

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Casale led the Pledge of Allegiance

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

ROLL CALL

Present:

Councilmembers George Mansfield, At Large (GM); Lee Kyriacou, At Large (LK); Terry Nelson, Ward One (TN); John Rembert, Ward Two (JR); Jodi McCredo, Ward Three (JM); Amber Grant, Ward Four (AG); and Mayor Randy Casale (RC) Total: 7, **quorum present**

Also Present:

City Administrator Anthony Ruggiero (AR); City Attorney Nick Ward-Willis (NWW) and John Clark (JC) City Planner

Excused:

N/A

1ST OPPORTUNITY FOR PUBLIC COMMENT

Speakers:

- Bryan Guernsey spoke about safety issues at 426 Main Street
- Theresa Kraft spoke about concerns relating to overdevelopment

PUBLIC HEARINGS**1. Application for a special use permit for 1181 North Avenue**

JC presented an overview of the project.

Speakers: none

- A motion was made by JR, seconded by GM to close the public hearing. The motion was carried unanimously by voice vote.

2. Application for a special use permit for 850 Wolcott Avenue

JC presented an overview of the project. RC read Planning Board's comments.

Speakers:

- Jennifer Velez spoke about concerns relating to subdividing the property and potential long-range plans of the owner's
- Carolyn Sheeran, a teacher at the school, expressed support for the project
- Aryeh Siegel explained why subdivision is necessary
- LK raised a question about nonprofit status and taxes – RC and AR will research
- A motion was made by TN, seconded by JM to close the public hearing. The motion was carried unanimously by voice vote.

3. Proposed local law to amend Chapter 191, Article II and Chapter 192, Section 30 of the Code of the City of Beacon, concerning Street Opening Permits

NWW explained the law and the modifications made to it.

Speakers: none

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

4. Proposed local law to create Section 223-26.4 of the Code of the City of Beacon, concerning Small Cell Wireless Facilities

NWW explained the law and read the Planning Board's comments. RC read NYCOM's letter to Senator Charles Schumer.

Speakers:

- Scott Olson, lawyer for Verizon questioned the Planning Board's comments and requested vote be postponed pending clarification of information in Planning Board's comments.
- Theresa Kraft spoke against small cell technology in Beacon
- Stosh Yankowski spoke against 5G technology in Beacon

5. Application for a special use permit for the Edgewater project

JC presented overview of the project

Speakers:

- Anthony Merando, attorney for the developer, provided overview of changes made to the project plan
- Josha Matthews expressed concern about the residents who currently live on the site, asked if the building would be taken down.
- Theresa Kraft opposes the project and disagrees with the negative declaration made by the Planning Board
- Stosh Yankowski questioned the figures showing less kids in the school district and water consumption
- Rodney Webber, developer of Edgewater explained that current residents on the project site would be relocated; explained how change in number of apartments would affect rental rates and numbers of potential students
- Josha Matthews spoke about notification of project and when she was made aware
- Anthony Merando, attorney for developer, stated proper notices were sent
- Denise and Ellberta Gaither as business owners are in support of the project

COUNCIL REPORTS

- AG – requested Council workshop the Noise Ordinance; announced Spirit of Beacon Day fundraiser BBQ July 21st 12-4 at the Elks Lodge
- JR – received phone call from a senior citizen at Forrestal Heights complaining broken air conditioning and locked community room
- LK – appreciates the input from the public hearings; was notified on the same issue at Forrestal Heights
- GM – spoke about the fundraiser for Spirit of Beacon BBQ
- JM – thanked those who spoke at the public hearings and sent emails; shared address of the Elks Lodge – 900 Wolcott Ave
- TN – shared Spirit of Beacon Day's website address: www.spiritofbeaconday.org ; received emails about West Church, Mackin Ave and Ralph St – cars speeding, concerned that residents may not put their faith in the traffic studies being done
- RC thanked all who came out for the public hearings; reminded public of Council's limitations and need to work within the law; congratulated Mike Tancredi on his retirement from the Highway Department; read letter from VFW about 100th anniversary of the death of the first Beaconite in WW I
- AR spoke about the Youth Employment Program – eligible kids 14-19 years old, still taking applications, provided director Tina McKinney's phone number for questions - (845) 616-1059

LOCAL LAWS AND RESOLUTIONS

1. Resolution to appoint Kavita Shenoy as Clerk/Typist

- A motion was made by JR, seconded by TN to adopt. The motion was carried unanimously by roll call vote.

2. Resolution to refer a local law concerning driveway permits to the City of Beacon Planning Board and Dutchess County Planning Board

- A **motion was made** by GM, seconded by JM **to adopt**. The **motion was carried** unanimously by voice vote.
- 3. **Resolution ratifying award of contract with Tam Enterprises, Inc. for Main Street sewer main repair**
 - A **motion was made** by JR **to adopt**, seconded by JM. The **motion was carried** unanimously by voice vote.
- 4. **A Resolution ratifying award of contract with Chemung Supply Corporation for Mountain Street Bridge repair**
 - A **motion was made** by JM **to adopt**, seconded by AG. The **motion was carried** unanimously by roll call vote.
- 5. **Resolution granting a special use permit for 1181 North Avenue**
 - A **motion was made** by JM **to adopt**, seconded by AG. The **motion was carried** unanimously by voice vote.
- 6. **Resolution granting a special use permit for 850 Wolcott Avenue**
 - A **motion was made** by TN, seconded by GM **to adopt**. The **motion was carried** unanimously by voice vote.
- 7. **Resolution to adopt a local law to amend Chapter 191, Article II and Chapter 192, Section 30 concerning Street and Sidewalk Opening Permits**
 - A **motion was made** by LK, seconded by AG **to table until 8/30**. The **motion was carried** unanimously by voice vote.
- 8. **Resolution to adopt a local law to create section 223-26.4 of the Code of the City of Beacon concerning small cell wireless telecommunication facilities**
 - A **motion was made** by JR, seconded by JM **to table until 8/30**. The **motion was carried** unanimously by voice vote.

APPROVAL OF MINUTES

- A **motion was made** by JM, seconded by AG **to approve** the minutes from July 2, 2018. The **motion was carried** unanimously by voice vote.

2ND OPPORTUNITY FOR PUBLIC COMMENT

Speakers

- Lou Amoroso expressed concerns about pulling out of Rector Street onto Wolcott with a decreased line of sight and recommended Planning Board look at this
- Stosh Yankowski urged council to watch the last Planning Board video

ADJOURNMENT

- A **motion was made** by JR, seconded by JM to adjourn. **Motion was carried** unanimously by voice vote. **Meeting was adjourned.**

Next Council Meeting is August 6th at 7:00 PM.

Next Council Workshop is July 30th at 7:00 PM.

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

Submitted by Lisa Edelson



New York State Conference of Mayors and Municipal Officials

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Executive Director

Peter A. Baynes

July 13, 2018

Hon. Charles E. Schumer
U.S. Senate
322 Hart Senate Office Building
Washington, DC 20510

Dear Senator Schumer:

On behalf of the cities and villages comprising the membership of the New York State Conference of Mayors, I write to express our strong opposition to the Streamlining the Rapid Evolution and Modernization of Leading-edge Infrastructure Necessary to Enhance (STREAMLINE) Small Cell Deployment Act (S. 3157). This legislation would severely restrict local governments' authority to regulate wireless facilities, grant wireless service providers unfettered rights of access to the municipal right-of-way (ROW) and mandate specific application procedures for wireless facilities installed in the ROW. While NYCOM supports universal high-speed internet access for all, the means by which this legislation mandates the installation of wireless facilities and eliminates the ability of local governments to obtain a fair return for wireless equipment installed on taxpayer property is fatally flawed and not in the public interest.

During 2018-2019 state budget negotiations, the wireless industry pursued a similar proposal here in New York that attempted to achieve many of the elements present in this bill. The industry's effort was met with overwhelming opposition from New York's municipalities dedicated to protecting the safety and welfare of New Yorkers and guarding against the misappropriation of taxpayer property. Local governments across New York State support the proliferation of broadband technology, especially in our underserved and rural communities. However, achieving meaningful internet access throughout the state will not be advanced by this legislation.

Maintaining the public ROW is an essential function of local governments and their capacity to protect the public's health, safety, and welfare and preserve the character of communities. The standard provided in this bill would fundamentally impinge on the ability and responsibility of local governments to make well-reasoned decisions in the best interest of their residents. Specifically, this bill would usurp local government authority to address particularized public safety and aesthetic concerns related to the installment of such facilities by limiting the factors that a municipality may include when reviewing a wireless application, and reducing the amount of time a local government has to consider an application. Furthermore, under this legislation, the failure to issue a determination on an application would result in the application's automatic approval.

Hon. Charles E. Schumer
July 13, 2018
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This legislation also seeks to limit how much a municipality may charge a wireless provider when renting space on municipally owned structures. Compelling local governments to charge below-market rates for the use of public structures will foster the already inequitable deployment of broadband technologies. Additionally, limiting the fees that municipalities may charge a wireless applicant to the direct and actual costs of the installation will eliminate the ability of local governments to receive fair compensation for the use and maintenance of public property.

Again, achieving broadband ubiquity is an important and necessary goal for all municipalities in New York State and across the country. However, forcing local governments to abdicate their authority to protect and maintain public rights-of-way and preventing cities and villages from receiving a fair return for rented space on municipally owned infrastructure is simply untenable. For the aforementioned reasons, NYCOM vigorously opposes this legislation and urges you to reject this proposal.

Sincerely,


Peter A. Baynes
Executive Director

Randy J. Casale

From: n canaan <ncanaan@hotmail.com>
Sent: Monday, July 16, 2018 7:35 AM
To: Randy J. Casale; Amber J. Grant; Jodi McCredo; Terry Nelson; Mansfield George; John E Rembert; Lee Kyriacou
Subject: 5th generation

To the Mayor and the Beacon City Council;

During Mondays meeting Verizon's 5G request will be aired. Sorry I can't attend. But, I would like my objection to the 5G microwave network to be registered.

Since we can't stop Verizon's 5G universal dispersal microwave radiation intentions (radiation that is deadly to humans,) - as a reason to stop Verizon - Let's talk visual pollution - Let's talk weight danger - Let's talk just saying NO.

So, since we can't say we don't want "Speed that Kills" - let's look at options.

Since we are not looking at "The American Heart Association recommends that the pacemaker be shielded as much as possible and moved if it lies directly in the radiation field" - let's look at the options.

- 1) Having every pole or every other pole in Beacon outfitted with various boxes, tubes, wires and circuits on already crowded poles is an EYESORE. And a VISUAL OBSTRUCTION.
 - a) Some of us already look out on overcrowded equipment poles, some with layers of wires and boxes and tubes suspended off the pole. ALL ARE UGLY TO THE EXTREME! And no one wants to have them damage their own personal view, yet alone be an eyesore down the Main Street of Beacon.
- 2) Making these poles even HEAVIER with more obstacles attached to them - which bad storms and high winds can use to topple the poles - is a clear and present danger to any homeowner that lives below them.
- 3) There are also the people who work here in Beacon. People who are using tech equipment that can be AFFECTED harmfully by microwave interference to their equipment. Sensitive equipment and programs they use for business or need for things like conference calls. There's not one of us who work with high tech for business who hasn't experienced problems in areas where there are too many microwaves feeds blasting into an area. And what Verizon or any other 5G provider will do is produce a higher intensity and saturation of microwaves to what already exists here in Beacon.
- 4) Or just say NO.

Hope you stop this from happening here in Beacon.

As a side note, how about Fios? It's fast enough for high end businesses that rely on the internet here in Beacon as well as the residents.

Naomi Canaan

Beacon New York

RECEIVED JUL 18 2018

City of Beacon
VZW Statement Concerning Draft Small Cell Local Law
July 16, 2018

The current Small Cell applications that Verizon Wireless have submitted in Beacon would add capacity to our existing 4G network. As technology continues to advance, our network will depend on an even denser deployment of small cells to bring the next generation of wireless services to Beacon. Along with this will come the economic advantages of mobile broadband speeds that rival fiber, cable and other wireline services, and the broadband capacity to support the Internet of Things. The fees proposed under this ordinance will put Beacon at a competitive disadvantage to municipalities with a business-friendly approach to Small Cells.

Over a third of all states in the country have recognized the value of wireless ongoing development and have put Small Cell laws in place that limit ROW fees to "cost recovery" or no more than \$250/year. Municipalities in CO, DE, FL, IL, MN, NC, OH, RI, TN, TX and VA (to name a few) would have an advantage over Beacon in attracting Small Cell development.

Similarly-sized cities In Upstate NY, like Niagara Falls, Glens Falls, Dunkirk, Plattsburg, and Amsterdam, all allow Small Cells in their Rights-of-Way without requiring annual fees.

The City of Binghamton just approved a 50-node Small Cell project with fees limited to \$150 / year.

Albany and Syracuse are permitting Small Cell projects with annual fees less than half of what Beacon is proposing.

Please understand that these fees (in addition to our legal concerns) render this Ordinance practically a significant barrier when you consider all of the places that become more attractive for the wireless industry to deploy the next generation of wireless services. Adopting these fees will take Beacon out of consideration for the economic and quality-of-life benefits that advanced wireless networks will provide.