



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

September 16, 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.

Reports:

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

Local Laws and Resolutions:

1. Resolution Authorizing a Contract with Eleanor Peck for Climate Smart Communities Coordinator Services
2. Resolution Setting a Public Hearing to Discuss A Proposed Local Law to Amend Chapter 149, Article II of the Code of the City of Beacon Regarding Nuisance for October 7, 2019
3. Resolution Approving the Teller Avenue Supplemental Agreement
4. Resolution Approving the Fishkill Avenue Supplemental Agreement
5. Resolution Approving a Contract with Dutchess County for Transit Services
6. Resolution Authorizing a Contract with Hudson River Maritime Museum For Ferry Services for Certain Dates

Approval of Minutes:

- City Council Meeting Minutes August 19, 2019
- City Council Meeting Minutes September 3, 2019

2nd Opportunity for Public Comments:

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

Executive Session:

1. Personnel
2. Personnel

Adjournment:**Upcoming Agenda Items:**

City of Beacon Council Agenda
9/16/2019

Title:

Resolution Authorizing a Contract with Eleanor Peck for Climate Smart Communities Coordinator Services

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Authorizing the City of Beacon to Enter into a Contract with Eleanor Peck for Climate Smart Communities Coordinator Services	Resolution



BEACON CITY COUNCIL

Resolution No. _____ of 2019

RESOLUTION AUTHORIZING THE CITY OF BEACON TO ENTER INTO A CONTRACT WITH ELEANOR PECK FOR CLIMATE SMART COMMUNITIES COORDINATOR SERVICES

WHEREAS, the City of Beacon has joined the New York State Climate Smart Communities Program in order to accelerate a path to becoming a more sustainable, eco-friendly city; and

WHEREAS, the New York State Climate Smart Communities program requires extensive administrative work in order to document sustainability efforts, and plan and coordinate future climate related projects; and

WHEREAS, Eleanor Peck has extensive experience at the intersection of grant management and environmental conservation in her work with both the Cary Institute of Ecosystem Studies and the Wildlife Conservation Society.

WHEREAS, the Climate Smart Communities Coordinator shall be contracted at a rate of \$25 per hour and shall not exceed \$9000 per year.

NOW THEREFOR BE IT RESOLVED, that the City of Beacon City Council authorizes the Mayor or City Administrator to enter into a contract with Eleanor Peck to serve as Beacon's Climate Smart Communities Coordinator.

Resolution No. _____ of 2019			Date: September 16, 2019				
Amendments						2/3 Required	
Not on roll call.			On roll call			3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		John Rembert					
		Lee Kyriacou					
		George Mansfield					
		Jodi McCredo					
		Amber Grant					
		Mayor Randy Casale					
		Motion Carried					

City of Beacon Council Agenda
9/16/2019

Title:

Resolution Setting a Public Hearing to Discuss A Proposed Local Law to Amend Chapter 149, Article II of the Code of the City of Beacon Regarding Nuisance for October 7, 2019

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Setting A Public Hearing Regarding A Proposed Local Law to Amend Chapter 159, Article II of the Code of the City of Beacon	Resolution
Proposed Local Law to Amend Chapter 159, Article II of the Code of the City of Beacon	Local Law



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO.____ 2019

**RESOLUTION TO SET A PUBLIC HEARING FOR A PROPOSED LOCAL LAW TO
AMEND CHAPTER 159 ARTICLE II OF THE CODE OF THE CITY OF BEACON
REGARDING NUISANCE POLICY**

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby sets a Public Hearing to discuss the Proposed Local Law to Amend Chapter 159 Article II of the Code of the City of Beacon for October 7, 2019.

Resolution No.____ of 2019			Date: <u>September 16, 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					

DRAFT LOCAL LAW NO. ____ OF 2019

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO
AMEND CHAPTER 159 ARTICLE II OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to amend Chapter 159 Article II of Code of the City of Beacon, concerning public nuisance abatement.

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

Section 1. Chapter 159, Article II of the Code of the City of Beacon entitled “Public Nuisance Abatement” is hereby repealed in its entirety.

Section 2. Chapter 159, Article II of the Code of the City of Beacon entitled “Public Nuisance Abatement” is hereby created as follows:

Article II Public Nuisance Abatement

§ 159-2 Findings and intent.

- A. The City Council finds that public nuisances exist in the City of Beacon in the operation of certain establishments and the use of property in flagrant violation of certain Penal Law, New York State Uniform Building and Fire Code and Municipal Code provisions, which nuisances substantially and seriously interfere with the interest of the public, in the quality of life and total community environment, commerce in the City, property values and the public health, safety and welfare. The City Council further finds that the occurrence of such activities and violations is detrimental to the health, safety and welfare of the City of Beacon and its neighborhoods thereof, businesses thereof and visitors thereto.
- B. As a result of the activities occurring at these properties, and/or the conditions in which they are maintained, these properties tend to receive and require more than the general, acceptable level of police and code enforcement services. As a result they place an undue and inappropriate burden on the City’s taxpayers. The City Council has determined that existing laws do not sufficiently encourage such property owners to take reasonable steps to abate the nuisances that their properties are creating, and has determined that enhanced penalties will give such property owners additional incentives to ameliorate said problems and help to compensate the City for the increase in code enforcement services.
- C. This local law is enacted to encourage property owners to recognize their responsibility to ensure that activities occurring on their property conform to the law and do not adversely affect their neighborhoods, unduly burden the City’s resources and provide a mechanism for the City to take action against property owners who fail to ensure property they own does not require a disproportionate level of the City’s resources to be devoted to such property.

- D. This Article is not intended to discourage crime victims or a person in legitimate need of police services from requesting them.
- E. This Article does not affect a property owner's duty to comply with all other laws governing residential tenancies which are contained in New York State Statutes.

§ 159-3 Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

MORTGAGEE

The person who is listed as the mortgagee on any unsatisfied or otherwise open mortgage on the premises recorded in the office of the Dutchess County Clerk.

OWNER

The person in whose name the premises affected by an order, issued in accordance with this article, is recorded as the owner in the office of the Dutchess County Clerk.

PANEL

The Chief of Police of the City of Beacon or their designee, the Fire Chief of the City of Beacon or their designee, the City Administrator of the City of Beacon or their designee and the Building Inspector of the City of Beacon or their designee and a member of the Human Relations Commission.

PREMISES

The building, place or property whereon a public nuisance is being conducted or exists.

PUBLIC NUISANCE

- A. The below definition of public nuisance is not intended and shall not be interpreted to cover or include requests for assistance from police, medical, fire or ambulance services from an owner, tenant or occupant of a building or premises.
- B. For purposes of this article, a public nuisance shall be presumed to exist pursuant to § 159-5.B for any building, structure or real property as follows:
 - (1) Any building, structure or real property used for the illegal use, possession or distribution of a controlled substance or marijuana, as defined by the State Penal Law.
 - (2) Any building, structure or real property used for prostitution as defined by the State Penal Law.
 - (3) Any building, structure or real property used for indecent or obscene performances and/or promotion of obscene material as defined by the State Penal Law.
 - (4) Any building, structure or real property used for illegal gambling activity as defined by the State Penal Law.
 - (5) Any building, structure or real property used for the commission of illegal possession, use or sale of firearms or weapons as defined by the State Penal Law.
 - (6) Any building, structure or real property used for the illegal sale, manufacture or consumption of alcohol beverages as defined by the State Alcohol Beverage Control Law.

- (7) Any building, structure or real property wherein there exists or has occurred a criminal nuisance, as defined by the State Penal Law.
- (8) Any building, structure or real property used for loitering, as defined by the State Penal Law.
- (9) Any building, structure or real property wherein there exists or has occurred any violation of the City Code, including, but not limited to, Chapter 223, Zoning, and the New York State Uniform Fire Prevention and Building Code, including the property Maintenance Code of New York State, and any subsequent amendments or superseding provisions thereto, all of which have been previously adopted and incorporated into this Code by reference.

§ 159-4 Nuisance forbidden.

No owner, operator, manger or tenant of any premises shall conduct, maintain, permit or allow the existence of a public nuisance at the premises.

§ 159-5 Prima Facie Evidence of Public Nuisance.

- A. Notice by first-class mail or personal service, from the City of Beacon, of the activities entailing a public nuisance to the owner, operator, manger or tenant of premises shall be prima facie evidence of knowledge of a public nuisance.
- B. The following shall constitute prima facie evidence of a public nuisance:
 - (1) The existence of two or more incidents of the following activities at any premises within the three-year period prior to the commencement of a civil action pursuant to this Chapter shall be prima facie evidence of the existence of a public nuisance:
 - (a) Any conviction or adjournment in contemplation of dismissal for any of the activities set forth in the definition of “public nuisance” in § 159-3 occurring on the premise.
 - (b) Service of an accusatory instrument (i.e. notice of violation or order to remedy) for a violation of the New York State Uniform Fire Prevention and Building Code and/or any violation of the Code of the City of Beacon occurring on the premise.
 - (c) Service of a search warrant on the building, structure or real property where controlled substances, marijuana and/or weapons are seized.
- C. The lack of knowledge of, acquiescence or participation in, or responsibility for a public nuisance on the part of the owner, mortgagee or any other person directly or indirectly in control of the premises, or having any interest in the premises or in any property, real or personal, used in conducting or maintaining the public nuisance, shall not be a defense by such owner, mortgagee or other person.

§ 159-6 Determination by Panel.

Whenever any Panel member has evidence to support a presumption of public nuisance, they shall notify the other members of the Panel to discuss the public nuisance. The Panel shall meet to review all supporting documentation, including copies of tickets and/or arrest paperwork. After its review, the Panel shall make a determination on whether a presumption of public nuisance exists at the premise.

§ 159-7 Service of notice.

- A. Once the Panel determines that a presumption of public nuisance exists, the Panel shall give notice to the property owner, and any other person directly or indirectly in control of the premises, and any tenants and/or occupants of the premises wherein the public nuisance is being conducted, maintained or permitted. Such notice and opportunity to be heard may be given to a mortgagee of the premises. Such notice shall be served upon an owner or any other person directly or indirectly in control of the premises pursuant to Article 3 of the New York State Civil Practice Law and Rules, and upon a mortgagee by means of certified mail, return receipt requested, sent to the mortgagee's last known address, provided that any service other than delivery to the person to be served shall be complete immediately upon delivery, mailing or posting without the necessity of filing proof of service.
- B. The notice provided for in Subsection A of this section shall:
- (1) Specify the activity creating the public nuisance;
 - (2) Provide 30 days for elimination of the public nuisance;
 - (3) Inform the owner or any other person directly or indirectly in control of the premises that, within five days after the 30 days has expired, the property owner must contact the City to schedule a meeting with the Panel to demonstrate to the Panel that the nuisance has been eliminated;
 - (4) Inform the owner or any other person directly or indirectly in control of the premises of their right to request a meeting with the Panel within 10 days of service of the notice;
 - (5) Inform the owner or any other person directly or indirectly in control of the premises that, upon expiration of 35 days after service without a meeting with the Panel, or upon noncompliance with any written agreement reached with the Panel, the City shall act to obtain compliance as provided by this article; and
 - (6) Inform the owner or any other person directly or indirectly in control of the premises of the obligation to post a copy of the notice within five days of receipt of said notice, in a conspicuous place, so that all premises occupants and others entering the premises shall have notice that the public nuisance is being conducted, maintained or permitted on the premises and that, upon expiration of 30 days after service of the notice, the City shall proceed under § 159-10.

§ 158-8 Meeting with the Panel.

- A. Upon receipt of notice, any person served with a notice described in § 158-7, shall have 10 days upon receipt of notice to request a meeting with the Panel to devise an abatement plan to remedy the nuisance activity.
- (1) If an abatement plan is not agreed upon, or the owner fails to abide by the abatement plan and a nuisance activity occurs within 12 months following the date of the meeting, the Panel shall advise the City Council that a presumption of public nuisance exists on the premises.
 - (2) If the owner abides by the abatement plan and no new nuisance activity occurs within the 12 months following the date of the abatement plan, the public nuisance determination shall

be waived. Any presumption of public nuisance after 12 months shall require a new determination by the Panel and additional notice pursuant to § 158-7.

- B. If the property owner or any other person directly or indirectly fails to schedule a meeting with the Panel within 10 days of receipt of the notice described in § 158-7, they shall have 30 days after service of the notice to eliminate the public nuisance.
- (1) The property owner shall be required to appear before the Panel within five days after the 30 days has expired to demonstrate to the Panel that the nuisance has been eliminated. The property owner must contact the City to request a meeting with the Panel within such time.
 - (2) The Panel shall make a determination about whether the public nuisance has been eliminated. If Panel determines that the nuisance has been abated, the public nuisance determination shall be waived. Any presumption of a public nuisance after such waiver, shall require a new determination by the Panel and additional notice pursuant to § 158-7. If the Panel determines that the nuisance has not been abated, then the Panel shall advise the City Council that a presumption of public nuisance exists on the premise.
 - (3) If the property owner fails to schedule the required meeting with the Panel, the Panel shall advise the City Council that a presumption of public nuisance exists on the premise.

§ 159-9 Remedies enumerated.

- A. At the direction of the City Council of the City of Beacon, the City Attorney may bring and maintain a civil proceeding in the name of the City for the following types of relief:
- (1) Civil penalties. Civil penalties may be pursued in Dutchess County Supreme Court or in the City Court of the City of Beacon.
 - (2) Permanent injunction. Permanent injunction may only be pursued in Dutchess County Supreme Court.
 - (3) Temporary closing order, as set forth under § 159-13. Temporary closing of any structure may only be issued by the Dutchess County Supreme Court.
 - (4) Temporary restraining order. A temporary restraining order may only be pursued in Dutchess County Supreme Court.
 - (5) Temporary injunction. A temporary injunction may only be pursued in Dutchess County Supreme Court.

§ 159-10 Summons and complaint for civil action.

- A. If the nuisance is not corrected within 30 days of the date of service of the notice set forth in § 159-7, or upon noncompliance with any written agreement reached with the Panel, the Panel shall notify the City Council that a public nuisance exists.
- B. At the direction of the City Council of the City of Beacon, the City Attorney may bring and maintain a civil action in the name of the City to abate a public nuisance and shall commence a civil action by filing a summons and complaint in the manner required by the New York State Civil Practice Laws and Rules.

- C. The summons and complaint shall name as defendant at least one of the owners of some portion of or having some interest in the property, as set forth in the last filed tax roll, and shall describe the owner's premises by tax number and/or street address.
- D. The summons and complaint may also name as defendant any owner, operator, manager or tenant of the premises.
- E. The complaint shall allege the facts constituting the public nuisance.
- F. The complaint shall be accompanied by an affidavit, to affirm that the owner or their agent had notice of the public nuisance and an opportunity to abate the public nuisance.
- G. Because the public nuisance is conducted, maintained, permitted or allowed in the City of Beacon, the venue of such action shall be in Dutchess County Supreme Court or in the City Court of the City of Beacon.
- H. In rem jurisdiction over the premises shall be completed by affixing the summons to the premises and by mailing the summons and complaint by certified or registered mail, return receipt requested, to the person in whose name the real property is recorded as determined by the last filed tax rolls.
- I. With respect to any action commenced or to be commenced, the City Attorney may file a notice of pendency pursuant to the New York State Civil Practice Laws and Rules.

§ 159-11 Civil penalty.

If, upon the trial of an action for a public nuisance or upon a motion for summary judgment in Supreme Court or in City Court, a finding is made that defendant(s) have conducted, maintained, permitted or allowed a public nuisance, notwithstanding any other provision in the Beacon City Code concerning penalties, a penalty may be awarded as follows for each day it is found that the defendant conducted, maintained, permitted or allowed the public nuisance after notice to abate had been given by the City:

Period of noncompliance	Penalty per day
1-15 days	\$ 1,000
16-30 days	\$ 2,500
31 days or more	\$ 5,000

§ 159-12 Permanent injunction.

- A. If, upon the trial of a civil action for a public nuisance or upon a motion for summary judgment in Dutchess County Supreme Court, a finding is made that defendant(s) have conducted, maintained, permitted or allowed a public nuisance, a permanent injunction may be granted.
- B. A permanent injunction may prohibit defendant from conducting, maintaining, permitting or allowing the public nuisance.
- C. A permanent injunction may authorize agents of the City to remove and correct any condition(s) in violation of the City Code. The judgment may further order that the cost of removing and correcting the violation(s), plus a charge of 50% as compensation to the City of administration and supervision expenses, be charged against defendant(s) and awarded to the City. The judgment may further order that the cost of removing and correcting the violation(s), plus the charge of

50% as compensation to the City for administration and supervision expenses, shall constitute a lien against the real property and shall be collected in the same manner as provided by law for the collection of real property taxes within the City.

- D. A judgment ordering a permanent injunction may direct the closing of the premises by the City, to the extent necessary to abate the public nuisance.
- E. A judgment awarding a permanent injunction shall provide for all costs and disbursements allowed by the New York State Civil Practice Laws and Rules and of the actual costs, expenses and disbursements of the City in investigating, bringing and maintaining the action.

§ 152-13 Closing of the building, structure or real property.

- A. If the judgment directs the closing of the building, structure or real property, the City shall serve the judgment upon defendant(s) in the manner required by the New York State Civil Practice Laws and Rules and shall post a copy of the judgment upon one (1) or more of the doors at entrances of the building, structure or real property, or in another conspicuous place on the building, structure or real property.
- B. In addition, the City shall affix upon one (1) or more of the doors at entrances of the building, structure or real property or in another conspicuous place on the building, structure or real property, a printed notice stating "CLOSED BY COURT ORDER" in block lettering of sufficient size to be observed by anyone intending to enter the premises. Mutilation or removal of such posted judgment or notice while it remains in force will be considered a separate violation and shall be punishable as contempt of court.
- C. After posting, the City may then command all persons present in the building, structure or real property to vacate the property forthwith. After the building, structure or real property has been vacated, the City may secure the premises.
- D. The closing directed by the judgment shall be for such period as the court may direct, but in no event shall the closing be for a period of more than a year from the posting of the judgment.
- E. A closing by the City shall not constitute an act of possession, ownership or control by the City.

§ 159-14 Administrative liability.

Neither the City of Beacon, nor any officer, agent or employee thereof, shall be personally liable for any damage resulting from any official determination, order or action required or permitted by or under this article.

§ 159-15 Severability.

If any provision of this article or the application thereof to any person or circumstances is held invalid, the remainder of this article and the application of such provision to other persons or circumstances shall not be rendered invalid thereby.

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law

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

Section 4. Severability

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

Section 5. Effective Date

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

City of Beacon Council Agenda
9/16/2019

Title:

Resolution Approving the Teller Avenue Supplemental Agreement

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Approving the Teller Avenue Supplemental Agreement	Resolution
Supplemental Agreement Regarding Teller Avenue	Agreement



**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ of 2019

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

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

WHEREAS, the City of Beacon desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection.

NOW, THEREFORE, the Beacon City Council, duly convened does hereby

RESOLVE, that the Beacon City Council hereby approves the above-subject project; and it is hereby further

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

RESOLVED, that the sum of **\$2,211,000** is hereby appropriated from _____ [or, appropriated pursuant to _____] and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Beacon City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Administrator thereof, and it is further

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

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

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

RESOLVED, this Resolution shall take effect immediately.

Dated: _____

Resolution No. ____ of 2019			Date: _____				
" Amendments			" 2/3 Required				
" Not on roll call			" On roll call				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		John Rembert					
		Lee Kyriacou					
		George Mansfield					
		Jodi McCredo					
		Amber Grant					
		Mayor Randy Casale					

CERTIFICATE OF RECORDING OFFICER

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

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

Iola C. Taylor
City Clerk
City of Beacon

Supplemental Agreement Cover for Local Agreements (11/12)

MUNICIPALITY/SPONSOR: City of Beacon

PIN: 8757.80

BIN: N/A

Comptroller's Contract No: D017290

Supplemental Agreement No. 4

Date Prepared & By: 9/03/2019 mg

SUPPLEMENTAL AGREEMENT NO 4 to D017290

This Supplemental Agreement is by and between:

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

And

City of Beacon (the Municipality/Sponsor)

Acting by and through the **City Administrator**

With its office at **One Municipal Plaza, Suite One, Beacon, New York 12508**

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

X Amends a previously adopted Schedule A by:

- ☐ amending a project description
- ☐ amending the contract end date
- X** amending the scheduled funding by:

X adding additional funding:

X adding **construction** phase which covers eligible costs incurred on/after

☐ adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx

- ☐ increasing funding for a project phases(s)
- ☐ adding a pin extension
- ☐ change from Non-Marchiselli to Marchiselli
- ☐ deleting/reducing a project phase(s)
- ☐ other (xxxxx)

☐ Amends a previously adopted Schedule "B"

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

☐ Amends the Text of the Agreement as follows:

Supplemental Agreement Cover for Local Agreements (11/12)

MUNICIPALITY/SPONSOR: City of Beacon

PIN: 8757.80

BIN: N/A

Comptroller's Contract No: D017290

Supplemental Agreement No. 4

Date Prepared & By: 9/03/2019 mg

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

Approved for the Municipality/Sponsor

Municipality/Sponsor Attorney:

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

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

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

Notary Public

By: _____
For Commissioner of Transportation

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

By: _____
Assistant Attorney General

COMPTROLLER'S APPROVAL:

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

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

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

OSC Municipal Contract #: D017290	Contract Start Date: 9/15/2000 (mm/dd/yyyy)	Contract End Date: 9/30/2020 (mm/dd/yyyy) <input type="checkbox"/> Check, if date changed from the last Schedule A
Purpose: <input type="checkbox"/> Original Standard Agreement <input checked="" type="checkbox"/> Supplemental Schedule A No. 4		
Agreement Type: <input checked="" type="checkbox"/> Locally Administered Municipality/Sponsor (Contract Payee): City of Beacon Other Municipality/Sponsor (if applicable): <input type="checkbox"/> State Administered <small>List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.</small> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Municipality: <div style="text-align: right;">% of Cost share</div> </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Municipality: <div style="text-align: right;">% of Cost share</div> </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Municipality: <div style="text-align: right;">% of Cost share</div> </div>		
Authorized Project Phase(s) to which this Schedule applies: <input checked="" type="checkbox"/> PE/Design <input checked="" type="checkbox"/> ROW Incidentals <input checked="" type="checkbox"/> ROW Acquisition <input checked="" type="checkbox"/> Construction/CI/CS		
Work Type: HWY RECONST	County (If different from Municipality): Dutchess County	
Marchiselli Eligible <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>(Check, if Project Description has changed from last Schedule A): <input type="checkbox"/></small> Project Description: Reconstruction of Teller Avenue from Main Street to Wolcott Avenue in the City of Beacon, Dutchess County.		
Marchiselli Allocations Approved FOR ALL PHASES <small>All totals will calculate automatically.</small>		
<small>Check box to indicate change from last Schedule A</small>	State Fiscal Year(s)	Project Phase
		<input type="checkbox"/> PE/Design <input type="checkbox"/> ROW (RI & RA) <input type="checkbox"/> Construction/CI/CS
<input type="checkbox"/>	Cumulative total for all prior SFYs	\$24,000.00 \$7,933.00 \$0.00
<input type="checkbox"/>	Current SFY	\$0.00 \$0.00 \$0.00
Authorized Allocations to Date		\$24,000.00 \$7,933.00 \$ 0.00
TOTAL		
		\$31,933.00 \$ 0.00 \$31,933.00

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

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

NYSDOT/State-Local Agreement – Schedule A

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

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
8757.80.321	Current	STP	\$2,211,000.00	\$1,768,800.00	\$0.00	\$442,200.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$2,211,000.00	\$1,768,800.00	\$ 0.00	\$442,200.00

C. Local Deposit(s) from Section A:	\$ 0.00
Additional Local Deposit(s)	\$
Total Local Deposit(s)	\$ 0.00

D. Total Project Costs All totals will calculate automatically.

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$1,940,536.00	\$31,933.00	\$ 0.00	\$453,201.00	\$2,425,670.00

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

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

[illegible]

**City of Beacon Council Agenda
9/16/2019**

Title:

Resolution Approving the Fishkill Avenue Supplemental Agreement

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Approving the Fishkill Avenue Supplemental Agreement	Resolution
Supplemental Agreement Regarding Fishkill Avenue	Agreement



**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ of 2019

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

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

WHEREAS, the City of Beacon desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection work.

NOW, THEREFORE, the Beacon City Council, duly convened does hereby

RESOLVE, that the Beacon City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Beacon City Council hereby authorizes the Beacon City Council to pay in the first instance 100% of the federal and non-federal share of the costs of construction and construction inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$4,726,000** is hereby appropriated from _____ [or, appropriated pursuant to _____] and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Beacon City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Administrator thereof, and it is further

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

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

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

RESOLVED, this Resolution shall take effect immediately.

Dated: _____

Resolution No. ____ of 2019			Date: _____				
" Amendments			" 2/3 Required				
" Not on roll call			" On roll call				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		John Rembert					
		Lee Kyriacou					
		George Mansfield					
		Jodi McCredo					
		Amber Grant					
		Mayor Randy Casale					

CERTIFICATE OF RECORDING OFFICER

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

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

Iola C. Taylor
City Clerk
City of Beacon

Supplemental Agreement Cover for Local Agreements (11/12)

MUNICIPALITY/SPONSOR: City of Beacon

PIN: 8757.30

BIN: N/A

Comptroller's Contract No: D017347

Supplemental Agreement No. 6

Date Prepared & By: 09/03/2019 mg

SUPPLEMENTAL AGREEMENT NO 6 to D017347

This Supplemental Agreement is by and between:

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

And

City of Beacon (the Municipality/Sponsor)

Acting by and through the **City Administrator**

With its office at **One Municipal Plaza, Suite One, Beacon, New York 12508**

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

X Amends a previously adopted Schedule A by:

☐ amending a project description

☐ amending the contract end date

X amending the scheduled funding by:

X adding additional funding:

X adding **construction** phase which covers eligible costs incurred on/after

☐ adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx

☐ increasing funding for a project phases(s)

☐ adding a pin extension

☐ change from Non-Marchiselli to Marchiselli

☐ deleting/reducing a project phase(s)

☐ other (xxxxx)

☐ Amends a previously adopted Schedule "B"

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

☐ Amends the Text of the Agreement as follows:

Supplemental Agreement Cover for Local Agreements (11/12)

MUNICIPALITY/SPONSOR: City of Beacon

PIN: 8757.30

BIN: N/A

Comptroller's Contract No: D017347

Supplemental Agreement No. 6

Date Prepared & By: 09/03/2019 mg

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

Approved for the Municipality/Sponsor

Municipality/Sponsor Attorney:

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

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

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

Notary Public

By: _____
For Commissioner of Transportation

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

By: _____
Assistant Attorney General

COMPTROLLER'S APPROVAL:

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

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

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

OSC Municipal Contract #: D017347	Contract Start Date: 8/7/2001 (mm/dd/yyyy)	Contract End Date: 9/30/2020 (mm/dd/yyyy) <input type="checkbox"/> Check, if date changed from the last Schedule A			
Purpose: <input type="checkbox"/> Original Standard Agreement <input checked="" type="checkbox"/> Supplemental Schedule A No. 6					
Agreement Type: <input checked="" type="checkbox"/> Locally Administered Municipality/Sponsor (Contract Payee): City of Beacon Other Municipality/Sponsor (if applicable): <input type="checkbox"/> State Administered <i>List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.</i> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Municipality: <div>% of Cost share</div> </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Municipality: <div>% of Cost share</div> </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Municipality: <div>% of Cost share</div> </div>					
Authorized Project Phase(s) to which this Schedule applies: <input checked="" type="checkbox"/> PE/Design <input checked="" type="checkbox"/> ROW Incidentals <input checked="" type="checkbox"/> ROW Acquisition <input checked="" type="checkbox"/> Construction/CI/CS					
Work Type: HWY RECONST	County (If different from Municipality): Dutchess County				
Marchiselli Eligible <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check, if Project Description has changed from last Schedule A): <input type="checkbox"/> Project Description: Improvements to Fishkill Avenue from Beacon City Line to Main Street in the City of Beacon, Dutchess County.					
Marchiselli Allocations Approved FOR ALL PHASES <i>All totals will calculate automatically.</i>					
Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase	TOTAL		
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input type="checkbox"/>	Cumulative total for all prior SFYs	\$49,500.00	\$24,444.00	\$0.00	\$73,944.00
<input type="checkbox"/>	Current SFY	\$0.00	\$0.00	\$0.00	\$ 0.00
Authorized Allocations to Date		\$49,500.00	\$24,444.00	\$ 0.00	\$73,944.00

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

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

NYSDOT/State-Local Agreement – Schedule A

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

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
8757.30.321	Current	STP	\$4,726,000.00	\$3,780,800.00	\$0.00	\$945,200.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$4,726,000.00	\$3,780,800.00	\$ 0.00	\$945,200.00

C. Local Deposit(s) from Section A:

\$ 0.00

Additional Local Deposit(s)

\$

Total Local Deposit(s)

\$ 0.00

D. Total Project Costs All totals will calculate automatically.

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$4,188,640.00	\$73,944.00	\$ 0.00	\$973,216.00	\$5,235,800.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed)
Name: Marshall GioiaPhone No: 845-431-5804

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

[illegible]

**City of Beacon Council Agenda
9/16/2019**

Title:

Resolution Approving a Contract with Dutchess County for Transit Services

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Approving a Contract with Dutchess County for Transit Services	Resolution
Contract with Dutchess County for Transit Services	Agreement



CITY COUNCIL

Resolution No. _____ of 2019

RESOLUTION APPROVING A CONTRACT WITH DUTCHESS COUNTY FOR TRANSIT SERVICES

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby approves a contract with Dutchess County for transit services.

Resolution No. _____ of 2019		Date: <u>September 16, 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					



**DUTCHESS COUNTY
DEPARTMENT OF PUBLIC WORKS
CHANGE ORDER
FOR
MONETARY AND TERM CHANGE**

Date: September 5, 2019

1. Contract Number: 18-0464-12/19-PW Change Order Number: 18-0464-12/19-PW-A1
2. County Attorney Number: 13999 Contractor:
City of Beacon
Attn: Randy Casale
One Municipal Plaza, Suite One
Beacon, NY 12503

3. Project:

Unlimited access for any potential passenger boarding within the boundaries of the City of Beacon to travel Dutchess county Public Transit's Fixed Route G

4. Reason for Change:

Paragraph "3" entitled "EXTENSION": Allows for three (3) additional one (1) year terms, Upon such terms and conditions as the parties may agree. All other terms and conditions of the underlying agreement, and any amendment thereto not expressly amended or altered by this agreement, shall remain in full force and effect.

"Shall be changed to read "may be extended for Two (2) additional one (1) year terms"

5. Term Change as Follows:

a. Original Term: From: August 15, 2018 to December 31, 2019
w/two (2) - One (1) year extensions
b. Change order 1 Term Extension From: January 1, 2020 to December 31, 2021
w/no extensions remaining

This contract shall be extended for two (2) additional terms as per below

a) January 1, 2020 to December 31, 2020 for \$12,100.00 annually, THE REMAINING BALANCE AT THE END OF THE TERM SHALL NOT CARRY OVER TO THE NEXT TERM.

B) January 1, 2021 to December 31, 2021 for \$13,310.00 annually, THE REMAINING BALANCE AT THE END OF THE TERM SHALL NOT CARRY OVER TO THE NEXT TERM.

APPROVED/ACCEPTED (Please Sign Below)

6. For Contractor - By: _____ Date _____
7. For Dept. of Public Works - By: _____ Date _____
8. For County Attorney - By: _____ Date _____
9. For County of Dutchess - By: _____ Date _____

City of Beacon Council Agenda
9/16/2019

Title:

Resolution Authorizing a Contract with Hudson River Maritime Museum For Ferry Services for Certain Dates

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Authorizing Entering Into Contract with Hudson River Maritime Museum for Ferry Service for Certain Dates	Resolution



CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2019

RESOLUTION

AUTHORIZING ENTERING INTO CONTRACT WITH HUDSON RIVER MARITIME MUSEUM FOR FERRY SERVICES FOR CERTAIN DATES

WHEREAS, Orange County and Dutchess County have been having discussions with the Hudson River Maritime Museum ("HRMM") concerning HRMM providing ferry services on certain weekends in September and October between the City of Newburgh and the City of Beacon; and

WHEREAS, Orange County and Dutchess County have conceptually agreed to sharing paying for the cost of such ferry service, for a total combined amount not exceed \$10,000 for two weekend services; and

WHEREAS, the County of Orange has committed to paying for ferry service to be provided on September 28th and 29th 2019 for a total cost not to exceed \$5,000; and

WHEREAS, Dutchess County is proposing a letter agreement with the City of Beacon to provide up to \$5,000 in funding for the provision of the ferry service on October 19th and 20th including costs associated with round trip transporting the ferry to and from Kingston; and

WHEREAS, HRMM is requiring that a commitment be made now to retain the ferry for the September and October services; and

WHEREAS, the City of Beacon in recognizing the benefits to bring tourists into the City and for its residents to have ferry service on a weekend to Newburgh, recognizes that providing the ferry service is in the public interest; and

WHEREAS, the City of Beacon is expecting to receive reimbursement from Dutchess County for such cost.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby authorizes the City Administrator to enter into a contract with Hudson River Maritime Museum for providing ferry service on October 19th and 20th for a cost not to exceed \$5,000.00, provided the Contract is in a form acceptable to the City Administrator and City Attorney; and

WHEREAS, the City Council also authorizes entering into any additional contracts deemed necessary by the City Administrator or City Attorney with Dutchess County or other municipal entities to implement this Agreement; and

BE IT FURTHER RESOLVED, that the City Administrator is authorized to sign any and all documents necessary to implement the intent of this Resolution.

Resolution No. ____ of 2019			Date: <u>September 16, 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
9/16/2019

Title:

City Council Meeting Minutes August 19, 2019

Subject:

Background:

ATTACHMENTS:

Description	Type
City Council Meeting Minutes August 19, 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 August 19, 2019. Please note that the video recording of this meeting is available at <https://vimeo.com/354858830>

Council Members Present:

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

Council Members Absent:**Also Present:**

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

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

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

Mayor Casale recognized the accomplishments of Jack Dexter, a former Dutchess County Legislator who recently passed away.

Speakers:

John Bono

Mr. Bono read a portion of the resolution from the planning board regarding the project at Ferry Landing. It stated that the preservation and protection of the viewshed from Bayview Avenue will be considered when the applicant comes forward with amendments for site plan approval.

Laura Bono

Ms. Bono spoke about the proposed building at Ferry Landing. The rendering shows the building to rise above the cliff behind it. The applicant said that no objects will be placed on the roof. There has been enough misinformation to believe that the building will not be erected as it is presented. Will the taxpayers have a say in the process if the owner wishes to build more? What happens if the building is in fact above the cliff? It seems that the way the viewshed was worded, it was supposed to have included the entire Bayview Avenue. This is an historic area. She said she hopes it does end up being part of the viewshed.

Mayor Casale responded, saying that the public would have a say if there were any amendments that came forward.

Theresa Kraft

Ms. Kraft spoke about the lack of attendance at the meetings and said that she wishes the people speaking on social media were actually speaking at Council meetings.

She said that the City has to stop selling property at bargain discount properties. Beacon needs to establish pocket parks and green spaces. Beacon has become a city where bar and food establishments have taken priority over the quality of life of residents. The residents have had to call the New York State Liquor Authority Board for peace and quiet.

Public Hearings:

No. 1:

Public Hearing Regarding A Moratorium with Respect to Land Use Approvals for Residential, Commercial, and Mixed-Use Developments

City Attorney Nick Ward Willis provided a brief about the proposed moratorium. He stated that the Dutchess County Planning and Development Board commented that it was a matter of local concern. Meanwhile, the City of Beacon Planning Board recommended that the City Council does not pass a resolution in favor of a moratorium. He also stated that in his legal opinion, based upon the reasons stated for the proposed moratorium, there is no legal basis for a moratorium.

Anthony Ruggiero, City Administrator

Mr. Ruggiero gave an update on the condition of Well #2. The well was able to be pumped at 600 gallons per minute but there was increased turbidity above that. The goal is to pump at 800 gallons per minute with no turbidity.

Arthur Camins

Mr. Camins spoke out against the moratorium. He said that there are very few people at the meeting because they believe the City Council will not listen to them. He said that the city is in reactive mode rather than forward planning mode. He continued, stating that a moratorium of one year is necessary. He said that the city needs an expert opinion to determine what the total impact of the development has been on Beacon up until this point. The city needs to take a pause in the meantime. The city should get peoples' opinions at venues all around town because some people don't feel comfortable at City Council meetings. The moratorium should start when the Council votes for the moratorium. If there are any projects in the pipeline, they should be stopped. Also, if anything is exempt from the moratorium, then that defeats the purpose. The possibility of a developer making a case for economic hardship should not be a reason to get

around the moratorium. The burden of proof should not be on the residents, but on the developers to prove why we need a development.

Stosh Yankowski

Mr. Yankowski stated that the moratorium should be more than six months. The Planning Board said they did not see a reason for the moratorium, they did not however give a negative declaration. Further, Planning Board member Jill Reynolds voted against a four-story development in the past and she wasn't at the meeting to comment on the moratorium. Beacon is a small community; it is not Brooklyn. There should be a study of the parking and traffic problem in Beacon, perhaps that could support a moratorium.

Theresa Kraft

Ms. Kraft said that traffic and parking are already an issue. Beacon needs to step up historic preservation policy. Some on the Council are showing allegiance to developers. There should not be any more four floor developments in Beacon.

Tina Bernstein

Ms. Bernstein spoke about the moratorium, stating that the residents are upset that there has been development without studies to determine the effect of those developments. The Council's credibility is at stake if they don't take this opportunity to take a look at all of the proper assessments and community engagement. The city needs to publicize things and meet people where they are at. People are not happy.

Jessica Eriksmoen

Ms. Eriksmoen wants the City Council to use taste and do things right. She said she is not anti-development but she wants decisions to be made with integrity. The residents are trusting the elected officials to be their voices. The Council should consider what is going to bring in cash for Beacon so the City can have more schools and more cash for infrastructure.

John Bono

Mr. Bono said that things are developing so fast that it is hard to keep up. The sewage plant is going to have to be rebuilt. Is another school going to have to be built to accommodate the development? The roads need improvement, particularly Stratford Avenue. He said he has fallen over in his wheel chair two or three times because of poor road conditions on Stratford Avenue.

Motion to Close the Public Hearing

- Motion by Council person Rembert
- Second by Council person McCredo
- Motion passes 7-0

2. Public Hearing Regarding Concept Plan for 248 Tioronda Avenue

Nick Ward-Willis, City Attorney

Mr. Ward-Willis gave a brief detailing how the project has ended up in front of the Council. Adequate notice was given to neighbors.

Larry Boudro, Chazen Companies

Mr. Boudro detailed the timeline for the project. There were five months of environmental review and the Planning Board adopted a negative declaration. The Army Corps of Engineers updated their report. There was a net increase in area for development and Greenway Trail expansion. There is no gross impact on the floor area. No change in water usage or wastewater. The number of expected school children actually goes down. He requested that the Council keep the public hearing open until they receive the jurisdictional determination from the Army Corps of Engineers. The jurisdictional determination will allow the claimant (Chazen Companies) to request more units and add 500 linear feet of the greenway trail. He took the Council and public through a presentation detailing the location and renderings of the proposed project. If you would like to view the presentation, please see the agenda packet for the August 19, 2019 Council Meeting at cityofbeacon.org.

John Clarke

Mr. Clarke said that one of the new units being proposed would be priced under workforce affordable criteria.

Jessica Eriksmoen

Ms. Eriksmoen said she is concerned about the traffic and speeding on Tioronda Avenue. She wanted to hear from the Mayor and the Council that this is important, that there will be more police presence in the area. She also wanted to make sure that someone is enforcing construction noise regulations.

Nick Ward-Willis, City Attorney

The Planning Board will be holding hearings on the Site Plan review and at that time construction sequencing discussions will take place and the public is welcome to comment.

Jessica Woods

Ms. Woods said she did not move to Beacon to live in something like what is being proposed at 248 Tioronda. She said she could have stayed in Bushwick. Ms. Woods asked who this development is for.

Theresa Kraft

The mechanical rooms on the roofs of the proposed buildings are huge. The environment must be protected in this area.

Arthur Camins

Mr. Camins said that this project is less objectionable than others. He asked if the development is necessary. He said the City needs a moratorium to determine what should be built in order to create the most economically viable economy. He said that grey boxes on the top of otherwise nice-looking buildings makes it look out-of-character from the other buildings. He thinks it looks ugly.

Elizabeth Strelchun

Ms. Strelchun is deeply concerned about the safety on Tioronda Avenue with this building going up. She said vehicles speed down the road making it unsafe for pedestrians and bicyclists, especially considering the narrow width of the road. More law enforcement is needed.

Al Espizito

Mr. Espizito asked what the development at 248 Tioronda would bring to the City of Beacon. The development will change the beautiful view of Mount Beacon. The “boxes” on the top of the building don’t make the building look like a factory. The parking garages are visible from the rear. There is a problem with wildlife. The road narrows as it gets closer to 9D. The additional traffic is not good. A moratorium, particularly on these proposed buildings, is advisable.

Tina Bernstein

Ms. Bernstein asked, “Who are these apartments for?” She said there was a time when the city was depressed and the arts revival was wonderful, but at this point, the city has to consider what they are doing with all of the development. She continued, saying that the grey boxes on the building next to Homespun are hideous. The building is nice but the boxes on top are ugly as sin.

Daniel Aubry

Mr. Aubry said that the developer must think there is a market for the rentals or else the developer would be the first one not to want to build them. They want to build because Main Street is shuttered four nights a week and we need more people living in Beacon. Let the market decide. There are no new developments coming to Beacon, this project is four years old.

Stosh Yankowski

Mr. Yankowski said that he has talked to a lot of people in Beacon who do not want any more development - for now at least. The retail spaces on Main Street (he referred to them as the “Monsters on Main”) are empty. He questioned whether or not Beacon even needs all of this

development. Additionally, the City still has an opportunity to purchase the land where the Ferry Landing project is proposed. Slow this development down.

Tom Cunningham

Mr. Cunningham asked what the height will be to the top of the mechanical. He asked what the purpose is of the non-residential building. Mr. Cunningham said that the best development for the city would be office space.

Mayor Casale

Mayor Casale responded by saying that the Council decided there should be some commercial space because the city doesn't have enough. He continued by saying that changes were made because the councils have listened to the public through extensive planning processes including two Comprehensive Plans, one in 2007 and an updated one in 2017, which took considerable public input into account. He also responded to residents who said that traffic speed will be even more of a problem when 248 Tioronda is developed by saying that cars are speeding and people are dumping on Tioronda because there isn't much action there. If there was development, that could stop. Legally, the city can't have a moratorium every time a building goes up that someone doesn't like.

Bill Irwin

Mr. Irwin said that the wetland is a precious resource. One-by-one environmental impact studies for each proposed project don't take into account the cumulative impact of all of the development on the Fishkill Creek. He continued, saying that a traffic study on Tioronda Avenue near the entrance to Madame Brett Park was done a few years ago but only studied the north side of the road. He said that the "Please Honk" sign in the same area is a nuisance for residents who live there.

John Clarke, City Planner

The 2007 Comprehensive Plan had a generic environmental impact statement for development city-wide.

Jodi McCredo

Ms. McCredo asked Larry Boudro if an entrance could be built on Wolcott Avenue in an attempt to alleviate traffic on Tioronda Avenue.

Larry Boudro

It was determined that the Wolcott Avenue access would be used just for emergency access. He presented three scenarios to the Planning Board and the Planning Board determined the best

option was to have the entrance on Tioronda Avenue because traffic would back up past the entrance if it were Wolcott Avenue. The grey structures on top of the buildings are stair towers.

Andrea Capsaus

She said that she can't get a parking spot on Main Street and there is heavy traffic on the street. Main Street doesn't seem like it is struggling, we don't need development to help Main Street.

Aaron Giunta

Ms. Giunta said that she is concerned about the entrance into the development, particularly with cars making illegal right turns into the development. She's concerned about the speed of cars in the area, there is a school bus stop and kids are walking to school. If there has to be commercial space then office space where people are only coming and going in a traditional nine to five-time frame is ideal. This is marketed towards high end residential; this is not what we need. We need low income housing.

Motion to Adjourn the Public Hearing until October 7

- Motion by Council person Grant
- Second by Council person Rembert
- Motion passes 7-0

Council Reports

Council Person Terry Neslon

No comments.

Council Person Jodi McCredo

Ms. McCredo said that the responses she's gotten from people about her proposal for taking parking off of one side of Main Street have been really overwhelmingly positive and she is excited to talk about it with the Council in the future.

Council Person Mansfield

Mr. Mansfield welcomed Industrial Arts Brewery to Beacon and thanked them for bringing jobs.

Council Person Kyriacou

Mr. Kyriacou spoke about the history of the 248 Tioronda Avenue project. Two years ago, the project was proposed for 100 residential units with a peaked roof style. The Council made several adjustments to the project, including reducing the residential range of the allowable number of units per acre, requiring a minimum of 25% of the buildout to be commercial space, removing steep slopes and wetlands from any calculation of residential density, establishing a

more “factory-style” building, bringing the greenway trail more thoroughly adjacent to the river and reducing the number of residential units down from 100 to 64.

Council Person Rembert

Mr. Rembert said the City needs more commercial space, more low-income housing and needs to focus on viewsheds. He agreed with the Resolution commenting on the Danskammer Buildout.

South Elm Street did not have lights last night.

Council Person Grant

Ms. Grant thanked the Highway Department and the City Administrator for responding to her inquiry on behalf of a resident regarding landscaping at Green Street Park.

The Traffic Safety Committee should look at the traffic situation on Tioronda Avenue.

She asked if there was anything the Council could do to make the mechanical rooms and stair towers on the roofs of new buildings less offensive.

Mayor Casale

Mayor Casale thanked the public for coming out and speaking. He stated that the Council has done a good job of listening to the public and making adjustments based upon what residents have to say. He spoke about parking; saying that the parking is not busy because of the people that live here but it is so because of people who come to visit. He said that the City has looked at options for more parking however, the more parking you bring to a city, the more cars you will bring. We must be careful.

The public took a major role in the processes here in Beacon. The Comprehensive Plan is a living document. Changes can be made to the document; a moratorium is not needed to make alterations to the Comprehensive Plan.

Mayor Casale talked about the upcoming dedication ceremony for Clara Lou Gould. The ceremony will include guest speakers and the unveiling of a plaque. He invited all of the Council members who served on the Council during Mayor Gould’s time as Mayor. The ceremony will be on August 29th at 6:30 pm at City Hall. Mayor Casale said that Clara Lou Gould was instrumental in turning around the City of Beacon.

Tina Bernstein

Ms. Bernstein said that she saw people getting parking tickets on West Main Street for two-hour parking. Municipal parking needs to be better signed.

Mayor Casale

Mayor Casale responded by saying that the City is improving wayfinding.

Resolutions, Ordinances and Local Laws:

1. A Resolution Authorizing the City of Beacon to Hire Joseph Oaks for the Vacant Water and Sewer Helper Maintenance Position

- Motion by Council person Grant
- Second by Council person Nelson
- Resolution passes 7-0

2. Resolution Rejecting Bids for the Main Street Improvement Project

Mayor Casale spoke about the scope of the project. He said that the recommendation was to reject the bids because they came in so much higher than expected.

- Motion by Council person McCredo
- Second by Council person Mansfield
- Resolution passes 7-0

3. A Resolution Authorizing the City of Beacon to Enter into a Contract with Sun Up Construction for the Teller Avenue Sanitary Sewer Replacement Project

Anthony Ruggiero gave a brief on the project by stating that the City Engineer determined that Sun Up Construction was the lowest responsible bidder and the bid came below the budgeted price.

- Motion by Council person Grant
- Second by Council person Nelson
- Resolution passes 7-0

4. A Resolution Scheduling a Public Hearing for September 3, 2019 Regarding Local Law to Amend Chapter 211, Article II, Section 10 of the Code of the City of Beacon Concerning a Stop Sign at the Intersection of North Elm Street and Oak Street

- Motion by Council person McCredo
- Second by Council person Mansfield
- Resolution Passes 7-0

5. A Resolution Authorizing the City of Beacon to Enter into a Dog Housing Agreement with the Dutchess County SPCA

- Motion by Council person Grant
- Second by Council person Rembert
- Resolution passes 7-0

6. A Resolution Granting a Special Use Permit Extension for Edgewater (22 Edgewater Place)

- Motion by Council person Mansfield
- Second by Council person Grant
- Resolution passes 7-0

7. A Resolution Authorizing the City of Beacon to Enter into a Contract with Balanced Builders, Inc. for the Memorial Building Window Replacement and Exterior Painting Project

- Motion by Council person Rembert
- Second by Council person McCredo
- Resolution passes 7 - 0

Approval of Minutes

Motion to approve council minutes from August 5, 2019

- Motion by Council person McCredo
- Second by Council person Nelson
- Motion passes 7-0

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:

Adjournment:

- Motion by Council person Grant
- Second by Council person Nelson

- Motion passes 7-0

Next Workshop: August 26, 2019

Next Meeting: September 3, 2019

City of Beacon Council Agenda
9/16/2019

Title:

City Council Meeting Minutes September 3, 2019

Subject:

Background:

ATTACHMENTS:

Description	Type
City Council Meeting Minutes September 3, 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 September 3, 2019. Please note that the video recording of this meeting is available at <https://vimeo.com/357733181>

Council Members Present:

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

Council Members Absent:**Also Present:**

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

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

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

Speakers:

Stosh Yankowski

Mr. Yankowski is concerned that non-water related issues have been removed from the moratorium resolution. He questioned whether it is necessary to hold another public hearing regarding the moratorium. He urged the city to pass a law banning four-story buildings. He said that the noise from Billy Joe's Rib Works was very loud on Friday night.

Theresa Kraft

Ms. Kraft said the city needs to consider adopting a policy of issuing a positive declaration of significance before the SEQR process and be willing to accept, if necessary, to reverse it to a negative declaration. This would protect the city from an Article 78 down the road.

Community Segment

Gwenno James and Deborah Bigelow gave a presentation about the upcoming Spirit of Beacon Day festivities. Spirit of Beacon Day will be September 29th from 12 – 4 on Main Street with a rain date of October 6th. The parade starts at 1 pm at City Hall and ends at the Howland Center. The theme this year is "Growing Together." You can find out more at spiritofbeacon.org

Public Hearings**1. Public Hearing Regarding the Addition of a Stop Sign at the Intersection of North Elm Street and Oak Street**

No speakers

Motion to Close Public Hearing

Motion by Council Person Rembert

Second by Council Person McCredo

Motion Passes 7 – 0

2. Public Hearing to Designate 35 Properties as Landmarks Pursuant to City of Beacon Code Chapter 134 Historic Preservation, and Amend the Historic District Landmark Overlay (HDLO) Map and Zoning Map

John Clarke, City Planner

The HDLO zone has been in place for decades. There have been a few additions in the past. The City Council requested that the city look at properties in the Central Main Street Zone (CMS). The process and criteria for historic district nominees can be found in the City Code.

The Council asked Mr. Clark to look at 63 properties in the area. The list was then narrowed to 35 candidates. There are certain benefits to being designated as an historic home which include but are not limited to special zoning privileges with regards to special use permits, and there may be tax advantages. If homeowners would like to opt out of the HDLO, they should make their opinion known to the Council at a meeting or in writing. However, a super-majority vote from the Council would override a homeowner's objections.

Mr. Clarke briefly discussed each of the 35 proposed properties.

1. 1158 North Avenue: This building was a former show room for the North Avenue Garage.
2. 1154 North Avenue: In the past it was used as an out building for the Eagle Hotel. In 1904 it was converted from a hotel to the North Avenue Garage.
3. 152 Main Street: This building is located on the inside of the block between North Avenue and Cross Street. It is a former industrial building. It was a Flower and Feed warehouse initially. It was converted to a carriage repair house and then an auto repair house.
4. 4 Cross Street: Built between 1912 and 1919, this four-story brick building is vernacular in form.

5. 11 Digger Phelps Court: This house was built between 1876 and 1884. It retains a lot of its original architectural character.
6. 9 Mattie Cooper Square: This house has a wood frame and was built between 1876 and 1884.
7. 11 North Elm Street: This is an entirely intact arts and crafts house dated to 1922.
8. 4 North Elm Street: This house is a second empire style home. It is intact and was built between 1876 and 1884.
9. 17 Church Street: This home was built around 1876, it is an odd mixture of gothic and second empire style. It was a hospital in the 19th Century.
10. 27 Church Street: This home was built between 1889 and 1896, it has bay windows.
11. 232 Main Street: This is a three-story building with intricate brickwork, it was built between 1889 and 1896 and was originally a grocery store.
12. 246 Main Street: This building is intact and was built around 1889. It was a former candy manufacturer and a saloon. Around 1919 it became the Bennet Hotel.
13. 250 Main Street: Originally used as a haberdasher, this building has intricate brackets and was built between 1904 and 1912.
14. 257 Main Street: This building was built between 1889 and 1896. It originally housed a barber, grocery store and a candy store.
15. 269 Main Street: Dated to 1929 this is a one-story building that housed the Beacon News Building with a printing plant in the back.
16. 274 Main Street: Originally a liquor store, this building was built between 1889 and 1896. It was originally listed as a liquor store.
17. 284 Main Street: This was built between 1912 and 1919; its upper floors are intact.
18. 288 Main Street: This was built between 1919 and 1927; it was listed as White Garage. It was later converted into the Roosevelt Theater. It has art deco elements indicating a 1930's look.
19. 291 Main Street: This building is the completely intact former Hudson Valley Telephone Company building. It had public phones on the first floor. It also has a cornice line.
20. 315 Main Street: In 1884 this building housed a gunsmith, by 1919 it became a four-story building. The cornice is intact.
21. 314 Main Street: Originally a saloon, this was built in 1889.
22. 372 Main Street: The First Baptist Church in Mattwean was built in 1854. Originally it had a wood belfry and it now has a brick belfry.
23. 378-382 Main Street: This building was built around 1867, it was a sleigh manufacturer. There was a passthrough for carriages in the middle of the building. At one point it became a carriage and automobile works.
24. 403 Main Street: A relatively intact former saloon, this was built between 1880 and 1885.

25. 159 Fishkill Avenue: This is a high style Victorian in a very small package; it was built between 1867 and 1876.
26. 189 Fishkill Avenue: Built around 1889 this was the James Forrestal House. It housed a three-story print workshop in the backyard. It had elaborate bay windows, but around the 1970's the architectural details were removed. It is the birth place of James Forrestal, a great friend of Franklin Roosevelt who served as the Secretary of the Navy and as the nation's first Secretary of Defense.
27. 194 Fishkill Avenue: This home was built around 1900, it has since lost a lot of architectural detail.
28. 331 Verplanck Avenue: The Hebrew Center used to have a stone wall and an elaborate staircase, otherwise it is still intact from 1929.
29. 26 South Chestnut: This was built around 1926, it has brick patterns which are essentially original.
30. 19 Commerce Street: This home has clipped gables and prominent bay windows.
31. 11 Commerce Street: This home was built between 1867 and 1876. It was HH Houstice's house, the former president of Fishkill Landing.
32. 20 South Avenue: This is a second empire home built between 1867 and 1876. It has a wraparound porch and is essentially intact and in great shape.
33. 22 South Avenue: This home was built between around 1876. It has brick and stucco, with a highly decorated wraparound porch.
34. 26 South Avenue: This home was built between 1867 and 1876, its porch has a lot of details.
35. 30 South Avenue: This is a historic brick building built between 1867 and 1876.

Ladania Elecant

372 Main Street

The Salvation Army does not want its building at 372 Main Street to become a historic landmark because they have to make changes within the building and being a landmark would make that restrictive.

Sherish Chichonvis

South Avenue

It would be nice to have a better idea of the proposed tax-abatement. He asked for clarification on the process to make changes to the building and the rules that need to be followed. He also asked for new noise regulations.

Jessica Jelliffe

194 Fishkill Avenue

Ms. Jelliffe thanked the Council for considering their home for designation. She did not receive the letter about the HDLO. She had two concerns, the first was that renovations have to go through the historical committee which adds time and money to the process. Secondly, the purpose of designating these homes is to better the city, if that is the case then there is an expectation that the homeowner will do the work to make these homes stand out and shine. If the homeowner can't do that, designation misses the point.

Karen Mayer

Beacon Hebrew Alliance, 313 Verplanck Avenue

Ms. Mayer said that they salute what the Council is doing. However, they are a large congregation and half of the board hasn't had a chance to consider this with all of the important parties in the organization. She requested until November (due to the Jewish Holidays) to discuss with her board. They are also looking for clarity for what it means to be "open to the public." Will interior renovations be necessary? Where will the money come from if they have to go before different city boards?

Jennifer Vantyle

Ms. Vantyle is an attorney from Cuddy and Fedder she spoke on behalf of the Salvation Army.

The Salvation Army opposes this designation because it operates more harshly on a church than a different property for three reasons.

1. A church is open to the public and therefore needs a certificate of appropriateness before making changes to interior spaces. Intrusive regulations such as these can be costly.
2. How does the law give relief to someone who claims there is an improper denial of a certificate of appropriateness? The law provides an appeal to the Zoning Board of Appeals based on the grounds of economic hardship. That satisfies private property owners but not a church, where the standard is based on "profitable return when considering alternate uses." A church or synagogue is inherently not profitable.
3. Consider the benefits of the designation, a tax exemption does not assist the church because the church is already tax-exempt.

Joe Donovan

Mr. Donovan owns three properties proposed for designation. He has no objection to two of them, the third one he wanted to express concern about the implementation. 152 Main Street is a building in need of repair. The compliance costs represent a slippery slope that can become expensive. Improvements cannot be done in one fell swoop; they get done little-by-little which can be expensive. If he has to come to a Planning Board meeting each time he needs to make a change to the property, the cost of doing so will be absorbed by the tenants. This property is rented to tenants with low incomes.

Theresa Kraft

Historic preservation is too important to be buried under bureaucratic paperwork. She commended the city for their work to designate the properties. She said that the law needs to be fine-tuned to accommodate for churches and synagogues considering the interior regulations. The Howland Cultural Center needs to be protected; the city zoning laws must be changed to remove the grandfather clauses. The city needs an Historic Preservation Commission.

Melissa O.

17 Church Street

She asked how this will affect the resale value? Also, she asked if the lot can be subdivided.

John Clarke and Nick Ward-Willis said that a subdivision will have to go through the planning board as is normally the case.

Mara Equities

257 Main Street

Ms. Equities declined the invitation to become a historically-designated property owner.

Joseph Dartmeco

314 Main Street, "The Duke"

Mr. Detmarko said he was excited about coming to Beacon because of the creative drive. His family would like to have the option of choosing whether or not to make 314 Main Street an historically designated building. Limitations are the enemy of creativity. He said that he would not have purchased the property with a landmark designation. This designation would be a restriction if he tried to sell the property.

He asked the Council if they could make the old fashion lights consistent throughout Main Street.

Donna Shezil

4 North Elm Street

Ms. Shezil said she is excited and welcoming to have her property become a landmark.

June Crilley

19 Commerce Street

She said she does not want her property to be included in the landmark designation. The house will be sold and it will be a hardship to find a buyer.

Mayor Casale

Mayor Casale asked that homeowners who do not wish to be a part of the designation to please send a letter/email to City Hall stating their opinion. However, he advised people to wait until the new law regulating these properties is passed. The Mayor asked that the three letters already submitted to him be entered into the minutes. The attachments listed below can be found at the end of the minutes.

Attachment A: Letter from property owners of 378 -382 Main Street regarding the HDLO

Attachment B: Letter from Joseph Donovan regarding the HDLO

Attachment C: Letter from the Beacon Hebrew Alliance regarding the HDLO

Motion to Adjourn Public Hearing to December 2, 2019

Motion by Council Person Kyriacou

Second by Council Person McCredo

Motion Passes 7-0

Council ReportsCouncil Person Terry Neslon

Mr. Nelson told the public that having a rooster goes against City Code. If a neighbor has a rooster, please call the Building Department.

Council Person Jodi McCredo

Ms. McCredo thanked everyone for coming. She wished all of the students good luck as they head back to school. She also thanked the faculty and staff of the schools.

Council Person Mansfield

Nothing significant to report.

Council Person Kyriacou

Mr. Kyriacou said that public hearings are an opportunity to hear opinions. All five properties that he and his wife have owned in Beacon were in the Historic District. They have renovated all five of them to various degrees. The following projects have been completed on his home without any review whatsoever: he restored the porch, recreated posts and spindles, rebuilt storms with wood, used pressure treated wood instead of regular wood, painted new colors, repaved the driveway, did tree work and electrical work, added extensive plantings and a back screen door, and removed a trellis. He did get permits for interior work, including removing an oil tank, removing more than three trees, and for electrical service.

One project required a review, it was a façade project on the property that now houses Melzingha Tap House. The process was exceedingly bureaucratic. Mr. Kyraicou said that improvements can be made to the process less cumbersome.

The review process needs to be workshopped. The triggers for review have to be correct. He presented several suggestions. Paint should not be included as a trigger. Eliminate all costs associated with the review process; doing so will encourage the city to be efficient if they have to bear the costs. The Council should consider a revolving fund to help finance the review process. Eliminate interior regulations, be cautious about what is considered “opened to the public.” And finally, sides, backs, and roofs on Main Street may not have to be included.

Council Person Rembert

Mr. Rembert commented on the HDLO and said that the interior of a building should not be considered. He said the council should look for incentives for property owners.

He reminded the public that there will be a ceremony of commemoration at Patriot Park on September 11th at 9 am.

Council Person Grant

Ms. Grant reminded the public that Tuesday September, 10th at the Recreation Center anyone can attend the Recreation Committee meeting to view and comment on the plans for Green Street Park and Riverfront Park.

She asked for an update on the noise ordinance.

She asked about the Municipal I.D program, telling people that they can visit the Clerk’s office Monday through Friday 8:00 am to 4:00 pm.

Anthony Ruggiero, City Administrator

The City Administrator gave an update about the water supply in Beacon. He said that Mount Beacon Reservoir is five feet below the spillway. The Cargill Reservoir is four feet below the spillway. And Melzinga is 18 feet down and offline, which is normal for this time of year. Water plant daily production is 2.4 million gallons per day.

Well 2 is down and was silting, the pump will be removed for a test which is scheduled for next week.

The City Administrator updated the public on the paving occurring around town. The Highway Department was out paving Verplank Avenue, Kent Street, North Walnut Street, East Willow Street, and Spring Street. Line striping will start tonight for stop bars and crosswalks on Verplank Avenue.

He provided an update regarding the STAR Program for the 2019 – 2020 school year. Seniors are required to enroll in the state’s income verification program. Failure to enroll will result in a failure to receive benefits.

Mayor Casale

Mayor Casale reminded the public to be cautious around school buses, especially when the school bus stop sign is out.

He said that the Police Department will be dedicating resources to stopping traffic violations on Main Street.

Mayor Casale said that residents can sign up for the No Knock Registry if they don't want solicitors to come to their front door.

Dutchess County will file a Friends of the Court brief with the U.S District Court in support of the New York State lawsuit filed against the United States Environmental Protection Agency. The suit claims that the EPA violated federal law by issuing a certificate of completion to GE for their cleanup project of the Hudson River. Dutchess County requested that the City of Beacon pass a resolution in support of the lawsuit.

Local Laws and Resolutions

1. Moratorium with Respect to Land Use Approvals for Residential, Commercial, and Mixed-Use Developments

Motion by Council Person McCredo
Second by Council Person Mansfield
Resolution Passes 7 – 0

Council Person McCredo said that all of the development issues and concerns may not be included in the moratorium. However, the Council will continue to work on these issues.

2. Resolution Naming the Twilight League Baseball Field at Memorial Park the Jack Dexter Memorial Field

Motion by Council Person Nelson
Second by Council Person Grant
Motion Passes 7 – 0

Council person Grant said that she will send three examples of municipal policies regarding naming entities within town.

Council person Kyriacou said that he would like to adopt a formal policy for this process.

3. Resolution to Adopt Local Law to Amend Chapter 211, Article II, Section 10 of the Code of the City of Beacon Regarding a Stop Sign at the Intersection of North Elm Street and Oak Street

Motion by Council Person Rembert
Second by Council Person McCredo

Motion Passes 7 – 0

4. Resolution Authorizing a Contract with Choice Words for Grant Writing Services

Motion by Council Person Grant
Second by Council Person Nelson
Motion Passes 7 – 0

5. Resolution Accepting an Easement Regarding The View

Motion by Council Person Mansfield
Second by Council Person Nelson
Motion Passes 7 – 0

6. Resolution Setting a Public Hearing for a Special Use Permit Application Regarding 305 Main Street for October 7, 2019

Motion by Council Person Nelson
Second by Council Person Grant
Motion Passes 7 – 0

7. Resolution Regarding the Historic District Landmark Overlay Tax Exemption

Motion by Council Person Kyriacou
Second by Council Person McCredo
Motion Passes 7 – 0

Council Person Kyriacou made a motion to add the Library District to the list of tax exemptions
Second by Council Person Rembert

- It was determined at a later date by the City Attorney that the Library District cannot legally be added to the list of entities from which the Council can request a tax exception for an HDLO properties.

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 Rembert
- Second by Council person Nelson
- Motion passes 7-0

Next Workshop: September 9, 2019

Next Meeting: September 16, 2019

Attachment A: Letter from property owners of 378 -382 Main Street Regarding the HDLO

Mayor and City Council Persons-

We are the owners of 378-382 Main St. We invested in Beacon at a time when a solid return on our investment was a complete unknown. We did quality renovations and, as landlords, invested in many new, small business tenants by helping to provide quality space at reasonable rents.

We do not understand the need for designating our building as a historic designation and part of the city's proposed new Historic District and Landmark Overlay Zone and curious as to what exactly the ultimate goal is. Since we only received this letter a few weeks ago, we have not had a chance to fully review the impact on our building.

However – our initial concerns include the following –

- Has the county and school board agreed to and confirmed the tax break for this proposed designation?
- Given that we are already a commercial, mixed-use building – how does this designation benefit us?
- The added costs to operate a building in Beacon will potentially cause higher rent increases to tenants.
- When we looked to acquire other commercial buildings on Main St. – we purposely avoided purchasing and improving any building in a Historic District – given the red tape involved.

Given the mixed nature of the buildings in our district, we feel the Historic District and Landmark Overlay Zone proposal to be unnecessary and overly burdensome to the building owners.

On a separate note - we are also concerned with the current anti-development sentiment voiced in some parts of our community. Too often, there unintended consequences with anti-development efforts that only drive out small owners that are then replaced with large, corporate type owners/investors who can afford the excessive red tape. This doesn't typically help the smaller communities or small businesses.

Respectfully,

Edward J. Benavente

Elisabeth J. Swanson

Attachment B: Letter from the Joseph Donovan regarding the HDLO

Randy,

The City Council is considering the addition of 35 parcels to the list of historic properties in Beacon. We understand and support the prudent addition of new properties to the protected list. Historic and landmark properties serve a valuable role in our society - and background-contributing buildings (including unremarkable structures without the qualities of a landmark) help define and maintain the quality of neighborhoods and districts.

Scores of such noteworthy and substantial buildings along the Main Street corridor were lost to decay and demolition during the long decades of the 20th C when neither private nor public funds were available to save them. Prudent regulation must be paired with economic vitality and responsible private stewardship to preserve our urban fabric and historic structures. There are real costs and risks associated with regulation and prudence is required ... overreaching can sap strength from our City's resurgence. One very small story (at bottom of this message) provides a sense of these costs.

Three of our properties (1154 North Ave, 152 Main St, 4 Cross St) are included on the list developed by the City. We ask that you consider the following issues before voting on these three designations:

1154 North Ave – We have no objection to its inclusion on a list of buildings contributing to a historic district. We ask that no additional restrictions be imposed re modifications to the interior or the south, east, and north façades, nor re the ability to add a roof terrace in the future. While 1154 does not have the characteristics of a landmark structure, it is an attractive utilitarian building with the sort of checkered history commonly associated with such 19th C urban structures. During the years when it housed an automobile sales+service business, the configuration of exterior doors and windows was changed, and the entire southeast corner of the first floor was cut open to accommodate large showroom windows. We intend to preserve the structure, maintain the historic fabric on the west/street façade, and keep the occupied with 'good citizens', such as the art galleries currently located there.

152 Main St – We do not understand why this building would be included on the list. Designation would seriously handicap our stewardship of the building. 152 is comprised of three sections (four, if the intent is to also include the large vinyl-sided wood-framed shack at the east edge) remaining from a complicated and interesting former industrial site, but there is truly nothing currently on this parcel that contributes substantially to the character and appeal of Main St. Prior to and after our purchase of this building, we have received lots of professional advice – all concluding that the existing structures should be torn down. We did

not tear them down, and we do not intend to do so. We much prefer to retain and improve what we find. This building has been crudely and extensively altered over the decades. This two-story residential building has no sprinkler system, an unprotected combustible structural system and all of the units on the second floor have only one means of egress. It's a fully-occupied building with 15 very affordable units and it needs lots of work. Designation of this property will delay these upgrades and increase their cost.

4 Cross St - We are concerned about its inclusion on a list of buildings contributing to the historic district. While 4 Cross is a very typical Beacon house (we estimate there are several score two-story, red-brick, gable-roofed 19th C structures with nearly identical dimensions and fenestration), it does not have the characteristics of a landmark structure – and we are concerned that designation will negatively impact the quality of the building we intend to construct next door. We like the 4 Cross building and fully intend to keep it, and ask that no additional restrictions be placed on modifications to the interior. We also ask the Council to favorably consider the potential for an addition, in the near future, of a carefully-designed and contextual third floor to this structure.

With thanks,

Joe Donovan and Jinny St. Goar

Hudson Todd LLC, Lindley Todd LLC, The Lindley LLC

A true story:

A simple carpentry exercise (little more than custodial/maintenance on a non-designated building) can require that property owners navigate a complicated, time-consuming and expensive approval process on a designated structure. We recently relocated a vinyl window at the rear of 146 Main Street. We hired an architect, prepared and filed the required application, attended an evening meeting, and executed the work, including carefully matching the crude exterior wood trim that had been placed on other cheap vinyl windows at the back of the building in the 1980's (not 1880's, 1980's). Everyone, including the architect and the Planning Board, could have done something more productive with the time they devoted to this matter. We could have invested the funds devoted to this approval process (a few thousand \$ for what should have been a few hundred \$ exercise) on better stewardship of the building (e.g., energy upgrades, roof repairs, etc. – there is a long list of deferred maintenance on our Beacon properties – requiring several more years of major expense and operating losses while we recover from the decades of neglect prior to our ownership). This story is repeated every time a new bit of work is required on a designated property. The impact can be substantially reduced while fully achieving the public purpose, IF the designation is limited and the rules for implementation are prudently drafted. E.g., it might be reasonable to require a complicated

and expensive approval process for visible work on the public façade (facing Main St) in a historic district, but what public purpose is served by requiring that process for minor work on portions of the building that are not contributing to the historic character of the district? Please, please ensure the rules are written carefully.

Attachment C: Letter from the Beacon Hebrew Alliance

BEACON HEBREW
ALLIANCE

August 28, 2019

VIA CERTIFIED MAIL AND EMAIL (cityofbeacon@cityofbeacon.org)

Anthony Ruggiero, M.P.A.
City Administrator
1 Municipal Plaza
Beacon, NY 12508



Re: 331 Verplanck Ave – Proposed Historic Designation

Dear Mr. Ruggiero:

On behalf of Beacon Hebrew Alliance, the owner of the property at 331 Verplanck Ave. in Beacon, I am requesting additional time to review the proposed designation of our synagogue as an historic property. We will not be ready to state our position for or against landmark status in time for the public hearing on September 3, 2019 and respectfully request that the City Council give us until mid-November and preferably until the beginning of December to decide whether to support the designation or to object.

Unlike a single-family residence, which typically is owned by one or two people, our synagogue is owned by a congregation of over 100 member families. We have a Board of Directors, various committees, and a cadre of involved and interested members. Many of our key decision makers were away on vacation when your August 15, 2019 letter arrived. Many of them are still away. As people trickle back to town, they will be getting ready for school and – this is key – preparing for and celebrating the Jewish holidays of Rosh Hashana, Yom Kippur and Sukkot, which span September into late October. This is our busiest time of year, with multi-day religious observances and the planning and execution of our annual Open to the Sky events in downtown Beacon from October 13 to October 20. Given the generally frantic sequence of religious and public events, we simply do not have the bandwidth to arrive at consensus about historic designation in time for the September 3 hearing. Realistically, we cannot even begin a meaningful review until after October 20.

We look forward to studying your letter and applicable law in greater detail after October 20 and appreciate anything you can do to grant us additional time to support or object to the proposed designation. Although we will not be able to state our position for or against landmark status at the September 3 hearing, we will arrange for someone from BHA to attend.

Thank you for your consideration.

Sincerely,

Deborah Davidowitz

President, Beacon Hebrew Alliance

Synagogue: 331 Verplanck Avenue
Mail: Post Office Box 7
Beacon, NY 12508

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tel: 845.831.2012
www.beaconhebrewalliance.org