of the City Council that the operator of such facility is exempt from such requirement pursuant to New York State law. The operator of such facility shall also demonstrate to the satisfaction of the City Council that there is a compelling public need for such facility at the location(s) proposed by the applicant. Such demonstration shall include the preparation of existing and master effective service area plans which:~~

~~(a) Minimize the number of such facilities within the service area(s);~~

~~(b) Maximize co-location collocation of wireless telecommunication service facilities;~~

~~(c) Identify all existing and proposed wireless telecommunication facilities which impact upon the service area covering the City of Beacon, including but not limited to topographic maps of the City with service~~

~~coverage and service gap grids and all proposed as well as other functionally acceptable locations for such facility(ies); and~~

~~(d) Analyze feasible alternatives to reasonably minimize the visual impacts and exposure levels.~~

~~(c) Where the owner of the property on which a wireless telecommunication services facility is proposed contemplates that such property may be used for the installation of two or more such facilities, the property owner shall submit a conceptual master plan identifying the total number and location of such facilities.~~

~~(d) Any application for a wireless telecommunication services facility shall include a statement and appropriate documentation demonstrating that City-owned sites, buildings and structures and the City's existing facilities inventory have been reviewed to the extent relevant to provide wireless telecommunication services in the area which is the subject of such application and that all reasonable efforts have been made to locate or co-locate such facility on all City-owned sites, buildings and structures and on all sites identified in such existing facilities inventory within the service area.~~

~~(2) As a condition of special use permit approval, the applicant shall be required to provide a written agreement, in recordable form suitable for filing and prepared to the satisfaction of the City Attorney, acknowledging that it shall be required to allow the co-location collocation of other future wireless telecommunication service facilities at fair market cost, unless otherwise unreasonably limited by technological, structural or other engineering considerations.~~

~~(3) The applicant and all future owners of the premises and the wireless telecommunication services facility shall at all times keep on file in the office of the City Clerk the name, address, and telephone number of the owner and operator of such facility and of at least one individual who shall have authority to arrange for the maintenance of the premises and facility and who shall be authorized to accept service of notices and legal process on behalf of the owner and operator(s) of the premises and facility and to bind the owner to any settlement, fine, judgment, or other disposition (other than incarceration) which may result from any civil or criminal action or proceeding instituted by the City against such owner and/or operator(s).~~

S.U. The City Clerk shall forward a copy of the City Council special use permit decision to the City Tax Assessor to allow the City to better assess the utility infrastructure for wireless telephone facilities.

T.V. Removal, relocation or modification of wireless telecommunication services facilities in the public right of way

(1) Notice. Within ninety (90) days following written notice from the City, the wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any wireless telecommunication services facility within the public right-of-way whenever the City has determined that such removal, relocation, change or alteration, is necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the public right-of-way.

(4)(2) Abandonment of Facilities. Upon abandonment of a wireless telecommunication service facility within a public right-of-way of the City, the wireless provider shall notify the City within ninety (90) days. Following receipt of such notice the City may direct the wireless provider to remove all or any portion of the small cell facility if the City, or any of its departments, determines that such removal will be in the best interest of the public health, safety and welfare.

SECTION 2. Section 223-25 entitled “Site Development Plan Approval,” Subsection A, is hereby amended as follows:

§ 223-25. Site development plan approval.

- A. Approval required. No building permit shall be issued, other than for interior alterations, and no change in type of use, as categorized in § 223-26F hereof, shall be permitted, other than one-family dwellings or small cell wireless telecommunication services facilities, except in conformity with an approved site development plan, and no certificate of occupancy for such structure or use shall be issued until all the requirements for such approval and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved plan and conditions. Revisions of such plans shall be subject to the same approval procedure.

SECTION 3. Section 223-26.4 entitled “Small Cell Wireless Telecommunications Facilities” Subsection B(6) of the Code of the City of Beacon is hereby amended as follows:

§ 223-26.4 Small cell wireless telecommunications facilities.

- B. Special use permit approval by the City Council is required under § 223-24.5 for the following uses. All special use permit applications must comply with the requirements set forth in § 223-24.5.

...

- (6) Installation of antenna equipment on a pole, located at an elevation less than ~~45~~8 feet from the ground.

SECTION 4. Section 223-26.4 entitled “Small Cell Wireless Telecommunications Facilities” Subsection C(4) of the Code of the City of Beacon is hereby amended as follows:

§ 223-26.4 Small cell wireless telecommunications facilities.

- C. Small cell permit from the Planning Board.

...

- (4) Small cell permit application for Planning Board approval. The small cell permit application shall be made by the wireless telecommunications provider or its duly authorized representative and shall contain the following:

- (a) A site development plan showing applicant’s entire property and adjacent properties and streets, at a convenient scale. The site development plan shall also describe any new proposed structure and antenna(s) and all related

fixtures, antenna equipment, appurtenances and apparatus, including but not limited to height above preexisting grade, materials, color and lighting;

(b) The location, size, and height of all existing and proposed structures on the property which is the subject of the application;

~~(a)~~(c) The applicant's name, address, telephone number, and email address;

~~(b)~~(d) The names, addresses, telephone numbers, and email addresses of all consultants, if any acting on behalf of the applicant with respect to the filing of the application;

(e) ~~A general description of the proposed work and the purpose of the work proposed~~ A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;

(f) The location of the nearest residential structure;

~~(e)~~(g) Identify and disclose the number and locations of any small cells that the applicant has installed or locations the applicant has considered in the past year for small cell infrastructure within the City and those submitted or anticipated to be submitted within a one-year period;

(h) A description of the anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the potential traffic safety and noise impact of such maintenance; and

~~(d)~~(i) The operator of the wireless telecommunication services facility shall submit a certificate of public utility, unless it can be demonstrated to the satisfaction of the City Council that the operator of such facility is exempt from such requirement pursuant to New York State law.

(j) Any amendment to information contained in a small cell permit application shall be submitted in writing to the City within 30 days after the change necessitating the amendment.

(k) The City may reject applications not meeting the requirements stated herein or which are otherwise incomplete.

SECTION 5. Section 223-26.4 entitled “Small Cell Wireless Telecommunications Facilities” Subsection C(5) of the Code of the City of Beacon is hereby amended as follows:

§ 223-26.4 Small cell wireless telecommunications facilities.

C. Small cell permit from the Planning Board.

...

~~(5) A wireless telecommunications provider shall pay to the City an application fee and administrative fee as set forth in this section.~~

(5) Small Cell Wireless Facility Fees

- (a) Application fee. At the time an applicant submits an application for a small cell facility, such applicant shall pay a nonrefundable application fee in an amount as determined by the City Council and set forth in the City of Beacon fee schedule, in addition to any other fee required by law.
- (b) Reimbursement for the use of the public right-of-way. In addition to permit application fees, every wireless telecommunication services facility located in the public right-of-way is subject to the City’s right to fix annually a fair and reasonable fee to be paid for use and occupancy of the public right-of-way. The annual fee for use of the public right-of-way shall be set forth in the City of Beacon fee schedule.

Section 6. Section 223-26.4 Subsection E of the Code of the City of Beacon entitled “Small cell facility permit fees” is hereby amended as follows:

§ 223-26.4. Small cell wireless telecommunication facilities.

...

~~E. Small cell facility permit fees:~~

- ~~(1) In order to ensure that the limited private use of the public right of way authorized herein does not become an additional cost to the City, it is hereby determined by the City Council that the following fees shall be charged to small cell permit applicants and small cell permit holders:~~
- ~~(2) Small cell permit application fee shall be \$250 (nonrefundable) due to the City Building Department upon submittal of a completed application for review.~~
- ~~(3) Annual small cell permit fees:~~
 - ~~(a) For placement on existing private utility poles: \$500 per year per pole.~~
 - ~~(b) For placement on existing City-owned buildings, utility poles, infrastructure or property: \$750 per year.~~

- ~~(c) — For placement of new poles in the right-of-way: \$1,000 per year per pole.~~
~~(d) — Fee start date: The annual permit fee shall be payable January 2 of the year following installation. Failure to pay the annual permit fee shall result in the imposition of a 5% penalty fee, additional collection fees if necessary, and suspension or revocation of the permit.~~

E. Structural/safety inspection and report. The City of Beacon reserves the right to inspect any wireless telecommunication services facility to ensure compliance with the provisions of this section and any other provisions found within the Federal Communications Commission (FCC) regulations and City of Beacon Code, State and Federal Law. The City of Beacon and/or its agents shall have the authority to enter the property upon which a wireless telecommunication services facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.

Section 7. Section 223-26.4.F(1) of the Code of the City of Beacon entitled is hereby amended as follows:

§ 223-26.4 Small cell wireless telecommunication facilities.

...

E. Planning Board requirements as to aesthetics and neighborhood impact mitigation for small cell permits.

- (1) In order to preserve the character and integrity of City neighborhoods the City Council finds that the following requirements are essential to protect the public health, safety and welfare, and scenic preservation.
 - (a) New small cell facilities shall not be located in the Historic District and Landmark Overlay Zone, unless the applicant demonstrates to the Planning Board's satisfaction that the selected site is necessary to provide adequate wireless services, including but not limited to, filling a gap in coverage, densifying a wireless network, introducing a new service or otherwise improving service capabilities.
 - (b) New small cell facilities shall include stealth technology designs, unless the Planning Board makes a written determination that such designs are not feasible.
 - (c) The Planning Board may consider alternative locations for equipment, whether pole mounted or ground mounted.
 - (d) All small cells placed on any roof shall be set back at least 15 feet from the edge of the roof along any street frontage, unless the Planning Board makes a written determination waiving the setback requirement.

- (e) The Planning Board shall consider all impacts to site lines and aesthetic views.
- (f) Except within the public right-of-way, all proposed poles, pole equipment and enclosures shall comply with the designated setback requirements.
- (g) Up to three small cells will be allowed per utility pole if technically feasible and if in the determination of the Planning Board there are no safety or aesthetic concerns. Small cells must be designed and placed in an aesthetically pleasing manner to the reasonable satisfaction of the approving agency.
- (h) No small cell placement shall be allowed on ornamental streetlighting poles as determined by the Building Inspector.
- (i) No small cell facilities shall obstruct pedestrian or vehicular traffic in any way.
- (j) In no event shall any utility pole or wireless telecommunication support structure as of January 1, 2018, installed in the public right-of-way, exceed 50 feet in height, unless special permit approval is obtained from the City Council pursuant to § 223-24.5. A shorter pole may be required if the initial proposal is deemed out of character with the neighborhood as determined by the Planning Board.
- (k) Each new small cell facility, including antennas or other associated equipment, installed in the public right-of-way shall not exceed more than 10 feet above the existing utility pole or wireless telecommunications support structure on which it is being located; ~~unless special permit approval is obtained from the City Council pursuant to § 223-24.5.~~
- (l) Antennas shall be mounted so that the bottom of the antenna is at least 20 feet above the grade at the base of the pole.

SECTION 8. Chapter 223, Article VI, Section 63 of the Code of the City of Beacon entitled “Definitions” is hereby amended to add, amend and delete the following definitions:

§ 223-63 Definitions.

ACCESSORY EQUIPMENT

~~Any equipment servicing or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds.~~

ANTENNA EQUIPMENT

Equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and when collocated on a structure, is mounted or installed at the same time as such antenna.

SMALL CELL WIRELESS TELECOMMUNICATIONS FACILITY or SMALL CELL FACILITY

Small cells are low-powered wireless base stations that function like cells in a mobile wireless network, typically covering targeted indoor or localized outdoor areas ranging in size from homes and offices to stadiums, shopping malls, hospitals, and metropolitan outdoor spaces. A small cell facility meets each of the following conditions:

- A. The structure on which antenna facilities are mounted:
 - a. Is 50 feet or less in height, or
 - b. Is no more than 10 percent taller than other adjacent structures, or
 - c. Is not extended to a height of more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
- B. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume;
- C. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- D. The facility does not require federal antenna structure registration;
- E. The facility is not located on Tribal lands, as defined under 36 C.F.R. § 800.16(x); and

- F. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards established by the Federal Communications Commission in Rule 1.1307(b).

~~both the following qualifications: i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed element, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and ii) all other wireless equipment associated with the facility is cumulatively no more than 17 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.~~

Section 9. Ratification, Readoption and Confirmation

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

Section 10. 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 11. 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 12. Effective Date

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

City of Beacon Council Agenda
2/19/2019

Title:

Resolution Amending the Fee Schedule Concerning Wireless Telecommunication Services Facilities

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Amending the Fee Schedule Concerning Wireless Telecommunication Services Facilities	Resolution



**CITY COUNCIL
CITY OF BEACON**

**RESOLUTION AMENDING THE FEE SCHEDULE CONCERNING
WIRELESS TELECOMMUNICATION SERVICES FACILITIES**

Resolution No. _____ of 2019

WHEREAS, the City Council of the City of Beacon has introduced a local law concerning Wireless Telecommunication Services Facilities; and

WHEREAS, the law requires that an application for a wireless telecommunication services facility special use permit or an application for small cell wireless telecommunication permit approved by the Planning Board be accompanied by a nonrefundable application fee, payable to the City of Beacon in the amount set forth in the City of Beacon Fee Schedule and

WHEREAS, the law also provides that in addition to permit application fees, every wireless telecommunication services facility and small cell wireless telecommunication facility located in the public right-of-way is subject to an annual fair and reasonable fee to be paid by for use and occupancy of the public right-of-way.

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby amends the City of Beacon Fee Schedule to provide as follows:

Wireless Telecommunication Services Facilities Fees

Permit	Base Fee
Small Cell Permit Fee	\$250 per small cell wireless facility per site
Wireless Telecommunication Services Facility Special Use Permit	\$250 per wireless telecommunication services facility per site
For placement of a wireless telecommunication services facility, including small cell wireless facilities, on private utility poles or private infrastructure in the public right-of-way	\$650 per year per pole
For placement of a wireless telecommunication services facility on existing City-owned utility poles, infrastructure or property located in the public right-of-way	\$650 per year per pole

Resolution No. _____ of 2019			Date: <u>February 19, 2019</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 J. Casale					
		Motion Carried					

City of Beacon Council Agenda
2/19/2019

Title:

Resolution Appointing Dave Buckley as Building Inspector II

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Appointing Dave Buckley as Building Inspector II	Resolution



**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ of 2019

**RESOLUTION APPOINTING
BUILDING INSPECTOR II**

WHEREAS, David Buckley is employed by the City of Beacon as the Building Inspector II in the City of Beacon Building Department on a temporary basis; and

WHEREAS, the City Administrator has recommended that Mr. Buckley be appointed as Building Inspector II in the City of Beacon Building Department on a permanent basis; and

WHEREAS, based on the recommendation of the City Administrator, the Mayor has permanently appointed Mr. Buckley to the position of Building Inspector II in the City's Building Department; and

WHEREAS, the City Council wishes to approve the Mayor's permanent appointment of Mr. Buckley to the position of Building Inspector II in the City's Building Department;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council approves the Mayor's permanent appointment of David Buckley to the position of Building Inspector II in the City of Beacon Building Department effective as of February 20, 2019.

IT IS FURTHER RESOLVED that such appointment is subject to a probationary period of twenty-six (26) weeks.

Resolution No. _____ of 2019			Date: <u>February 19, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
2/19/2019

Title:

Resolution Adopting the City of Beacon Investment Policy

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Adopting the City of Beacon Investment Policy	Resolution
City of Beacon Investment Policy	Backup Material



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2019

ADOPTION OF INVESTMENT POLICY

BE IT RESOLVED, that the Beacon City Council hereby adopts the Investment Policy.

Resolution No. ____ of 2019			Date: <u>February 19, 2019</u>				
<input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Investment Policy Draft 2/8/19

I. SCOPE

This investment policy applies to all moneys and other financial resources available for deposit and investment by the City of Beacon on its own behalf or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the local government's investment activities are, in priority order:

- To conform with all applicable Federal, State and other legal requirements (legality);
- To adequately safeguard principle (safety);
- To provide sufficient liquidity to meet all operating requirements (liquidity) and
- To obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The City Council's responsibility for administration of the investment program is delegated to the City Administrator and Director of Finance who shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the funds for which they are held, the places where they are kept and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibility levels of authority for key individuals involved in the investment program.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the City of Beacon to govern effectively.

Investments shall be made with prudence, diligence, skill, judgement and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in the capacity would use, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the City of Beacon to diversify its deposit and investments by financial institution, by investment instrument, and by maturity scheduling.

The governing board shall establish appropriate limits for the amount of investments which can be made with each financial institution or dealer, and shall evaluate this listing at least annually.

VI. INTERNAL CONTROLS

The Director of Finance is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies that are authorized for the deposit of moneys, and the maximum amount which may be kept on deposit at any time, are:

Depository Name	Maximum Amount
M&T Bank	\$40,000,000
Chase Bank	\$40,000,000
Citizens Bank	\$40,000,000

VII: SECURING DEPOSITS AND INVESTMENTS

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, "deposits") made by officers of the City of Beacon that are in the excess of the amount insured under the provisions of the Federal Deposit Insurance Act, including pursuant to the Deposit Placement Program in accordance with law shall be secured by:

1. A pledge of "eligible securities" with an aggregate "market value" (as provided by the GML Section 10) that is at least equal to the aggregate amount of deposits by the officers. See Schedule A of this policy for a listing of "eligible securities".
2. A pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the aggregate amount of deposits from all such officers within the State at the bank or trust company.
3. An "eligible surety bond" payable to the government for an amount at least equal to 100 percent of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest category by at least two nationally recognized statistical organizations. The governing board shall approve the terms and conditions of the surety bond.

4. An “eligible letter of credit,” payable to the City of Beacon as security for the payment of 140 percent of the aggregate amount of deposits and the agreed-upon interest, if any. An “eligible letter of credit” shall be an irrevocable letter of credit issued in favor of the City of Beacon, for a term not to exceed 90 days, by a qualified bank (other than the bank where the secured money is deposited). A qualified bank is either one whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company’s commercial paper and other unsecured short-term debt obligations) are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization, or one that is in compliance with applicable federal minimum risk-based capital requirements.
5. An “irrevocable letter of credit” issued in favor the City of Beacon by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100 percent of the aggregate amount of deposits and the agreed-upon interest, if any.

IX. COLLATERALIZATION AND SAFEKEEPING

Eligible securities used for collateralizing deposits made by officers of City of Beacon shall be held by (the depository or a third party) bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure such deposits together with agree-upon interest, if any and any costs of expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities (or pro rata portion of a pool of eligible securities) held may be sold, presented for payment, substituted or release and the events of default which will enable the local government to exercise its rights against the pledged securities.

In the event that the pledged securities are not registered or inscribed in the name of the City of Beacon, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the City of Beacon or the custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entities on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, the records of the custodial bank or trust company shall be required to show, at all times, the interest of the local government in the securities (or the pro rata portion of a pool of eligible securities) as set forth in the security agreement.

The custodial agreement shall provide that pledged securities (or the pro rata portion of eligible securities) will be held by the custodial bank or trust company or agent of, and custodian for, the City of Beacon, will be kept separated and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt, substitution or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change d in the rating of a security causes ineligibility. The security and custodial agreement shall also include all other provisions necessary to provide the City of Beacon with a perfected security interest in the eligible securities and to

otherwise secure the local government's interest in the collateral, and may contain other provisions that the City Council deems necessary.

X. PERMITTED INVESTMENTS

As provided by General Municipal Law Section 11, the City Council of the City of Beacon authorizes the Director of Finance to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts in, or certificates of deposited issued by, a bank or trust company located and authorized to do business in the State of New York;
- Through a Deposit Placement Program, certificates of deposit in one or more "banking institutions: as defined in Banking Law Section 9-r;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America, where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- With approval of the State Comptroller, obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (i.e., Tax Anticipation Notes and Revenue Anticipation Notes) by any municipality, school district or district corporation in the State of New York other than the City of Beacon; and
- Obligations of the City of Beacon, but only with moneys in a reserve fund established pursuant to General Municipal Law Section 6-c, 6-d, 6-e, 6-f, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the City of Beacon within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchase with the proceeds of bonds or notes, shall be payable or redeemable in any event at the option of the City of Beacon within two years of the date of purchase. Time deposit accounts and certificates of deposit shall be payable within such time as the proceeds will be needed to meet expenditures for which the moneys were obtained, and shall be secured as provided in Sections VIII and IX herein.

Except as may otherwise be provided in a contract with bondholders and noteholders, any moneys of the City of Beacon authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the City of Beacon within such time as the proceeds shall be need to meet expenditures for which such moneys were obtained, or otherwise specifically provided in General Municipal Law Section 11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the moneys were invested.

Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

All financial institutions and dealers with which the City of Beacon transacts business shall be credit worthy, and have an appropriate level of experience, capitalization, size and other factors that make the financial institution or dealer capable and qualified to transact business with City of Beacon.

XII. PURCHASE OF INVESTMENTS

The Director of Finance is authorized to contract for the purchase of investments:

1. Directly, from an authorized trading partner
2. By participation in a cooperative investment agreement with other authorized municipal corporations pursuant to Article 5-G of the General Municipal Law and in accordance with Article 3-A of the General Municipal Law.

All purchase obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the City of Beacon by the bank or trust company.

Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law Section 10 (3)(a). The agreement shall provide that securities held by the bank or trust company, as agent of, and custodian for, the City of Beacon, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to secure the local government's perfected interest in the securities and the agreement may also contain other provisions that the City Council deems necessary. The security and custodial agreements shall also include all other provisions necessary to provide the City of Beacon with the perfected interest in the securities.

The Director of Finance, where authorized, can direct the bank or trust company to register and hold the evidences of investments in the name of its nominee, or may deposit or authorize the bank or trust company to deposit, or arrange for the deposit of any such evidences of investments with a federal reserve bank or other book-entry transfer system operated by a federally regulated entity. The records of the bank or trust company shall show at all times, the ownership of such evidences of investments, and they shall be, when held in the possession of the bank or trust company, at all times, kept separate from the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust company pursuant to a written custodial agreement as set forth in General Municipal Law Section 10(3)(a), and as described earlier in this section. When any evidences of investments are so registered in the name of a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

XIII. COURIER SERVICE

The Director of Finance may, subject to the approval of the City Council by resolution, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company. The courier service shall be required to obtain a surety bond for the full amount entrusted to the courier, payable to the City of Beacon and executed by an insurance company authorized to do business in the State of New York, with a claims paying ability that is rated in the highest rating category by at least two nationally recognized statistical rating organizations, to insure against any loss of the public deposits entrusted to the courier service of failure to deposit the full amount entrusted to the courier service.

The City of Beacon may agree with the depository bank or trust company that the bank or trust company will reimburse all or part of, but not more than, the actual cost incurred by the City of Beacon in transporting items for deposit through a courier service. Any such reimbursement agreements shall apply only to a specified deposit transaction, and may be subject to such terms, conditions and limitations as the bank or trust company deems necessary to ensure sound banking practices, including, but not limited to, any terms, conditions or limitations that may be required by the Department of Financial Services or other federal or State authority.

XIV. ANNUAL REVIEW AND AMENDMENTS

The City of Beacon shall review this investment policy annually, and it shall have the power to amend this policy at any time.

XV. DEFINITIONS

The terms “public funds,” “public deposits,” “bank,” “trust company,” “eligible securities,” “eligible surety bond,” and “eligible letter of credit” shall have the same meanings as set forth in General Municipal Law Section 10.

Schedule A

Schedule of Eligible Securities for Collateralizing Deposits and Investments in Excess of FDIC Coverage
(see Investment Policy, Section VIII)

Eligible Securities for Collateral

**For purposes of determining aggregate
"market value," eligible securities shall be
valued at these percentages of "market
value".**

(i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government-sponsored corporation

100%

(ii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of market value of the obligation that represents the amount of the insurance or guaranty.

100%

(iii) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of this State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

100%

City of Beacon Council Agenda
2/19/2019

Title:

Resolution in Support of the Green Light Legislation to Ensure Equal Access to Driver's Licenses for all Residents of New York State

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution in Support of the Green Light Legislation to Ensure Equal Access to Driver's Licenses for all Residents of New York State	Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2019

**NYS LOCALITY RESOLUTION IN SUPPORT OF THE GREEN LIGHT
LEGISLATION TO ENSURE EQUAL ACCESS TO DRIVER'S LICENSES FOR
ALL RESIDENTS OF NEW YORK STATE.**

WHEREAS, All residents of New York State, regardless of immigration status, should have equal access to driver's licenses; and

WHEREAS, New York State currently bars hundreds of thousands of immigrants in our state from obtaining driver's licenses due to their immigration status; and

WHEREAS, Without access to licenses, many immigrants are unable to purchase, register, and insure their own vehicles and so face major barriers to meeting the most basic needs of day-to-day life: traveling to work, school, grocery shopping, medical appointments, and places of worship; and

WHEREAS, Expanded immigrant access to driver's licenses will reduce the number of uninsured vehicles on the road, thereby lowering insurance premiums for all New York motorists; and

WHEREAS, With New York State currently in the process of redesigning its license policies to comply with the federal REAL ID Act by the 2018 deadline, now is the ideal moment to remove immigration status restrictions for driver's licenses;

NOW, THEREFORE

BE IT RESOLVED, that the City of Beacon City Council calls on the New York State Legislature to move forward Drivers Licenses Bill A10273, granting access to licenses for all residents of New York State.

Resolution No. _____ of 2019			Date: <u>February 19, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> 2/3 Required.				
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call				
<input type="checkbox"/> 3/4 Required							
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
2/19/2019

Title:

Resolution Setting Public Hearing on Local Law Amending Chapter 199, Article IX, Section 39 of the Code of the City of Beacon Concerning the Cold War Veteran's Real Property Tax Exemption

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Setting Public Hearing on Local Law Amending Chapter 199, Article IX, Section 39 of the Code of the City of Beacon Concerning the Cold War Veteran's Real Property Tax Exemption	Resolution
Local Law Amending Chapter 199, Article IX, Section 39 of the Code of the City of Beacon Concerning the Cold War Veteran's Real Property Tax Exemption	Local Law



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2019

**RESOLUTION TO SET PUBLIC HEARING ON LOCAL LAW AMENDING CHAPTER
199, ARTICLE IX, SECTION 39
OF THE CODE OF THE CITY OF BEACON**

BE IT RESOLVED, that the Beacon City Council hereby sets a Public Hearing on Local Law to amend Chapter 199, Article IX, Section 39 of the Code of the City of Beacon concerning the Cold War veterans tax exemption on March 4, 2019.

Resolution No. ____ of 2019			Date: <u>February 19, 2019</u>				
<input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
Motion Carried							

LOCAL LAW NO. OF 2019

**CITY OF BEACON CITY COUNCIL
PROPOSED LOCAL LAW AMENDING CHAPTER 199, ARTICLE IX, SECTION 39
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend Chapter 199, Article IX Section 39 of the Code of the City of Beacon concerning the Cold War Veterans' Real Property Tax Exemption.

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

Section 1. Chapter 199 Article IX, Section 39 of the Code of the City of Beacon entitled “Exemption for Cold War Veterans” is hereby amended to read as follows (amended text is underlined and deleted text is marked):

§ 199-39 Exemption granted.

- A. The City of Beacon hereby opts into the Cold War veterans exemption for such veterans residing in the City of Beacon as provided by § 458-b of the New York State Real Property Tax Law.
- B. The exemption provided under this article shall be effective for as long as a qualified owner of qualified residential real property remains a qualified owner thereof.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 199 of the Code 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 of the State of New York.

City of Beacon Council Agenda
2/19/2019

Title:

Resolution Adopting Provision of Real Property Tax Law Granting A Temporary Extension For Payment Of Real Property Taxes For Furloughed Federal Employees

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Adopting Provision of Real Property Tax Law Granting A Temporary Extension For Payment Of Real Property Taxes For Furloughed Federal Employees	Resolution



DRAFT – 2-4-19

**CITY OF BEACON
CITY COUNCIL**
Resolution No. _____ of 2019

**RESOLUTION ADOPTING PROVISION OF REAL PROPERTY TAX LAW
GRANTING A TEMPORARY EXTENSION FOR PAYMENT OF REAL
PROPERTY TAXES FOR FURLOUGHED FEDERAL EMPLOYEES**

WHEREAS, on February 1, 2019, Governor Cuomo signed into law Senate Bill 2523/Assembly Bill 2852 which amends the Real Property Tax Law to add a new Section 925-e relating to the extension for payment of real property taxes by furloughed or designated non-paid federal employees and requires certain documentation related thereto; and

WHEREAS, the legislation provides that if a real property tax bill - whether for school, town, county or special district taxes – or an installment agreement for the payment of real property taxes, becomes due and payable during the time of a lapse in discretionary appropriations by the federal government and the property owner or the property owner's spouse or domestic partner are furloughed by the federal government, the property owner can seek an extension in which to pay their real property taxes without interest or penalty; and

WHEREAS, the deadline for payment of the real property tax shall be extended for a period of ninety (90) days after the end of such lapse in discretionary appropriations by the federal government provided the municipal corporation that employs the collecting officer for the taxes has passed a local resolution authorizing such an extension; and

WHEREAS, such extension would apply to all local taxes (school, county, town and special district taxes) collected by the collecting officer; and

WHEREAS, administration of such extension requires those federal workers affected to produce their federal ID along with some official documentation that they were furloughed when applying for the extension.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Beacon hereby authorizes the extension for payment of real property taxes by furloughed or designated non-paid federal employees due to the lapse in discretionary appropriation by the federal government, as provided for in Real Property Tax Law §925-e;

BE IT FURTHER RESOLVED, the City Council of the City of Beacon hereby directs the Director of Finance to obtain a copy of the federal workers' federal ID card, official documentation that they were furloughed during the relevant time period when taxes were due and such other documentation as may be reasonably requested by the Director of Finance and that such documentation shall be submitted to the Director of Finance no later than the thirtieth day following the last day for paying such taxes without incurring interest or penalty, as determined without regard for the provisions of Real Property Tax Law §925-e.

BE IT FURTHER RESOLVED, that this resolution shall remain in effect until withdrawn by a resolution of the City Council.

Resolution No. _____ of 2019			Date: <u>February 19, 2019</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 J. Casale					
		Motion Carried					

**City of Beacon Council Agenda
2/19/2019**

Title:

Council Meeting Minutes January 22, 2019

Subject:

Background:

ATTACHMENTS:

Description	Type
Council Meeting Minutes January 22, 2019	Minutes

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on January 22, 2019. Please note that the video recording of this meeting is available at <https://vimeo.com/channels/40154>.

Council Members Present:

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

Council Members Absent:

John Rembert, Ward Two

Also Present:

Anthony Ruggiero, City Administrator
Drew Victoria, City Attorney

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

A second moment of silence was observed for Shannon M. Kent, a 35-year-old Navy Sailor from Pine Plains recently killed in Syria.

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

Speakers:**Michal Mart:**

Believes that the affordable housing units being offered by the City of Beacon are not actually affordable, specifically 7 Creek Drive and 343 Main Street. She would like Hudson River Housing to report on the statistics of the applications for affordable housing in Beacon.

Dennis Pavelock:

Would like to know if anyone in Beacon is affected by the government shutdown (which, as of the Council meeting on January 22, had reached 32 days). He asked if there is anything City residents can do to help, such as bringing groceries or helping with daily activities and expenses.

Mr. Pavelock doesn't believe there is enough talk about closing down Beacon Engine. It is the wrong way to go. When this came up a few years ago it was standing room only in the courthouse. He believes that closing a firehouse is not the right answer and instead the City should fix up the firehouses.

Nicole Wooten, Conservation Action Committee (CAC) Member:

Gave three updates from the CAC (1) She congratulated Philipstown on receiving \$16,000 on December 18th for resiliency planning from a Climate Smart Communities grant. Seven million dollars in total were awarded to Climate Smart Communities. The CAC is looking forward to working with the City to appoint a Climate Smart Community Coordinator in order to receive access to additional grants. (2) The CAC has reviewed the Drinking Water Source Protection grant and has offered to work with the city to submit the grant. (3) She gave an update on the Natural Resources Inventory. The inventory maps are nearly complete. The writing will be done by the end of the month. The NY DEC 2018 Annual Hudson River Estuary Coordinator's Report has already recognized Beacon's CAC for their success in this area. She looks forward to sharing the report with the community when it is complete.

Theresa Kraft:

Ms. Kraft made two points (1) City council members reports are below par or non-existent. How is it possible that Council members have so little to report? (2) COB transfer station needs money, the conditions are unkept. It needs new windows. She posited that money saved from the use of solar panels could be used for this.

Public Hearings:

No. 1: Mental Health Event Announcement

Speakers:

Ruben Simmons, I Am Beacon member:

Mr. Simmons announced that there will be an event dedicated to mental health awareness and services on June 1, 2019 at Riverfront Park. There will be music and vendors. The goal is to showcase all of the services that are available for people seeking mental health solutions. If anyone would like to be a part of the planning or knows someone who provides a service, please contact Brandon Lillad at blil9407@my.msmc.edu. You can also reach I Am Beacon through their Facebook page. The general messaging for the event is destigmatizing intervention, prevention and wellness.

I Am Beacon is currently partnered with the Dutchess County Department of Behavioral and Community Health, NAMI Mid-Hudson, City of Beacon, HRH, and A little Beacon Blog.

No. 2: Motion for the continuation of a public hearing to receive public comment on a proposed Local Law to delete Chapter 183 entitled Signs and to amend Chapter 223 Sections 15 and 63 of the Code of the City of Beacon, concerning sign regulations in the City of Beacon.

Motion: Councilperson McCredo

Second: Councilperson Nelson

John Clarke:

The City of Beacon law regarding signs is being updated because of a decision by the Supreme Court which said all signs have to have equal status. The law being discussed during the public hearing attempts to come up with common ground where you can regulate all signs fairly. He recommended grandfathering in existing signs that may become non-compliant for two reasons. First, he predicts lots of push back from business groups and the chamber of commerce. Second, there is a high burden on the building department to take down the non-compliant signs all at the same time, especially considering there may be dozens of such signs.

Drew Gamils, City Attorney:

Stated that the holiday lights may have to be exempt within the law.

Theresa Kraft:

There is a sign on Verplank Avenue and Main Street which has been knocked over and has been laying on the ground for weeks. It should be upright. The same business is putting their sandwich board sign in a no parking zone. The City needs to enforce the laws already on the books, including the two-hour parking limit. She also believes that parking spaces on Main Street are too narrow.

Motion to close the public hearing:

- Motion made by Council person Nelson
- Seconded by Council person Grant

Council Member Reports:

Amber Grant:

Has an issue with material being presented at meetings that are not included in the agenda packet, thereby preventing the council and the public from having access to the presentations. Thanked the highway department for working very hard to keep streets clear during the recent snow storm.

Lee Kyriacou:

Commented on the public hearing regarding signs saying that he adamantly opposes the sign law. He believes the law is structured so that it maximizes the penalty the City can impose in terms of requirements. Instead, he proposed that the City take a minimalist approach. The

Council should not have many restrictions and for the most part, the Council should be permitting signs, particularly on residential properties. He asked if the Council could go through an annual list of things they would like to accomplish in workshop. His list last year included the following items: (1) tightening central main street zoning - he thinks this has been done successfully (2) planning for job creation - the Council has more work to do, and should look at areas of the city appropriate for zoning for job creation (3) managing Fishkill Creek development - he thinks this has been successfully accomplished (4) expand greenway trails - he would like to begin expansion on both sides of the creek of the greenway trail south of Route 9D (5) extending historic protections - the process has been started but not finished (6) strengthen planning and zoning boards – he believes the council has done that and he'd like to see that continue. He would like the unfinished items to be considered to the extent they have not been finished.

George Mansfield:

Reminded residents that the Dr. Reverend Martin Luther King Jr. Parade has been rescheduled for February 16th at 10 a.m. A lot of people have been asking him when their street would be paved. He asked if the City could put that information on the website.

Jodi McCredo:

Thanked the City for their work on the roads during the recent snow storm. She suggested that the City work closely with Hudson River Housing to solve affordable housing issues. The people who qualify for the housing couldn't possibly afford it as it is currently priced. Hudson Valley Community Power and Community Choice is an organization that allows pooling of energy amongst communities. They will be holding Q & A sessions at the following times and dates: January 30th at the Fishkill Recreation Center from 5:30 until 7:00; Jan 31st at the Mill House Brewing Company from 5:00 until 8:00; the Howland Public Library on February 2nd from 1:00 until 2:30. There will also be weekly community-hosted office hours to offer more information on Tuesdays in Poughkeepsie, Thursdays in Coldspring, and Wednesdays at the Beacon Recreation Center from 11:00 until 12:30.

Additionally, Ms. McCredo would like to bring community broadband to Beacon which would ensure that low income neighborhoods have access to broadband.

Terry Nelson:

Mr. Nelson got a lot of phone calls from people asking when they have to clear their sidewalk after a snow storm. The Mayor told him that people have 24 hours to shovel their sidewalk.

Anthony Ruggiero, City Administrator:

Mr. Ruggiero thanked the Highway Department for their work during the recent snow storm. He gave an update regarding prices for available affordable housing. One-bedroom apartments cost \$192,760, and two-bedroom apartments cost \$275,462. The current market rates are between \$800,000 and \$1,000,000 for those units. If you are interested, call Hudson River Housing to ensure that you qualify. Hudson River Housing can come in and give a presentation on affordable housing in Beacon.

Mayor Randy Casale:

Mayor Casale thanked the Public Works employees for cleaning the streets efficiently during the latest winter storm. He went on to make the following comments regarding the City's new public alert system:

"The Swift911 alert system is a messaging application that allows us to connect with thousands of city residents within seconds. We used the service twice last week to alert Beacon residents of impending inclement weather. Each time over 5,000 residents received our calls, texts and emails.

The response we received was overwhelmingly positive with residents calling to thank city hall for the new service. Within 24 hours of our first alert, the number of people who have volunteered their cell phones and emails increased over 100%. We are going to continue to use Swift 911 to alert Beacon residents about impending weather events and we hope to expand its use across several City departments. Anyone can sign up on our website to receive alerts directly to the phone via text, call or email."

Mayor Casale then showed a tutorial on how to sign up for the service via cityofbeacon.org. If you would like to watch the tutorial please refer to the video of this council meeting at the 50-minute mark.

The Mayor mentioned that owners renting out or selling affordable housing do have the right to ask for a credit check from potential renters/buyers who can be denied.

Resolutions, Ordinances and Local Laws:

- 1. A resolution adopting a Local Law to repeal Chapter 223, Article III, Section 24.8 and to amend Chapter 223, Attachment 2 of the Code of the City of Beacon concerning amusement centers containing only vintage amusement devices**

- Motion by Council person McCredo
- Second by Council person Nelson

John Clarke: This resolution takes away the existing conditions for vintage amusement centers. Further, vintage amusement centers will still be allowed. Now the City won't have a long list of special permit conditions that were on the books before.

- Resolution passes 6-0

2. A resolution appointing Collin Milone to position of Administrative Assistant to the Mayor

- Motion by Council person Nelson
- Second by Council person McCredo

Council person Grant:

Ms. Grant asked if a resolution needs to be passed for Collin Milone to work on Climate Smart Communities. Anthony Ruggiero, City Administrator, said it does not and the duties would be wrapped into his staff duty. Ms. Grant would like to let people know when an affirmative declaration is made on this decision to allow Collin Milone to work on Climate Smart Communities.

- Resolution passes 6-0

3. A resolution appointing Dave Buckley as the City of Beacon's Acting Building Inspector

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

4. A resolution authorizing reappointment of Kathleen Martin as Sole Assessor of the City of Beacon

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

5. A resolution confirming the appointment of Conservation Advisory Committee Members Micah Slavkin and Danielle Levoit

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

6. A resolution confirming the appointment of Garrett P. Duquesne to the Zoning Board of Appeals

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

7. A resolution confirming the reappointment of various Board and Committee Members

- Motion by Council person Mansfield
- Second by Council person Grant

Council person Jodi McCredo:

Ms. McCredo believes it is a good idea to get some fresh blood onto the planning board. She appreciates the work that has been done by the Planning Board. However, she believes that it might be a good idea to look at some turnover. She would like more transparency in the appointments of board and committee members. The Zoning Board of Appeals (ZBA) and Planning Boards have 3-year appointments and terms are staggered so as to avoid interruptions to continuity.

Mayor Casale:

Essentially said that continuity leads to success. He also said that the Planning Board can't stop projects just because people don't like projects. He said that he does not make appointments based upon political affiliation, although that is what happened in the past.

Council person Amber Grant:

Ms. Grant wants more transparency from the Mayor's office regarding committee applications and appointments.

Council person Lee Kyraicou:

Mr. Kyriakou pointed out that the appointments are made by the Mayor and approved by the Council. He went on to say that there are members of the ZBA he could vote off when they do come up for reappointment based upon his observation of a ZBA meeting.

Drew Gamil, City Attorney:

Confirmed that it is legal to invite potential reappointed members to the next council workshop and have a discussion to learn about their thinking processes and to learn what they have learned along the way.

Council person Lee Kyraicou:

Made a motion to separate the proposed reappointed members of the Zoning and Planning board from the rest of the proposed reappointed board and committee members and to invite those members of ZBA and Planning Board to the next workshop meeting.

- Motion: Council person Kyraicou
- Second: Council person McCredo
- Motion Passes 6-0

Anthony Ruggiero, City Administrator:

Advised the Council against making appointments to boards and committees a political matter and also mentioned that if the proposed reappointed members are not reappointed, then they will become holdovers.

- Resolution passes 4-2 (Mayor Casale and George Mansfield voted no)

Council person George Mansfield:

Mr. Mansfield made the following observation: If we are going to invite the ZBA and Planning Board members to the Council in order to essentially interview them, then according to that principle, shouldn't we be inviting proposed reappointed members of all boards and committees?

Mayor Casale:

Believes that this motion is part of a witch hunt.

Council person Jodi McCredo:

Said she is not trying to single anyone out and she appreciates all of the work the volunteers do. She also said that the Human Relations Commission could and should have more people on the board. She wants more transparency in the application and appointment process for boards and committees. She believes that it is in her right as a Council person to have clarification on some decisions that were made by the ZBA and Planning Board. She would not be opposed to having the conversation with the proposed members in an executive session.

Council person George Mansfield and Council person Amber Grant rescinded their original motions to vote on all of the reappointed members in favor of the following resolution.

7. A resolution to reappoint members to the CAC, Tree Committee, and Human Relations Commission

- Motion by Councilperson Grant
- Second by Councilperson Nelson
- Resolution passes 5-1 (Mayor Casale voted no)

8. A Resolution to refer the concept plan for Chai Builders Corp. to the Dutchess County Planning Board and the City Planning Board for report and recommendation

John Clarke described the details of the resolution. The wetlands are getting smaller in that area. The Council decided to ask the City Attorney to write a resolution to refer Concept Plan B to the Planning Board.

- Motion by Council person Nelson
- Seconded by Council person McCredo
- Resolution passes 6-0

9. A resolution adopting the City of Beacon Procurement Policy

- Motion by Council person Amber Grant
- Seconded by Council person Terry Nelson

Council person Amber Grant:

Asked for a summary of the Procurement Policy. Anthony Ruggiero informed the Council that not much has changed from the 2018 Procurement Policy however there is one notable addition. The Local Business Consideration Quote applies to written quotations between an annual rate of \$5,000 – \$19,999 if the local bidder is within 10% of the lowest responsive responsible bidder, they have a chance to match the lowest bid. The goal is to give local firms a chance to win the bid.

- Resolution passes 6-0

10. A resolution to award the Contract for Green Street Park Improvements to Beacon Residential, LLC

- Motion by Amber Grant
- Seconded by Terry Nelson

Mayor Casale read a letter from a resident who lives near the park. The resident was not in favor of the proposed changes primarily because they would eliminate a flat area where neighborhood children can ride their bikes.

Councilperson George Mansfield:

Asked how we got to the point of this vote? How much public input has there been?

Anthony Ruggiero, City Administrator:

Explained that this is \$60,000 from a Community Development Block Grant (CDBG) originally allocated for South Avenue Park. He suggested that the money may be able to be folded into the master plan so as not to spend the CDBG grant money of \$60,000 just to turn around and have that project contradict the master plan in a few years. However, he needs Dutchess County approval to fold the \$60,000 into the master plan because there is a time limit on the funding and it has already been moved from one project to another.

Council person Jodi McCredo:

Would like a gate to add accessibility to Green Street Park.

Council person Amber Grant and Council person Terry Nelson rescinded their motions.

Motion to table until next workshop

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

11. A resolution to retain Henningson, Durham & Richardson Architecture and Engineering, P.C. to review plans for the proposed 110 Howland Avenue wireless telecommunication special use permit application

- Motion Councilperson Nelson
- Second Councilperson McCredo
- Resolution passes 6-0

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

Speakers:

No speakers

Adjournment:

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

Next Workshop: January 28, 2019

Next Meeting: February 4, 2019