



COURTROOM
1 MUNICIPAL PLAZA
BEACON, NY 12508
AND LIVE VIA ZOOM

Mayor Lee Kyriacou
Councilmember George Mansfield, At Large
Councilmember Paloma Wake, At Large
Councilmember Molly Rhodes, Ward 1
Councilmember Justice McCray, Ward 2
Councilmember Wren Longno, Ward 3
Councilmember Dan Aymar-Blair, Ward 4
City Administrator Chris White

**February 28, 2022
7:00 PM
City Council Agenda**

Roll Call

Community Segment

Hudson River Housing, Inc. Discussion of Below Market Rent Programs 15

Workshop Agenda Items

1. Appointment of Peter Hockler to the Position of Wastewater Plant Maintenance Mechanic 5
2. Appointment of Andret Hart to the Position of Wastewater Treatment Plant Operator - Type A Plant 5
3. Appointment of Amanda Caputo to the Position of Municipal Secretary 5
4. Appointment of Christopher Egitto to the Position of Motor Equipment Operator 5
5. City of Beacon Fire Department 2021 Length of Service Award Program 5
6. Discussion of Proposed Local Law to Amend Chapter 31, Sections 8 and 10 of the Code of City of Beacon Concerning Employment Requirements for Career Firefighters and the Fire Chief 10
7. Discussion of Proposed Local Law to Amend Chapter 173 of the Code of the City of Beacon Concerning Rental Properties to Prohibit Eviction without Good Cause 15
8. Amending the Master Fee Schedule Concerning Wireless Telecommunication Services Facilities 5
9. Discussion of City Council Rules and Regulations 10

Executive Session Items

1. Executive Session

City of Beacon City Council Agenda
02/28/2022

Title:

Hudson River Housing, Inc. Discussion of Below Market Rent Programs

ATTACHMENTS

City of Beacon City Council Agenda
02/28/2022

Title:

Appointment of Peter Hockler to the Position of Wastewater Plant Maintenance Mechanic

ATTACHMENTS

Chief Wastewater Treatment Plant Operator Memorandum for the Appointment of Peter Hockler
to the Position of Wastewater Plant Maintenance Mechanic



CITY OF BEACON New York

David Tavernier
Chief Operator

SEWER DEPARTMENT

845-831-7130

TO: Mayor Kyriacou and the City Council

FROM: David Tavernier, Chief Wastewater Treatment Plant Operator

RE: Proposed Appointment of Peter Hockler to Position of Wastewater Plant Maintenance Mechanic

DATE: February 22, 2022

The City of Beacon Wastewater Treatment Department would like to promote Peter Hockler to the position of Wastewater Plant Maintenance Mechanic from his current position as WWP Maintenance Mechanic Helper. Mr. Hockler has worked for the City since May 2017 and is a City of Beacon High School graduate. During his more than 4 years with the City of Beacon Wastewater Treatment Department, he has proven himself to be a reliable and resourceful employee.

Mr. Hockler is tasked currently with maintaining plant headworks, working in the septage receiving station, groundskeeping, maintaining buildings, and operating heavy equipment. He is very eager to progress in his maintenance role, and it comes at a good time as we need another person to operate sludge dewatering equipment on the second shift, in view of a recent retirement in this section of the process.

I respectfully request that the Council promote Peter Hockler to the position of Wastewater Plant Maintenance Mechanic based on his reliable track record, qualifications, and experience at the Beacon WWTP. I will be happy to answer any questions you may have.

Sincerely,

David Tavernier
Chief Operator

City of Beacon City Council Agenda
02/28/2022

Title:

Appointment of Andret Hart to the Position of Wastewater Treatment Plant Operator - Type A Plant

ATTACHMENTS

Chief Wastewater Treatment Plant Operator Memorandum for the Appointment of Andret Hart to the Position of Wastewater Treatment Plant Operatory - Type A Plant



CITY OF BEACON New York

David Tavernier
Chief Operator

SEWER DEPARTMENT

845-831-7130

TO: Mayor Kyriacou and the City Council

FROM: David Tavernier, Chief Wastewater Treatment Plant Operator

RE: Proposed Hiring of Andret Hart to Waste Water Treatment Plant Operator - Type A Plant

DATE: February 23, 2022

The City of Beacon Wastewater Treatment Department would like to propose hiring Andret Hart, to the position of Waste Water Treatment Plant Operator -Type A Plant.

Mr. Hart has worked in the wastewater treatment field for 10 years. He is a NYS Grade 2A licensed wastewater treatment operator, and meets the experience requirements to work at the City of Beacon's Wastewater Treatment Plant as an operator.

Mr. Hart is a graduate of Arlington High School in Lagrangeville NY, and attended the Ridley Lowell Business and Technical Institute for 1 year.

I respectfully request that the Council hire Mr. Andret Hart to the position of Wastewater Treatment Plant Operator -Type A Plant based on his qualifications and experience in the wastewater treatment field. I will be happy to answer any questions you may have.

Sincerely,

David Tavernier
Chief Operator

City of Beacon City Council Agenda
02/28/2022

Title:

Appointment of Amanda Caputo to the Position of Municipal Secretary

ATTACHMENTS

Building Inspector Memorandum for the Appointment of Amanda Caputo to the Position of
Municipal Secretary



CITY OF BEACON New York

David Buckley
Building Inspector

BUILDING DEPARTMENT

845-838-5020
Email: dbuckley@beaconny.gov

Memorandum

To: Christopher White, City Administrator
From: David Buckley, Building Inspector
Re: Appointment of Amanda Caputo to Municipal Secretary
Date: February 18, 2022

The building/planning ~ zoning department currently has a position open for Municipal Secretary. After canvassing the civil service list of eligible candidates, the County determined the list to be invalid.

I am recommending the appointment of Amanda Caputo to the position of Municipal Secretary. Amanda exceeds the qualifications, is already familiar with our software programs and has always been extremely proficient and helpful when needed. Amanda has been employed by the City of Beacon since May of 2018, has held the position of Deputy City Clerk since September 2018 and earned a bachelor's degree in Marketing from SUNY New Paltz in 2019. Amanda will make a great addition to our department.

City of Beacon City Council Agenda
02/28/2022

Title:

Appointment of Christopher Egitto to the Position of Motor Equipment Operator

ATTACHMENTS

Superintendent of Streets Memorandum for the Appointment of Christopher Egitto to the Position of Motor Equipment Operator

Memorandum
Highway Department



To: City of Beacon Administrator Christopher White
City of Beacon City Council

From: Michael Manzi, Superintendent of Streets

Re: Motor Equipment Operator Appointment

Date: February 28, 2022

Please be advised that on February 10, 2022 interviews were conducted to fill one Motor Equipment Operator position within the City of Beacon Highway Department.

The interviews for the above position were conducted with Dave Way, Ed Balicki, and myself present. Based upon the interviews, it was our determination that Christopher Egitto was the best candidate.

At this time, with your support, I would like to move forward with hiring Christopher Egitto to fill this position. Thank you.

Sincerely,

Michael Manzi

Michael Manzi
City of Beacon
Superintendent of Streets

City of Beacon City Council Agenda
02/28/2022

Title:

City of Beacon Fire Department 2021 Length of Service Award Program

ATTACHMENTS

[2021 Service Award Program Firefighter Records](#)

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Accrued 2021

Service Points

Please reference the *Instructions* before completing the listing. All blank entries must be completed prior to certification.

2021 Service Award Program Firefighter Records

City of Beacon Fire Department Service Award Program

#	Last name	First name	MI	Date of Birth	Gender	Accrued 2021		Mailing Address	City, State & Zip Code	Status
						Service Credit	Points Earned			
18	Bianco	Scott	A.	[REDACTED]	M	8	0	[REDACTED]	[REDACTED]	Entitled 1/2022
19	Gillmore	Gary	J.	[REDACTED]	M	6	0	[REDACTED]	[REDACTED]	Entitled 1/2022
20	Joseph	Timothy	T.	[REDACTED]	M	14	0	[REDACTED]	[REDACTED]	Entitled 5/2019
21	Kellher	Patrick	J.	[REDACTED]	M	20	MAX	[REDACTED]	[REDACTED]	Entitled 8/2005
22	Kimmel	William	B.	[REDACTED]	M	15	0	[REDACTED]	[REDACTED]	Entitled 1/2003
23	Kolakoski	Richard	C.	[REDACTED]	M	13	39	[REDACTED]	[REDACTED]	Entitled 10/2009
24	Lahey Jr.	Dennis	P.	[REDACTED]	M	20	MAX	[REDACTED]	[REDACTED]	Entitled 3/2019
25	Lahey Sr.	Dennis	J.	[REDACTED]	M	14	0	[REDACTED]	[REDACTED]	Entitled 1/2003
26	Lawrence	Richard	P.	[REDACTED]	M	10	0	[REDACTED]	[REDACTED]	Entitled 8/2006
27	McVicker, Jr.	Frederick	O.	[REDACTED]	M	4	82	[REDACTED]	[REDACTED]	Entitled 1/2018
28	Piccone	Anthony	J.	[REDACTED]	M	20	MAX	[REDACTED]	[REDACTED]	Entitled 5/2013
29	Plumer	Dale	B.	[REDACTED]	M	15	0	[REDACTED]	[REDACTED]	Entitled 12/2012
30	Shares	Raymond	R.	[REDACTED]	M	5	0	[REDACTED]	[REDACTED]	Entitled 7/2021
31	Smith	Ernest	R.	[REDACTED]	M	8	0	[REDACTED]	[REDACTED]	Entitled 12/2016
32	Stella	John	N.	[REDACTED]	M	15	0	[REDACTED]	[REDACTED]	Entitled 1/2004
33	Amoroso Jr.	Louis	J.	[REDACTED]	M	15	0	[REDACTED]	[REDACTED]	Term. Vested '13
34	Antalek Jr.	Gerald		[REDACTED]	M	9	0	[REDACTED]	[REDACTED]	Term. Vested '10

Please reference the *Instructions* before completing the listing. All blank entries must be completed prior to certification.

2021 Service Award Program Firefighter Records

City of Beacon Fire Department Service Award Program

#	Last name	First name	MI	Date of Birth	Gender	Accrued 2021		Mailing Address	City, State & Zip Code	Status
						Service Credit	Points Earned			
35	Ciralli	Daniel	T.	[REDACTED]	M	9	0	[REDACTED]	[REDACTED]	Term. Vested '17
36	Davis	Terrance		[REDACTED]	M	9	0	[REDACTED]	[REDACTED]	Term. Vested '19
37	Dubetsky	Cory		[REDACTED]	M	6	0	[REDACTED]	[REDACTED]	Term. Vested '18
38	Fisch	Jason	W.	[REDACTED]	M	6	0	[REDACTED]	[REDACTED]	Term. Vested '06
39	Fraioli	Anthony	P.	[REDACTED]	M	6	0	[REDACTED]	[REDACTED]	Term. Vested '20
40	Frederic	Michael	T.	[REDACTED]	M	10	0	[REDACTED]	[REDACTED]	Term. Vested '16
41	Greenough	James	E.	[REDACTED]	M	9	0	[REDACTED]	[REDACTED]	Term. Vested '08
42	Hernandez	Brandon	C.	[REDACTED]	M	9	0	[REDACTED]	[REDACTED]	Term. Vested '19
43	Lahey	Kari-Leigh		[REDACTED]	F	6	0	[REDACTED]	[REDACTED]	Term. Vested '10
44	McGovern	Nicholas	A.	[REDACTED]	M	11	0	[REDACTED]	[REDACTED]	Term. Vested '16
45	Monroe	Chris	S.	[REDACTED]	M	5	0	[REDACTED]	[REDACTED]	Term. Vested '17
46	Pedro, III	Joseph	M.	[REDACTED]	M	5	0	[REDACTED]	[REDACTED]	Term. Vested '06
47	Pellett	John	D.	[REDACTED]	M	5	0	[REDACTED]	[REDACTED]	Term. Vested '13
48	Pisanelli	Charles	M.	[REDACTED]	M	13	0	[REDACTED]	[REDACTED]	Term. Vested '17
49	Pomarico	John	F.	[REDACTED]	M	5	0	[REDACTED]	[REDACTED]	Term. Vested '18
50	Simmonds	David		[REDACTED]	M	20	MAX	[REDACTED]	[REDACTED]	Term. Vested '19
51	Simmonds Jr.	Robert	J.	[REDACTED]	M	5	0	[REDACTED]	[REDACTED]	Term. Vested '17

Please reference the *Instructions* before completing the listing. All blank entries must be completed prior to certification.

2021 Service Award Program Firefighter Records

City of Beacon Fire Department Service Award Program

#	Last name	First name	MI	Date of Birth	Gender	Accrued 2021		Mailing Address	City, State & Zip Code	Status
						Service	Points			
52	Sine	Peter	L.	[REDACTED]	M	12	0	[REDACTED]	[REDACTED]	Term. Vested '15
53	Skenar	Matthew	J.	[REDACTED]	M	5	0	[REDACTED]	[REDACTED]	Term. Vested '14
54	Smith	Brian		[REDACTED]	M	9	0	[REDACTED]	[REDACTED]	Term. Vested '16
55	Smith	Joshua	D.	[REDACTED]	M	9	0	[REDACTED]	[REDACTED]	Term. Vested '06
56	Smith	Matthew	D.	[REDACTED]	M	11	0	[REDACTED]	[REDACTED]	Term. Vested '19
57	Stanulwich	Terrence		[REDACTED]	M	6	0	[REDACTED]	[REDACTED]	Term. Vested '15
58	Volk Jr.	Joseph	L.	[REDACTED]	M	7	0	[REDACTED]	[REDACTED]	Term. Vested '14
59	Winterberg	Jeffrey	A.	[REDACTED]	M	11	0	[REDACTED]	[REDACTED]	Term. Vested '10
60	Wolfe	Brian		[REDACTED]	M	6	0	[REDACTED]	[REDACTED]	Term. Vested '07

Please reference the *Instructions* before completing the listing. All blank entries must be completed prior to certification.

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Prior 2021

Prior 2021

[illegible]

City of Beacon City Council Agenda
02/28/2022

Title:

Discussion of Proposed Local Law to Amend Chapter 31, Sections 8 and 10 of the Code of City of Beacon Concerning Employment Requirements for Career Firefighters and the Fire Chief

ATTACHMENTS

Proposed Local Law to Amend Chapter 31, Sections 8 and 10 of the Code of City of Beacon Concerning Employment Requirements for Career Firefighters and the Fire Chief

LOCAL LAW NO. ____ OF 2022

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO AMEND CHAPTER 31, SECTIONS 8 AND 10 OF
THE CODE OF THE CITY OF BEACON

A LOCAL LAW to amend
Chapter 31, Sections 8 and 10 of
the City of Beacon concerning
residency requirements for career
firefighters and the Fire Chief.

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

Section 1. Chapter 31, Section 8 entitled “Qualifications for membership,” is hereby amended to modify subsection E as follows:

§ 31-8 Qualifications for membership.

...

- E. All active members shall reside no more than 30 miles from the nearest boundary line of the City ~~shall live within a fifteen-mile radius of the City~~ and be able to render assistance in the time of need.

...

Section 2. Chapter 31, Section 10 entitled “Career firefighters and career Fire Chief,” is hereby amended as follows:

§ 31-10 Career firefighters and career Fire Chief.

- A. The career Fire Chief and career firefighters shall be legal residents of the United States.

They shall be without a record of felony conviction.

~~No person shall perform the duties of the Fire Chief unless he or she is a resident of the City of Beacon or resides no more than 30 miles from the nearest boundary line of the City.~~

~~Notwithstanding the foregoing, any requirement with respect to residency or location from~~

~~the City applicable to the Fire Chief shall be at the Mayor's discretion, subject to the consent of a majority of the Council.~~

- B. All career firefighters, other than the Fire Chief, shall be residents of the City of Beacon or reside within no more than 30 miles from the nearest boundary line of the City, a fifteen-mile radius of the City of Beacon except for the Fire Chief, whose location of residency from the City shall be at the Mayor's discretion, subject to the consent of the Council.
- C. Names of eligible candidates for the position of the career Fire Chief or career firefighter shall come from the Dutchess County Civil Service List. Notwithstanding the foregoing, persons already or previously employed as a career Fire Chief or career firefighter in another municipality shall also be eligible for the position of the career Fire Chief and career firefighter as a lateral transfer as long as all civil service and local qualifications are satisfied.
- D. It shall be the duty of the career firefighter on duty to respond to all alarms as dispatched. Additional firefighting duties, as the incident dictates, may also be undertaken.
- E. It shall be the duty of the career firefighters assigned to each station to maintain said station according to the Fire Department Rules and Regulations and to report any and all problems with the fire apparatus or station to the Fire Chief or Assistant Chiefs as appropriate.
- F. Minimum training for career firefighter shall consist of those requirements as stated in Chapter XII, Office of Fire Prevention and Control, Part 426, New York Code of Rules and Regulations, and the Executive Law § 159-d.

Section 3. Ratification, Readoption and Confirmation

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

Section 4. Numbering for Codification

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

Section 5. Severability. The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had

February 23, 2022

been specifically exempt there from.

Section 6. Effective Date

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

DRAFT

City of Beacon City Council Agenda
02/28/2022

Title:

Discussion of Proposed Local Law to Amend Chapter 173 of the Code of the City of Beacon Concerning Rental Properties to Prohibit Eviction without Good Cause

ATTACHMENTS

[City of Beacon Draft Good Cause Eviction Law](#)

LOCAL LAW NO. ____ OF 2022

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 173 OF THE
CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend Chapter 173 of the Code of the City of Beacon concerning rental properties to prohibit eviction without good cause.

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

Section 1. Purpose :

Tenants require additional protections to prevent displacement. The purpose of this local law is to protect tenants from eviction by requiring good cause be shown before a property owner can evict a tenant and to enforce the rental property registration requirement by prohibiting collection of rent during periods of noncompliance.

Section 2. Chapter 173 of the Code of the City of Beacon entitled “Rental Properties Registration” is hereby repealed in its entirety.

Section 3. Chapter 173 of the Code of the City of Beacon entitled “Rental Properties” is hereby created as follows:

Chapter 173. Rental Properties

Article I. Definitions

§ 173-1 Definitions.

A. As used in this chapter, these terms shall have the following meanings:

ACTION or PROCEEDING

Any action or proceeding which may be instituted in the City Court of the City of Beacon, or any other court of competent jurisdiction, to enforce this chapter.

BUILDING

Any improved real property, residential, commercial (nonresidential) or mixed use (commercial-residential), located within the City of Beacon.

DISABLED PERSON

A person who has any condition which substantially limits one or more of such person’s major life activities, and which are expected to be either permanent or to last for more than six months; or a person who is regarded to have such an impairment.

HOUSING ACCOMMODATION

Any residential premises offered for rent within the City of Beacon.

LANDLORD

Any owner, lessor, sublessor, assignor, or other person receiving or entitled to receive rent for the occupancy of any housing accommodation or an agent of any of the foregoing.

NON-OWNER-OCCUPIED PROPERTY

A property that does not qualify as owner-occupied.

OWNER

Any individual or individuals, partnership or corporation or other organization, whether for-profit or otherwise, in whose name title to a building stands, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation in control of the property.

OWNER-OCCUPIED PROPERTY

A property used by the property owner(s) as their primary residence. If the property is owned by a business entity, all owners of the business entity must use the property as their primary residence. When a property is titled in the name of a trustee, the property shall be considered an occupied primary residence if the grantor or grantee is the occupant of the property.

PRIMARY RESIDENCE

The primary location that a person inhabits and resides for at least 180 days in the calendar year.

PROCESS

Any notice, summons or other process issued under any provision of the Code of the City of Beacon or any law or regulation of the State of New York.

RENT

Any consideration, including any bonus, benefit or gratuity demanded or received for or in connection with the possession, use or occupancy of housing accommodations.

RENTAL PROPERTY

Any property which is rented, intended for rental, leased, let or hired out to be occupied for residential, commercial (nonresidential) or mixed use (commercial - residential).

TENANT

A tenant, sub-tenant, lessee, sublessee, assignee, an occupant of a rooming house or hotel as defined in section seven hundred eleven of the Real Property Actions and Proceedings Law or any other person entitled to the possession, use or occupancy of any housing accommodation.

Article II. Non-Owner-Occupied Registration Requirements

§ 173-2 Intent.

The City of Beacon finds that there are numerous City residential and commercial properties owned by persons who do not occupy said property. It is important for the effective enforcement of applicable fire and housing codes and to better protect the health and safety of those located in and near non-owner-occupied residential and commercial properties that a current list of such owners be maintained by the City through a registration filing process.

§ 173-3 Registration of property required.

- A. The owner of non-owner-occupied property shall register the property with the Building Department of the City of Beacon on a form provided by the Building Department of the City of Beacon. This form shall be known as the "Landlord Registration Statement," which shall be signed by the owner under oath.
- B. It shall be a violation of this article for an owner to offer any non-owner-occupied building for rent, or to rent any building, or to allow any building to be occupied other than by an owner without having registered pursuant to this article.

§ 173-4 Landlord registration statement; managing agent designation.

- A. Every owner of a non-owner-occupied property shall file with the Building Department of the City of Beacon a landlord registration statement, on forms to be provided by the Building Department of the City of Beacon, containing the following:
 - (1) A description of the premises by street number or block and lot number, including tax identification number.
 - (2) The owner's name, residential address and mailing address, business telephone number, home telephone number, cell telephone number, fax number and e-mail address, and if such owner is a corporation or other organization, the name and address of such entity and the name and residential and business address, together with the business telephone number, cell phone number, fax number and e-mail address, of the president and of the treasurer of such corporation or organization.
 - (3) Designation of managing agent.
 - (a) In the event an owner does not reside within a fifteen-mile radius of the City of Beacon, the owner shall provide the following information to the Building Department of the City of Beacon, with respect to the managing agent:

[1] The name, the residence, business and e-mail addresses and the business and residential telephone and fax numbers of a natural person, 18 years of age or over, who shall reside within a fifteen-mile radius and who shall be designated by such owner as the managing agent responsible for and in control of the maintenance and operation of such non-owner-occupied property and who shall be designated as the person upon whom process may be served on behalf of the owner.

- (b) The managing agent or owner shall keep a current record of all tenants, and their names and addresses, who are renting, leasing or living in the premises. There shall be endorsed upon such designation statement a written consent to such designation signed by the managing agent. An owner who is a natural person and who meets the requirements of this subsection as to the location of the residence or place of transacting business of a managing agent may designate himself or herself as such managing agent.
- (c) Nothing contained in this section shall be construed as preventing a corporation which is an owner of real property from designating as its managing agent any officer of such corporation who meets the requirements of this subsection as to location of the residence or the place of transacting business of the managing agent.
- (d) Any designation of managing agent made pursuant to this section shall remain in full force and effect until changed or terminated as hereinafter provided.
- (e) The owner is required to keep this designation information current, and when there is a change in ownership or managing agent, the owner shall be required to update such information by amending the landlord registration statement and designation accordingly within 15 days from the date of any such change.

- B. Upon submission of the completed landlord registration statement, the Statement shall be reviewed by the Building Department of the City of Beacon within three business days of submission. Should the Building Department of the City of Beacon determine that the statement is incomplete, defective or untrue, the statement shall be rejected and returned to the filer, and the owner shall be deemed not in compliance with this article.
- C. The owner of the rental property shall notify the Building Department of the City of Beacon, in writing, whenever the information provided in the landlord registration statement is no longer accurate or complete.

- D. A copy of the landlord registration statement shall be annexed to any non-owner-occupied agreement with a tenant, and the filing and approval of such statement by the Building Department of the City of Beacon shall be required for the owner to rent any non-owner-occupied unit in the non-owner-occupied property.
- E. If, after filing the landlord registration statement pursuant to this article, the owner of such non-owner-occupied property shall have transferred or granted to another his/her right, title or interest therein, such owner shall file with the Building Department of the City of Beacon, within 15 days after such grant or transfer, a written statement, under oath, which shall contain the name and residence, business address, business and home telephone number, cell telephone number, fax number, and e-mail of the grantee, transferee or other successor to the owner or, if such grantee, transferee or successor is a corporation or other organization, the name and address of such entity, including the name of its president and its treasurer, and their addresses, business and residence telephone numbers and cell numbers, as well as, their e-mail addresses and fax numbers. If the owner is unable to secure the foregoing information from the grantee, transferee or purchaser, then the owner shall immediately so notify the Building Department of the City of Beacon, in writing, of such inability.
- F. If, after the filing of any landlord registration statement with the Building Department of the City of Beacon pursuant to this article, any change, other than a designation of a different managing agent or different ownership, occurs in any name, residence or any business address set forth in such statement, the owner, within 15 days after such change, shall notify the Building Department of the City of Beacon, in writing, under oath, setting forth the particulars of such change so as to supply the information necessary to correct the last filed landlord registration statement.
- G. An owner may terminate such managing agent designation by filing with the Building Department of the City of Beacon a written statement, under oath, designating a new managing agent made in conformity with the provisions of this article.
- H. Any landlord registration statement or designation of managing agent required to be filed with the Building Department of the City of Beacon shall be signed by such owner or, if such owner is a corporation or other organization, by the president or treasurer thereof, under oath.
- I. Any landlord registration statement or designation of managing agent shall be deemed prima facie proof of the truth of the statement or designation in any action or proceeding instituted by the City of Beacon or other agency against an owner or managing agent of a rental property in the City of Beacon.

§ 173-5 Public access to records.

Any person, upon request, may inspect and copy a landlord registration statement or designation of managing agent form on file with the City's Building Department pursuant to the Freedom of Information Law.

§ 173-6 Non-owner-occupied permit required.

- A. Non-owner-occupied permit. A non-owner-occupied property shall not be occupied by any tenant without a valid non-owner-occupied permit issued by the Building Department.
- B. The Building Department of the City of Beacon shall issue such permit after approval of a valid landlord registration statement, which shall be approved or denied within three business days of its submission. Such non-owner-occupied permit shall be valid until such time as the owner or any new owner is required to file a new landlord registration statement.

§ 173-7 Revocation or suspension of permit.

Any permit issued pursuant to this article may be revoked or suspended by the Building Department of the City of Beacon for cause, after notice to the owner and after an opportunity for the owner to be heard by the Building Department, upon a finding by the Building Department that any requirement of this article has been violated.

§ 173-8 Permit fees.

Each applicant for a non-owner-occupied permit, pursuant to this article requiring the filing of a landlord registration statement, shall pay a non-owner-occupied permit fee once every three years in an amount set forth in the City of Beacon fee schedule .

§ 173-9 Effect on other laws.

Nothing in this article shall be deemed to preempt the laws of the State of New York for the rental of residential or commercial property or the application of other City of Beacon laws and ordinances and the Code to the premises, including inspection of the premises.

§ 173-10 Prohibition on collection of rent and eviction.

The owner of a non-owner-occupied property shall be prohibited from collecting rent or evicting a tenant during any period of noncompliance with this article. The owner of a non-owner-occupied property shall also be prohibited from collecting rent for any unit that is not in compliance with the certificate of occupancy or any provision of the applicable provisions of the Uniform Code or City Code. Nothing herein shall prevent a landlord, upon receipt of the rental property registration, from receiving the equitable value of the occupancy of the premises from the earliest date of occupancy, but in no event shall a landlord recover in excess of the agreed rent. Failure on the part of the tenant to pay the equitable value of the occupancy of the premises from the earliest date of occupancy until the landlord's receipt of

the rental property registration may not be used as a basis for eviction.

§ 173-11 Enforcement.

The City of Beacon shall enforce compliance with this article by seeking civil penalties, instituting a criminal proceeding, or both.

- A. Criminal proceeding. A summons or appearance ticket for any violation of this article may be served on the owner, or in the event that an owner designates a managing agent pursuant to § 173-4A(3), of this article, process may be served on the managing agent of the non-owner-occupied property with equal force and effect as if served on the owner.

§ 173-12 Service of notice of violation.

Notice of noncompliance with this article shall be made:

- A. By delivering to, and leaving a copy of a notice of violation of this article with, any person or persons violating the provisions of this article.
- B. By sending, by registered or certified mail, a notice of violation to the owner or managing agent at the address on file in the landlord registration statement.
- C. By sending, if no such address is on file, a notice of violation to the most current address in the City Assessor's Office, by registered or certified mail, to the owner and managing agent.
- D. If such person or persons cannot be served by any of the aforesaid methods, then such notice or order may be served by posting the same in a conspicuous place upon the non-owner-occupied property where such violation is alleged to exist, or upon the rental property to which such notice may refer, which shall be the equivalent of personal service of said notice upon all parties, including the owner and/or managing agent of the non-owner-occupied property.
- E. By any other method or service authorized pursuant to the New York Civil Practice Law and Rules.

§ 173-13 Penalties for offenses.

Violations of this article constitute an offense within the meaning of the Penal Law of the State of New York, punishable as provided by law. In addition, a violation of any provision of this article shall be subject to the following penalties under this article:

- A. For the first offense by an owner or managing agent of up to five non-owner-occupied units: a fine of \$200;
- B. For the first offense by an owner or managing agent of between six and 10 non-owner-occupied units: a fine of \$500;
- C. For the first offense by an owner or managing agent of more than ten non-owner-occupied units: a fine of \$750; and
- D. For each subsequent offense in each foregoing unit category of ownership or management: a fine of \$400, \$1,000, and \$1,500, respectively.

Article III Prohibition of Eviction Without Good Cause Law

§ 173-14 Applicability.

This article shall apply to all housing accommodations except:

- A. Owner-occupied premises with less than four dwelling units
- B. Premises where the possession, use or occupancy of which is solely incidental to employment and such employment is being lawfully terminated.
- C. Premises otherwise subject to regulation of rents or evictions pursuant to state or federal law to the extent that such state or federal law requires “good cause” for termination or non-renewal of such tenancies.
- D. Premises sublet pursuant to section two hundred twenty-six-b of the NYSRPL or otherwise, whether the sub-lessor seeks in good faith to recover possession of such housing accommodation for personal use and occupancy.

§ 173-15 Necessity for good cause.

No landlord shall, by action to evict or to recover possession, by exclusion from possession, by failure to renew any lease, or otherwise, remove any tenant from housing accommodation except for good cause as defined in section 17 of this article.

§ 173-16 Grounds for removal of tenants.

- A. No landlord shall remove a tenant from any housing accommodation, or attempt such removal or exclusion from possession, notwithstanding that the tenant has no written lease or that the lease or other rental agreement has expired or otherwise terminated, except upon order of a court of competent jurisdiction entered in an appropriate judicial action or proceeding in which the petitioner or plaintiff has established one of the following grounds as good cause for removal or eviction:

- (1) The tenant has failed to pay rent due and owing, provided, however, that the rent due and owing, or any part thereof, did not result from a rent increase or pattern of rent increases which, regardless of the tenant's prior consent, if any, is unconscionable or imposed for the purpose of circumventing the intent of this article. In determining whether all or part of the rent due and owing is the result of an unconscionable rent increase or pattern of rent increases, the Court may consider, among other factors, i) the rate of the increase relative to the tenant's ability to afford said increase, ii) improvements made to the subject unit or

common areas serving said unit, iii) whether the increase was precipitated by the tenant engaging in the activity described at section 223-b(1)(a)-(c) of the Real Property Actions and Proceedings Law, iv) significant market changes, v) the condition of the unit or common areas serving the unit, vi) the consumer price index, vii) the frequency that the landlord increases rent for the tenant, viii) the amounts of previous rent increases for the tenant, and ix) building sale price, , and it shall be a rebuttable presumption that the rent for a dwelling not protected by rent regulation is unconscionable or imposed for the purpose of circumventing the intent of this article if said rent has been increased in any calendar year by a percentage exceeding five percent, unless such rent increase is justified by one or more factors set forth herein,

- (2) The tenant is violating a substantial obligation of their tenancy, other than the obligation to surrender possession, and has failed to cure such violation after written notice that the violation cease within ten (10) days of receipt of such written notice, provided however, that the obligation of tenancy for which violation is claimed was not imposed for the purpose of circumventing the intent of this article;
- (3) The tenant is committing or permitting a nuisance in such housing accommodation, or is maliciously or by reason of negligence damaging the housing accommodation; or the tenant's conduct is such as to interfere with the safety and comfort of the other tenants or occupants of the same rental property;
- (4) Occupancy of the housing accommodation by the tenant is in violation of or causes a violation of law and the landlord is subject to civil or criminal penalties; therefore, provided however that the City of Beacon Building Inspector has issued an order requiring the tenant to vacate the housing accommodation. No tenant shall be removed from possession of a housing accommodation on such ground unless the court finds that the cure of the violation of law requires the removal of the tenant and that the landlord did not, through neglect or deliberate action or failure to act, create the condition necessitating the order to vacate. In instances where the landlord does not undertake to cure conditions of the housing accommodation causing such violation of the law, the tenant shall have the right to pay or secure payment in a manner satisfactory to the court, to cure such violation provided that any tenant expenditures shall be applied against rent to which the landlord is entitled. In instances where removal of a tenant is absolutely essential to their health and safety, the removal of the tenant shall be without prejudice to any leasehold interest or other right of occupancy the tenant

may have, and the tenant shall be entitled to resume possession at such time as the dangerous conditions have been removed. Nothing herein shall abrogate or otherwise limit the right of a tenant to bring an action for monetary damages against the landlord to compel compliance by the landlord with all applicable laws;

- (5) The tenant is using or permitting the housing accommodation to be used for an illegal purpose;
- (6) The tenant has unreasonably refused the landlord access to the housing accommodation for the purpose of making necessary repairs or improvements required by law or for the purpose of showing the housing accommodation to a prospective purchaser, mortgagee, or other person having a legitimate interest therein;
- (7) The landlord seeks in good faith to recover possession of a housing accommodation located in a building containing fewer than twelve units because of immediate and compelling necessity for their own personal use and occupancy as their principal residence, or the personal use and occupancy as a principal residence of their immediate family member including but not limited to a partner, spouse, parent, child, stepchild, father-in-law, ~~or~~ mother-in-law, grandparent etc. when no other suitable housing accommodation in such building is available. This paragraph shall permit recovery of only one housing accommodation and shall not apply to a housing accommodation occupied by a tenant who is sixty-two years of age or older or who is a disabled person;
- (8) The landlord seeks in good faith to recover possession of any or all housing accommodations located in a building with less than five (5) units to personally occupy such housing accommodations as their principal residence;
- (9) Where the tenant has refused in bad faith to enter into a written lease which has been offered in good faith to the tenant by the landlord, subject to the following.
 - (a) The proposed written lease must have been offered to the tenant in writing on at least two occasions at least two weeks apart, which such written offer to include,
 - [1] an original and one copy of the proposed written lease, executed by the landlord or their designee;
 - [2] notice of the landlord's intention to pursue eviction within 120 days pursuant to this article if the tenant rejects the proposed written lease

and/or does not enter into said lease within forty-five days of the initial offer;

[3] clear instructions to the tenant concerning the manner in which the tenant is to communicate to the landlord acceptance or rejection of the written lease; and

[4] Notice of any proposed increase equal to or greater than 3.5% shall be provided in compliance with NY Real Property Law Section 226-C.

(b) The proposed written lease shall not supersede an existing, active lease to which the landlord and the tenant are parties;

(c) The terms of the proposed written lease may not:

[1] be unreasonable and/or mandate or proscribe activities not rationally related to the regulation of activities which would create a nuisance at the property or cause discomfort to the tenants or occupants of the same or adjacent buildings or structures as described at section A(3) above; or

[2] substantially alter the terms any of any existing lease;

(d) The proposed written lease shall not be offered for the purposes of circumventing this article;

(e) The tenant shall be entitled to dismissal of any eviction petition brought for the tenant's refusal to enter into a lease according to these terms if:

[1] the tenant consents to enter into the proposed written lease presented in the first offer pursuant to subsection 10(a) at any time prior to the execution of the warrant of eviction regardless of landlord's willingness to accept said consent at the time it is communicated; and/or

[2] prior to the commencement of the eviction proceeding the tenant attempted in good faith to negotiate the terms of the proposed written lease and that the landlord refused in bad faith to engage in such negotiation; and/or

[3] the tenant's failure to enter into the proposed written lease was due to a good faith failure to comprehend the terms of the proposed written lease;

[4] the tenant is a victim of domestic violence as defined by NY Social Service Law §459-A and is unable to safely enter into the proposed

written lease due to good faith concerns for the tenant's personal safety; and/or

[5] the proposed written lease includes an increase in rent or increase in the tenant's responsibility for recurring payments associated with the tenancy which is unreasonable or imposed for the purposes of circumventing the intent of this article per subsection (A), above.

(f) That any proceeding for eviction pursuant to this subsection shall have been commenced within 120 days of the proposed written lease first having been offered to the tenant.

B. A tenant required to surrender a housing accommodation by virtue of the operation of paragraph (7), (8), or (9) of subsection (A) of this section shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this provision a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees.

C. Nothing in this section shall abrogate or limit the tenant's right, pursuant to section 751 of the NY Real Property Actions and Proceedings Law, to permanently stay the issuance or execution of a warrant or eviction in a summary proceeding, whether characterized as a nonpayment, objectionable tenancy, or holdover proceeding, the underlying basis of which is the nonpayment of rent, so long as the tenant complies with the procedural requirements of section 751 of the NY Real Property Actions and Proceedings Law.

§ 173-17 Intimidation and Illegal Conduct.

A. It shall be a rebuttable presumption that the eviction is not for good cause if there is a history of landlord intimidation of the tenant or illegal conduct pertaining to the landlord tenant relationship.

B. For the purpose of this Section, illegal conduct and intimidation shall be deemed established by the Tenant's establishment through written proof, such as a police report or testimony demonstrating illegal behavior or the use of aggressive methods by the landlord in an attempt to pressure or harass a tenant.

§ 173-18 Preservation of existing requirements of law.

No action shall be maintainable, and no judgment of possession shall be entered for housing accommodations pursuant to this article, unless the landlord has complied with any and all applicable laws governing such action or proceeding and has complied with any and all applicable laws governing notice to tenants including, without limitation, the manner and the time of service of such notice and the contents of such notice.

§ 173-19 Waiver of rights void.

Any agreement by a tenant heretofore or hereinafter entered into in a written lease or other rental agreement waiving or modifying their rights as set forth in this article shall be void as contrary to public policy.

Section 4. City Council Review

The City Council shall review the proposed local law in June 2023 to determine the impacts of Article III and reevaluate the need of the good cause eviction provisions.

Section 5. Ratification, Readoption and Confirmation

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

Section 6. 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 7. 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 8. Effective Date

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

DRAFT

City of Beacon City Council Agenda
02/28/2022

Title:

Amending the Master Fee Schedule Concerning Wireless Telecommunication Services Facilities

ATTACHMENTS

Draft Resolution Amending the Master Fee Schedule Concerning Wireless Telecommunication Services Facilities

**CITY COUNCIL
CITY OF BEACON**

RESOLUTION NO. ____ OF 2022

**RESOLUTION AMENDING THE CITY OF BEACON MASTER FEE SCHEDULE
CONCERNING WIRELESS TELECOMMUNICATION SERVICES FACILITIES**

WHEREAS, City Code Section 223-26.4.H requires that an application for a wireless telecommunication services facility and small cell facility be accompanied by a nonrefundable application fee, payable to the City of Beacon in the amount set forth in the City of Beacon Fee Schedule; and

WHEREAS, City Code Section 223-26.4.I further provides that, in addition to application fees, every wireless telecommunication services facility and small cell facility located in the public right-of-way shall be subject to an annual fair and reasonable fee to be paid by for use and occupancy of the public right-of-way.

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

Permit	Base Fee
Small Cell Permit Fee	\$ 250 per small cell wireless facility per site <u>\$500 for non-recurring application fee for up to five applications, with an additional \$100 for each small wireless facility beyond five</u>
Wireless Telecommunication Services Facility:	\$ 250 per wireless telecommunication <u>\$1,000 for non-recurring application fee for a new pole (not a collocation)</u>
For placement of a wireless telecommunication services facility, including small cell wireless facilities, on private utility poles or private infrastructure in the public right-of-way	\$ 650 per year per pole
For placement of a wireless telecommunication services facility on existing City-owned utility poles, infrastructure or property located in the public right-of-way	\$ 650 per year per pole <u>\$270 per small wireless facility per year</u>

Resolution No. 38 of 2022				Date: <u>February 22, 2022</u>			
☐ Amendments				☐ 2/3 Required			
☐ Not on roll call.				☐ On roll call			
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Justice McCray					
		George Mansfield					
		Wren Longno					
		Molly Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							

City of Beacon City Council Agenda
02/28/2022

Title:

Discussion of City Council Rules and Regulations

ATTACHMENTS

[Draft Edits to 2022 City Council Rules of Procedure](#)

CITY COUNCIL RULES OF PROCEDURE FOR PUBLIC MEETINGS¹

1. **MEETING SCHEDULE:** The City Council shall hold its regular (voting) meetings on the first (1st) and third (3rd) Monday of each month. Workshop (non-voting) meetings shall be held on the Monday before each regular meeting of the City Council, except during the months of July and August when workshop meetings shall be held on the night of and immediately prior to the regular meeting. If any meeting falls on a holiday, the meeting shall be rescheduled for the next work day. The meeting schedule for 2022 is attached as Attachment 1 and may be modified by a majority vote of the City Council.

Special meetings of the City Council shall consist of all meetings other than regular or workshop meetings at which four (4) or more members of the Council are present. A special meeting may be held on the call of the Mayor or by four or more Councilmembers, upon no less than twenty-four (24) hours (except if less notice is required by an emergency situation, then notice shall be as practicable) written notice via e-mail and telephone call to all Councilmembers and the Mayor.

2. **LOCATION OF MEETING AND CHANGES:** Unless otherwise announced, all meetings of the City Council shall be held at 7 p.m. in the Court Room at the Municipal Center located at One Municipal Plaza, Beacon, New York. Any changes in the date, time or location of the Council's meetings shall be determined by the Mayor and noticed in accordance with lawful requirements.
3. **QUORUM REQUIRED TO ACT:** A majority of the whole number of the City Council, including vacancies, abstentions and any members disqualified, shall constitute a quorum. Therefore, a quorum of the seven (7) member City Council is four (4) members. A quorum shall be necessary to take any formal action and to exercise any power, authority, or duty of the City Council. No member shall withdraw from a meeting of the Council without the permission of the Mayor when required to maintain a quorum.
4. **EXECUTIVE SESSIONS:** In accordance with Article 7 of the Public Officers Law, all meetings of the City Council shall be open to the public, except as provided that the Council may enter into an executive session, as defined by Article 7 of the Public Officers Law, to discuss those topics or items for which the Public Officers Law allows for a closed session. The decision to enter into an executive session for the purposes and in the manner as set forth in Article 7 of the Public Officers Law must be submitted by a motion calling for an executive session setting forth the general

¹ These Rules of Procedure are in addition to any requirements imposed upon the City Council by relevant State or Local Laws.

subject matter to be considered. The motion to enter into an executive session, its general subject matter thereof and the vote on the motion shall be recorded in the minutes of the open session. Attendance at an executive session shall be permitted to any member of the City Council and any other persons it authorizes.

5. **APPOINTMENTS**: For any proposed “senior” personnel appointments, following the announcement of the Mayor’s appointment, the Council may defer a vote on such appointment for an additional period to allow time for public comment and/or Council discussion. Such senior appointments shall include the City Administrator, Department Heads, new consultants for planning, engineering or city attorney, Police and Fire promotions, and such other personnel as the Council may decide. Any Councilmember is free to discuss the individual being appointed/promoted; however, certain matters discussed concerning the decision to hire the individual, including personnel files, may not be discussed in public and any Councilmember who wishes to discuss the particulars of a specific employee shall first confirm the discussion of same is appropriate with the City Attorney or City Administrator.
6. **VOTING**: A quorum, as defined in Section 3 of these Rules, shall be required to perform and exercise any power, authority or duty of the Council.
 - a. **Abstentions and Absences**: Abstentions and absences shall be considered a negative vote for the purposes of determining the final vote on a matter submitted to a vote.
 - b. **Silence**: In any vote, silence by any Councilmember shall be understood as a positive vote on a matter submitted to a vote.
 - c. **Questions**: The answer to a question submitted to the Council shall be made by counting the “ayes” and “nays” in response to a question seeking all members in favor and all opposed.
7. **ORDER OF BUSINESS – MEETING AGENDA**: The following is the order of business at all regular and special meetings of the City Council and shall be followed to the greatest extent possible where applicable:
 - a. Call to Order
 - b. Pledge of Allegiance
 - c. Roll Call
 - d. Public Comment
 - e. Community Segment (if scheduled)
 - f. Public Hearings (if scheduled)
 - g. Reports: Mayor, Councilmembers, and City Administrator
 - h. Appointments
 - i. Local Laws and Ordinances
 - j. Resolutions

- k. Budget Amendments
- l. Approval of Minutes
- m. Announcement of Next Meeting
- n. Second Public Comment
- o. Adjournment

The regular order of business at a meeting may at any time be suspended by majority vote of the Council.

8. GENERAL RULES OF PROCEDURE & STANDARD OF CONDUCT:

- a. Presiding Officer: The Mayor shall determine who presides at all meetings of the City Council. In the Mayor's absence, the Acting Mayor shall determine who presides at the meeting. In the event the Mayor has failed to appoint an Acting Mayor, or where such member is absent from the meeting, the Council shall determine who presides at the meeting.
- b. Guidelines for Councilmembers:
 - 1) Conflict of Interest. A Councilmember prevented from voting by a conflict of interest shall leave the City Council table during the debate, shall not vote on the matter, and shall otherwise comply with the State law and City ordinances concerning conflicts of interest.
 - 2) Non-Disclosure of Confidential Information. "Confidential information" for this rule is defined as follows:
 - a) Specific information, rather than generalized knowledge, received by a Councilmember as a result of their position that is not available to the general public on request; or
 - b) Information furnished to a Councilmember under circumstances as to suggest the information is confidential, including when the provider of the information identifies the information as confidential; or
 - c) Information made confidential by law, including specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy; or
 - d) Discussions held in Executive Session. No Councilmember may disclose confidential information or otherwise use such information for his or her personal gain or benefit or the gain or benefit of another. No council member may disclose confidential information to any person not entitled or

authorized to receive the information.

- c. Guidelines for Community Segments: Speakers are invited to speak and are placed on the agenda by prior arrangement with the Mayor's office and are placed on the agenda at the Mayor's discretion.

- d. Guidelines for Public Comment and Public Hearing Sessions:

1) The City Council believes our city government is made stronger through an engaged and active public. Our Public Comment and Public Hearing Sessions are two of the key ways that those who live and work in Beacon provide feedback, input and inspiration for City Council. These guidelines are designed so that everyone is heard.

1)2) There shall be two (2) segments during each regular meeting of the City Council dedicated to public comment, one at the beginning of the meeting and another at the end.

2)3) A speaker shall be allowed to speak at either the first public comment segment or the second, but not both.

3)4) Those who would like to speak during either of the public comment segments should sign up on the sheet provided at the meeting and shall be allowed to speak on a first-come, first-serve basis. Remote speakers via Zoom shall be recognized following in-person speakers by raising hands on Zoom. If meeting attendance is not possible, interested parties, or their representatives, are also welcome to submit their written comments in advance. Communications clearly labeled as for Public Comment or Public Hearings may be read out loud or otherwise included in the public record. If not so labeled, written comments will be considered private communications with the Council.

4)5) The total time for all speakers at any one public comment segment shall not exceed thirty (30) minutes unless approved by a majority vote of the Council.

6) The Presiding Officer may appoint a timekeeper for purposes of the public comment segments.

~~A speaker may speak on any issue which is properly up for discussion on the agenda or which the City has the ability to act upon, provided that a speaker may not speak on any issue which has already been discussed at an earlier public hearing during the meeting or one that is to be discussed at a later public hearing during the meeting.~~

5)7) A speaker may speak on any issue which is properly up for discussion on the agenda or which the City has the ability to act upon, provided that a speaker may not speak on any issue which has already been discussed at an earlier public hearing during the meeting or one that is to be discussed at a

later public hearing during the meeting.

6)8) Conduct of Speakers: All persons speaking before the Council shall conform to the following standards of conduct:

- a) In-person speakers must step to the podium to address the Council and complete the sign-in sheet placed at the podium, unless they have signed in at the sign-in sheet placed at the table. Accommodations shall be made for all persons with disabilities who need such accommodation.
- b) Remote speakers via Zoom must wait until authorized to speak by the Secretary to the City Mayor. Only remote speakers with a digital hand raised shall be called upon to speak.
- c) Before addressing the Council, a speaker must provide their name, home municipality, and organization (if any) for the record.
- d) A speaker's individual time to speak during the public comment session may not exceed three (3) minutes unless, in the Presiding Officer's sole discretion, additional time is granted.

e) A speaker's individual time to speak at a public hearing may not exceed five (5) minutes.

f) Speakers shall address all members of the Council and shall avoid speaking to any one member directly or to the general public present at the meeting.

g)

~~g) A speaker's individual time to speak at a public hearing may not exceed five (5) minutes.~~

~~h) Biased and/or indecent~~Hate speech and abusive language or conduct shall not be tolerated, ~~and the Presiding Officer may withdraw the remaining time of the speaker if such decorum is violated.~~

~~i) A speaker may speak on any issue which is properly up for discussion on the agenda or which the City has the ability to act upon, provided that a speaker may not speak on any issue which has already been discussed at an earlier public hearing during the meeting or one that is to be discussed at a later public hearing during the meeting.~~

~~j) Any statements, comments or remarks made by a speaker shall not concern~~guess at the personal motives of a member of the Council and/or constitute a personal ~~and/or political~~ attack or defamation. ~~criticism of any member of the Council, any officer of the City or any~~Statements, comments or remarks

about any employee of the City or member of the public shall follow the same rules as above, and in addition, shall not include direct criticisms.

~~k) i)~~ The audience shall be respectful of all speakers and shall refrain from comments and gestures, private discussions, cell phone use, or other conduct that interferes with the orderly progression of the meeting.

~~j)~~ Any speaker who fails to conform their conduct to the above shall be directed by the Presiding Officer to cease speaking and yield the floor.

~~7) Interested parties, or their representatives, not in attendance may address the Council by written submission.~~

9) The Council, City employees and guests at the Council table are expected to conduct themselves with a mutual respect to the public and conform to the rules set forth above regarding conduct during Public Comment and Public Hearing proceedings.

~~8) 10)~~ Debate or discussion between audience members and the speaker having the floor shall not be permitted.

~~9) 11)~~ Debate or discussion with the speaker by a member of the Council, the Mayor, the City Administrator, City Attorney, a guest at the Council table, or any other City employee in the audience, who has information pertinent to the discussion shall not be permitted, except in the Presiding Officer's discretion.

9. **RULES OF ORDER.** All questions of order or procedure of the Council not herein provided for shall be decided in accordance with Robert's Rules of Order Revised for Deliberative Assemblies.

10. **COUNCIL COMMUNICATION.** The City Administrator oversees the day-to-day operations of the City, including management of all City officers, employees, vendors and contractors. Councilmembers lack the authority to give orders, directions or instructions, either publicly or privately, to any City officer, employee, vendor or contractor. Any communication, whether written, electronic or verbal, with officers and employees of the City and members of the Council are to be expressed in a respectful and courteous manner and copied to the City Administrator.

During a meeting of the City Council, any Councilmember statements should be confined to the question before the Council and shall not involve a personal attack or criticism of any member of the Council, any officer, or employee of the City, or any member of the public.

11. RECORDING OF MEETINGS. No person shall record the proceedings of the meetings of the City Council, or any part thereof, by electronic or any other type of recorder, nor with a “steno-type” or similar machine, nor by motion picture, television or any other type of camera or visual record, without having previously made application, in writing, to the City Council at least two (2) business days in advance of the meeting for which permission is requested and without having received written permission therefore. Permission shall be granted upon a finding that the recording and/or broadcasting will not be disruptive or obtrusive of the public meeting and reasonable conditions may be imposed upon the granting of the application. This rule shall not be construed to prohibit the use of a handheld audio recording device or video device which does not interfere with the meeting, or the making of notes by any person or persons at such meetings, whether or not such notes shall constitute a complete transcript of the proceedings, nor shall this rule apply to the City Clerk or to members of the City Council.

12. AMENDMENTS: The foregoing Rules of Procedure may be amended from time to time by a majority vote of the Council.

City of Beacon City Council Agenda
02/28/2022

Title:

Executive Session

ATTACHMENTS