



CITY OF BEACON, NEW YORK
VIRTUAL MEETING

Mayor Lee Kyriacou
Councilmember Amber J. Grant, At Large
Councilmember George Mansfield, At Large
Councilmember Terry Nelson, Ward 1
Councilmember Air Rhodes, Ward 2
Councilmember Jodi M. McCredo, Ward 3
Councilmember Dan Aymar-Blair, Ward 4
City Administrator Chris White

**March 15, 2021
7:00 PM
City Council Agenda**

Call to Order

Pledge of Allegiance

Roll Call

Public Comment: The public is invited to comment on any topic other than that which is scheduled for a public hearing. The City Council is welcoming comments regarding the Draft City of Beacon Police Reform and Modernization Collaborative Report which can be found below.

[Notice of a Change in Meeting Location March 15, 2021](#)

[Draft City of Beacon Police Reform and Modernization Collaborative Report_3.15.2021](#)

Public Hearings:

1. [Resolution Adopting a Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Viewsheds_3.15.2021](#)

Reports

Local Laws and Resolutions:

1. [Resolution Adopting a Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Viewsheds_3.15.2021](#)
2. [Resolution Authorizing the Issuance of up to \\$505,000 Aggregate Principal Amount Serial Bonds to Finance the Costs of the Construction Improvements to City Hall_3.15.2021](#)
3. [Resolution Authorizing the Issuance of up to \\$525,000 Aggregate Principal Amount Serial Bonds to Finance the Cost of the Purchase of Equipment for the Highway Department_3.15.2021](#)
4. [Resolution Authorizing the Issuance of up to \\$640,000 Aggregate Principal Amount Serial Bonds to Finance the Cost of the Purchase of a Pumper Rescue Fire-Fighting Vehicle_3.15.2021](#)
5. [Resolution Authorizing the Issuance of up to \\$7,113,000 Aggregate Principal Amount Serial Bonds to Finance the Costs of the Reconstruction of and Construction of Improvements to the](#)

[City Sanitary Sewer System_3.15.2021](#)

6. [Resolution Authorizing the Issuance of up to \\$730,000 Aggregate Principal Amount Serial Bonds to Finance the Costs of the Reconstruction of and Construction of Improvements to the City Water Supply Treatment and Distribution System_3.15.2021](#)
7. [Resolution Approving Proposed Budget Amendments_3.15.2021](#)
8. [Resolution Adopting the Length of Service Award Program \("LOSAP"\) Investment Policy_3.15.2021](#)
9. [Resolution Adopting the City of Beacon Operation Plan for Public Health Emergencies_3.15.2021](#)
10. [Resolution Appointing Wastewater Treatment Plant Operator - Type A Plant](#)
11. [Resolution Ratifying the Memorandum of Agreement Between the CSEA and the City of Beacon_3.15.2021](#)

Approval of Minutes

[City Council Meeting Minutes March 1, 2021](#)

2nd Opportunity for Public Comments:

Adjournment:

City of Beacon City Council Agenda
03/15/2021

Title:

Notice of a Change in Meeting Location March 15, 2021

ATTACHMENTS

[Notice of Change in Meeting Location March 15, 2021](#)



NOTICE OF CHANGE IN PUBLIC MEETING LOCATION

PLEASE TAKE NOTICE, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the City Council will not hold in-person meetings. Until further notice, all future City Council meetings (including public hearings) will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, the public will not be permitted to attend at the remote locations where the City Council members will be situated. The public, however, will be able to fully observe the videoconference meeting and comment during regular City Council meetings (i.e for public hearings and during designated public comment periods) at

<https://us02web.zoom.us/j/82166557214?pwd=YmJBN0NXZU11VVF3clBMa1k0MTBtdz09>

Webinar ID: 821 6655 7214 Passcode: 666857. To the extent internet access is not available, the public can attend and comment via telephone by dialing + 1 929 205 6099 and entering the Webinar ID: 821 6655 7214 Passcode: 666857. The City Council's agenda is available online in advance of meetings at <http://www.cityofbeacon.org/index.php/agendas-minutes/>. The public can email written comments or questions for regular City Council Meetings by 5pm on the day of the meeting addressed to cityofbeacon@cityofbeacon.org. Any member of the public who has questions should contact the City Administrator in advance of the meeting at 845 838 5010 or cwhite@cityofbeacon.org.

PLEASE TAKE FURTHER NOTICE, that any Executive Session of the Council will be initiated with the Council first convening on the public videoconferencing site, and then adopting a motion to go into Executive Session.

PLEASE TAKE FURTHER NOTICE, that the City Council Meeting of March 15, 2021 at 7:00 pm can be accessed live at <https://www.youtube.com/channel/UCvPpigGwZDeR7WYmw-SuDxg>

City of Beacon City Council Agenda
03/15/2021

Title:

Draft City of Beacon Police Reform and Modernization Collaborative Report_3.15.2021

ATTACHMENTS

[Draft City of Beacon Police Reform and Modernization Collaborative Report](#)

City of Beacon

Police Reform and Modernization Collaborative Report



In Response to Governor Andrew Cuomo's

Executive Order 203

March 2021

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INTRODUCTION

Anyone who has visited or lived in Beacon knows how unique our city is. Its diversity, tolerance, small businesses, physical beauty, and rich cultural offerings have all helped create a strong and promising community.

But Beacon is also part of the national dialogue on policing, politics, racism, and justice. Killings by police in 2020 led to ongoing marches and pointed debates that raised urgent questions about community safety and equal rights. Expressions of distrust and anger were unavoidable, such as competing protests on both sides of the street in front of City Hall in July that nearly spilled over into a violent confrontation – as they did all over the country.

Along with the great suffering and fear from COVID-19, over the past year Beacon also confronted larger challenges to the future of its communities' well-being. On one level, the fast growth and influx of people has placed additional pressure on Beacon's diversity and the economic security of many of its residents. Our vibrant Main Street, made up almost entirely of small local businesses, was particularly vulnerable to the quarantine. Students endured great disruption to their educations, and everyone's mental health became more imperiled.

But Beacon has met those challenges with its strong social capital: Our city is large enough to have a wide range of communities but is also small enough to connect them. Responding to the compounding crises, groups focusing on food, youth, rights, and many other needs quickly formed and provided critical support. All this mutual aid helped re-affirm our mutual respect. At the protest in July, in fact, people on both sides of the street recognized their neighbors, teachers, students, and acquaintances on the other. Despite our differences, the City avoided the outbreaks of violence witnessed in most other cities, large and small.

That strength has also fueled police reform in Beacon. Since 2015, the community has engaged in a continuous effort to improve policing. Through meetings, proposals, and dialogue, we have been forging a range of mutually reinforcing policies and programs. Our resilient network of social capital has fueled and will continue to fuel this constructive change. As Beacon's Executive Order 203 Police Reform Committee, we worked to channel that energy and diversity. As a product of our commitment, we offer this report as a roadmap for the future security of our city's communities.

~~Anyone who has visited or lived in Beacon knows how unique our city is. Its diversity, small businesses, physical beauty, and rich cultural offerings have all helped create a strong and promising community.~~

~~But Beacon is also part of the national dialogue on policing, racism and politics. Protests, sharp debates, and anger roiled in response to the aftermath of George Floyd's killing and the larger questions it raised. All of those came together in uncertain ways, such as competing protests on both sides of the street in front of City Hall that threatened to, but did not, spill over from speech into more confrontational and violent responses.~~

Along with the suffering and fear from COVID-19, Beacon has also faced the larger questions of community security that arose throughout 2020. One on level, the fast growth and influx of people can place additional pressure on Beacon's diversity and the economic security of many of its residents. Its economic sector, made up almost entirely of small local businesses, was particularly vulnerable to the economic impacts of the virus.

But Beacon has met those challenges with its strong social capital: Our city is large enough to have a wide range of communities, but is small enough to connect them. At the protest in July, in fact, people on both sides of the street recognized their neighbors, teachers, and students, and acquaintances on the other. Despite their differences, the City avoided the outbreaks of violence witnessed in larger cities. That has been the power of police reform in Beacon.

Since 2015, the community has engaged in a continuous effort to improve policing, through meetings, proposals, and dialogue. Our resilient network of social capital has fueled and will continue to fuel constructive change. As Beacon's Executive Order 203 Police Reform Committee, we worked to channel that energy and diversity, and offer this report as a roadmap for the future safety of our city's communities.



Mark Ungar
Committee Co-Chair
Police Reform Committee



Pastor John Perez
Committee Co-Chair
Police Reform Committee

EXECUTIVE SUMMARY

Following the high-profile killing by police of George Floyd in May 2020, communities across the nation confronted painful questions about the ongoing role of racial bias in policing and faced demands for reforms and action to address the inequalities and racial bias in policing. While many of the nation's largest police departments became the focus of protests and reform efforts, smaller communities such as the City of Beacon also experienced a new civil rights movement, calling for a reconsideration and reform of public safety and policing. In 2020, the community hosted nineteen peaceful protests organized by Beacon 4 Black Lives ("B4BL") and other organizations and engaged in a robust debate about the structure and role of policing in our small city.

The protests and calls for reform in 2020 were not the first time that the Beacon Police Department had come under scrutiny and pressure for reform. In response to chronic concerns, the department became the focus of a U.S. Department of Justice ("DOJ") investigation starting in 2004 and ending in 2010. During the investigation and subsequent oversight by the DOJ and U.S. Attorney's Office, the Beacon Police Department reexamined and reformed many of its policies and procedures, which allowed this small department to adopt early on some of the progressive reforms now being discussed in much larger departments, including significant revisions to the *Use of Force Policy*. In addition to DOJ mandated reforms, the community discussed and implemented other reforms starting again in 2015.

Following Governor Andrew Cuomo's issuance of Executive Order 203, the Beacon community began to further examine its policing policies and build upon the earlier reforms. Over the past months, the City has convened an Executive Order 203 Police Reform Committee ("Police Reform Committee") composed of civic organizations, faith-based groups, local activists, police officers, local and County officials, and interested citizens. Beacon has hosted multiple meetings over the past half year for the public to raise concerns and share ideas on the future of policing in the City of Beacon.

Throughout this process and during the 2020 protests, there has been an impressive level of respect between the community and the police, even when there have been significant differences in opinion. The overall civility and respect throughout Beacon's latest debate on policing is a testament to the strength and tolerance of our progressive community as well as the openness to continued change. After months of meetings, the Police Reform Committee came back with a series of recommendation that are contained in this Plan. Some of these recommendations are already being implemented while others will take more time and consideration to implement.

As a result of this process, the City of Beacon has laid out a goal and tangible steps towards realizing that vision to ensure that the community continues to address the legacy of racially-biased policing and move towards a more equitable, progressive, and sustainable model of public safety and policing.

A. BEACON POLICE REFORM PLANNING COMMITTEE

On June 12, 2020 Governor Andrew Cuomo issued Executive Order 203- New York State Police Reform and Reinvention Collaborative (“EO 203”). EO 203 stated,

“WHEREAS, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and... Each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.

Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program.”

Following the issuance of EO 203, the City of Beacon sponsored several Community Forums on Policing and Public Safety, which were held on June 20, November 21, and December 19, 2020. The Beacon City Council passed a resolution in August 2020 requiring a plan for evaluation and rethinking of community public safety services. This resolution, attached in Appendix 1, was part of an ongoing police reform agenda to improve transparency, increase community engagement, review critical policies and training, evaluate the public complaint process, examine the structure of law enforcement, and consider non-police alternatives. In 2020, this led to several immediate changes, such as requiring police officers to provide business cards in interactions with the public and putting a complaint form on the City’s website.

The City participated in the Dutchess County Police Reform and Modernization Collaborative¹ and later formed its own Police Reform Planning Committee (the “Committee”). The Committee was appointed by Mayor Lee Kyriacou and was composed of community leaders and stakeholders tasked to provide input into the City’s effort at police reform and modernization. The City sought to build upon the primary goals laid out in the Dutchess County Policy Reform and Modernization Plan, which included the following:

- Building public trust and legitimacy by enhancing police connection to the community
- Ensuring accountability, transparency, and professionalism in law enforcement
- Preventing violence and examining modern policing strategies
- Implementing criminal justice diversion programs
- Addressing mental health, homelessness, and addiction

The Committee was co-chaired by Mark Ungar and Pastor John Perez. Biographies of members of the ~~C~~committee were as follows (in alphabetical order):

Deborah Felder is a New York City Department of Education guidance counselor and resident of Beacon who is involved in the local NAACP chapter. Prior to participating in the Reform and Modernization Collaborative, Felder was a member of the 2020 City of Beacon Police Chief Search Committee.

Lieutenant Thomas Figlia is a Lieutenant of the Beacon Police Department, having joined as a Patrol Officer in 2006. Figlia is the department’s training coordinator and is responsible for policy development and implementation and for accountability systems such as the ~~department’s~~ body camera program. Figlia is a graduate of Beacon High School and Marist College.

Chief Sands Frost is Chief of the Beacon Police Department, having joined as a Patrol Officer in 1983, and progressing as Detective, Patrol Sergeant, Detective Sergeant, and Patrol Lieutenant. Frost was appointed Acting Chief in August 2020, and after an in-depth search, was appointed Beacon’s Police Chief in January 2021. Frost served as a Gunnery Sergeant in the U.S. Marine Corps Reserve and was activated for Desert Storm and after 9/11. Born and raised in Beacon, Frost holds an Associate Degree in Criminal Justice from SUNY Dutchess.

Kara Gerry is Bureau Chief of the Dutchess County Public Defender’s Office. Gerry graduated from Our Lady of Lourdes High School, Marist College and Pace Law School, and lived in Beacon in 2012-2017. Gerry has been practicing criminal law for about 15 years, as a prosecutor for three years and a defense attorney for twelve. Gerry was assigned to represent clients in Beacon City Court in October of 2020.

Addison Goodson was born in Queens. N.Y. and is a poet and activist with experience as a Community Organizer with Jobs With Peace in Los Angeles, as an ombudsperson in Santa

¹ <https://www.dutchessny.gov/County-Government/Police-Reform-and-Modernization-Collaborative-Workgroups.htm>

Monica and a volunteer with many political campaigns for Progressive politicians. Goodson has lived in Beacon for sixteen years, and is a member of the Beacon Human Relations Commission.

Dr. Matthew Landahl, Ph.D. is Superintendent of the Beacon City School District. Landahl has served as a fourth-grade teacher in the Baltimore City Public Schools as part of the Teach for America Corps, an assistant principal in Charlottesville VA, and Chief Elementary Officer, Chief Academic Officer and Deputy Superintendent in Ithaca NY. Landahl earned a Doctorate in Educational Administration from the University of Virginia. Landahl lives in Beacon.

Justice McCray is a lifelong Beacon resident, and an activist and community organizer with the group Beacon4BlackLives. McCray is a full-time circulation librarian, and is currently invested in mutual aid/community safety projects such as the Beacon Community Fridge. McCray has formerly worked at independent businesses in Beacon and served on the Beacon Human Relations Commission.

Pastor John Perez leads the Faith Temple Church in Beacon and serves as Superintendent of the Hudson Valley Region District Churches. Pastor Perez desires to further impact our community with his ability to bring different voices and viewpoints to the table for transparent discussions. Perez has previously worked in banking and sales, and serves on various non-profit boards, Perez recently served on the Dutchess EO203 committee and the Beacon Police Chief Search Committee, and is chair of the Beacon Human Relations Commission.

Molly Rhodes works at Teach For America and served as a member of the 2020 City of Beacon Police Chief Search Committee. Rhodes has been a resident of Beacon since 2018 and lives with her partner and two children.

Giovanna Rogow is the Executive Director of the Maternal Infant Services Network of Orange, Sullivan and Ulster Counties (MISN), a Perinatal Network established in 1990 to improve birth outcomes and reduce ethnic and racial disparities leading to infant mortality, pre-term birth and low weight babies. Rogow is a member of the Beacon Human Relations Commission.

Samantha Sayegh is an Assistant District Attorney in Dutchess County and is assigned to the Justice Courts Bureau. Sayegh joined the District Attorney's office in 2019 after graduating from Marist College and Pace Law School. Sayegh handles the Beacon Court Criminal Calendar and prosecutes justice court cases, and teaches criminal justice at Marist College.

Brooke Simmons is a lifelong Beacon resident, and a founding board member of I Am Beacon. Simmons has served on the Beacon Recreation Committee, Beacon City Charter Commission, Spirit of Beacon Day Committee, and Beacon Centennial Committee. In 2015, Simmons co-led the community group Beacon Speaks Out, to discuss, identify, and commit to improvements in the Beacon Police Department.

Brent Chaim Spodek has been the rabbi of Beacon Hebrew Alliance since 2010. Before coming to Beacon Hebrew Alliance, Spodek served as the Rabbi in Residence at American Jewish World Service and the Marshall T. Meyer Fellow at Congregation B’nai Jeshurun in New York. Rabbi Brent Spodek holds rabbinic ordination and a masters in philosophy from the Jewish Theological Seminary. Spodek attended Wesleyan University and worked as a journalist in Durham NC. Spodek lives in Beacon, and is a professor of environmental chemistry at Vassar College.

Mark Ungar is a political science and criminal justice professor in the doctoral faculty of the City University of New York (CUNY). Ungar is an advisor on police and judicial reform with the United Nations, and has helped establish new police units, community policing, and other programs in eight Latin American countries. Currently Ungar is an environmental policing commissioner at Interpol; is writing security reform overhauls with democratic opposition blocs in two countries; and is co-directing policy efforts against US gun exports and deforestation in the Amazon Basin. Publications include five books and 40+ articles on policing, human rights, violence, and criminology. Ungar has lived in Beacon since 2004 and co-led Beacon Speaks Out.

Christopher White was appointed Beacon City Administrator in late January 2021. White previously served as Deputy Director of Planning for Ulster County, and was as a senior aide to the late Congressman Maurice Hinchey for more than eleven years. Chris White has a BA from New York University and an MPA from Rockefeller College at SUNY Albany.

After several remote meetings, the Committee identified ten primary areas of focus for reforming and reimagining the operations of the Beacon Police Department and community safety in the City of Beacon as a whole. Those areas were identified as follows:

- Community Safety
- Addressing Individual Needs
- Criminal Justice
- Communications and Representation
- Incorporation of Police Officer Experiences and Recommendations
- Data Collection and Reporting
- A Police Department Reflecting Beacon’s Diversity
- Police Structures and Patrols
- Accountability
- Youth Security, Education and Policing

After formulating the ten focus areas, the Committee divided into sub-committees for each area and met to develop specific recommendations. Several areas had significant overlap so recommendations from one sub-committee were sometimes incorporated into the category of another subcommittee. The subcommittees reported back to the Committee at its final meeting after which the written recommendations were compiled by the Committee Co-chairs.

In addition to the recommendations, this report includes a brief history of Beacon Police Department reform so that readers have an understanding of where the ~~Beacon Police~~ Department was and where it currently stands, as well as a review of current policies and procedures and recent changes. It then ~~proceeds to outline~~ the recommendations of the Committee to provide ~~an understanding of~~ a the vision for community safety in Beacon in the future. ~~Finally, there are a number of supporting attachments.~~

B. HISTORY OF BEACON POLICE DEPARTMENT REFORMS

As noted previously, the process of reform and reinventing policing in the City of Beacon has been an ongoing process for many years. In 2004, the United States Department of Justice (“DOJ”) and the U.S. Attorney’s Office for the Southern District of New York opened an investigation into the Beacon Police Department in response to numerous significant civilian complaints. This difficult process began a continuing effort by the City of Beacon and the Beacon Police Department to make the department a modern, progressive, and full-service law enforcement agency, an effort which continues today.

As a result of the investigation and subsequent six-year oversight by DOJ, the leadership and culture of the Department were significantly reformed and the Department was professionalized and accredited. The per capita spending on the Department in the period between 1998 and 2018 was also significantly reduced, making Beacon’s per capita spending on police the lowest of any city in the Hudson Valley as detailed in Appendix [24](#). While the Beacon Police Department continues to work diligently to stay compliant with federal and New York State law and current with law enforcement best practices, the Department recognizes that further improvements in transparency, accountability, trust building, and alternatives to criminal justice are needed.

The DOJ investigation was concluded in 2010 and while it found no violations of law, it did find numerous policies and procedures that were in need of substantial updates and improvement. Technical assistance letters were issued by the DOJ, to which the Beacon Police Department agreed. The changes required by DOJ included the following:

- Revise use of force policy to emphasize verbal de-escalation techniques, and specifically prohibit the use of the carotid hold² absent exigent circumstances
- Specifically limit the type of ammunition allowed and mandate the exact amount of ammunition officers must carry
- Revise its OC [pepper] spray policies to ensure that OC spray is appropriately used and that all uses are reported
- Revise its policies requiring the review and/or investigation of all uses of force beyond un-resisted handcuffing to be consistent as to the requirements for investigation and review of uses of force
- Develop standards for its vehicle pursuit/roadblock policy to clarify the circumstances in which pursuits should be authorized
- Implement a formal, structured, and consistent system for handling complaints from members of the public

The Beacon Police Department, under new leadership and the oversight of elected officials, methodically and successfully implemented the recommendations from the DOJ. By 2016, the

² A carotid hold is a restraint technique that involves an officer compresses the carotid arteries on the side of neck to restrict blood flow, which can lead to unconsciousness or death.

DOJ and U.S. Attorney found the Department to be in substantial compliance and fully released from any further monitoring. U.S. Attorney for the Southern District of New York Preet Bharara noted, "We are pleased that the Beacon Police Department has concluded a cooperative effort to improve its policies and procedures regarding use of force, review of officer conduct and citizen complaints so that they may better protect all of the people of Beacon." ~~said U.S. Attorney for the Southern District Preet Bharara~~³.

In conjunction with the process of updating specific policies and procedures to comply with the DOJ recommendations, the Beacon Police Department completely revised all of its policies and procedures in order to become only the third law enforcement agency in Dutchess County to achieve accreditation from the New York State Division of Criminal Justice Services ("DCJS"). A list of the Accredited agencies in Dutchess County is attached as Appendix ~~32~~.

Accreditation is a progressive and contemporary way of helping police agencies evaluate and improve their overall performance. It provides formal recognition that an organization meets or exceeds general expectations of quality in the field. Accreditation acknowledges the implementation of policies that are conceptually sound and operationally effective.

The New York State Accreditation Program became operational in 1989 and encompasses four principal goals:

1. To increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment and facilities to the extent possible;
2. To promote increased cooperation and coordination among law enforcement agencies and other agencies of the criminal justice services;
3. To ensure the appropriate training of law enforcement personnel; and
4. To promote public confidence in law enforcement agencies.

The Accreditation Program is comprised of a set of standards developed to further enhance the capabilities of an agency, and is divided into three categories. Standards in the Administrative section have provisions for such topics as agency organization, fiscal management, personnel practices, and records management. Training standards encompass basic and in-service instruction, as well as training for supervisors and specialized or technical assignments. Operations standards deal with such critical and litigious topics as high-speed pursuits, roadblocks, patrol, and unusual occurrences⁴.

Maintaining accreditation is an extensive undertaking which requires regular updates to policies and procedures in order to stay current with law enforcement best practices. A department's accreditation is reassessed by DCJS every five years, and the Beacon Police Department has been successfully reaccredited with both of its required reassessments.

³ <https://www.justice.gov/opa/pr/beacon-new-york-police-department-enters-agreement-united-states-reform-its-policies-and>

⁴ <https://www.criminaljustice.ny.gov/ops/accred/>

In order to streamline this process and keep up with legal changes which are occurring at a more rapid pace than ever before, the Department contracted with Lexipol in 2017. Lexipol provides a web-based system of recommended policies and procedures which are regularly updated, by experts in the field, in order to stay compliant with changes to federal and State statutes, case law, and accreditation standards. These policies are specific to New York State and fully customizable. In using Lexipol, the department does an exhaustive review of each recommended policy to ensure that it is compliant with accreditation standards and workable for our specific department and community. Legal updates are sent very regularly and quickly after they become law. The system also provides crucial documentation of the issuance and acknowledgement of policies and procedures which aids in accountability.

Despite the progress made by the Beacon Police Department over the past fifteen years or more, many in the community, ~~including many new residents~~ have called for additional reforms, such as increased transparency ~~and~~ implementation of more formal structures for regular community interaction to build trust and confidence, and structural and staffing changes to provide alternative models of community safety and well-being. As further described below in the Committee's recommendations, the City has and may consider a combination of ongoing reforms and also some restructuring. For instance, the City Council approved in its 2021 Operating Budget inclusion of funding for a mental health intensive case worker to help the Beacon Police Department address mental health issues outside of traditional policing methods.

Hope Not Handcuffs. In September, 2020 the City of Beacon Police Department became only the third department in Dutchess County to partner with the non-profit Hope Not Handcuffs to assist people who struggle with drug or alcohol addiction. Hope Not Handcuffs-Hudson Valley, a program of the Tri-County Community Partnership Inc., is aimed at bringing law enforcement, community organizations and volunteers together to find viable treatment options for individuals seeking help to reduce dependency with any substance including heroin, prescription drugs, and alcohol. When someone comes into the Beacon Police Department and asks to go to rehabilitation for substance addiction, a call will be made to an "Angel" volunteer from the Hope Not Handcuffs team who will come and actively seek out a treatment plan. Individuals suffering from addiction will instantly gain an advocate and a network of resources designed to lead them to success.

HR Director. In July 2020, The City of Beacon hired its first Human Resources Director. The HR Director has already assisted the Police Department in several ways:

- Reviewed Police Department hiring policy for procedural accuracy, fairness and equity.
- Implemented a Whistle Blower Policy and a Domestic Violence Policy (Appendix ~~65~~ and ~~76~~), which were unanimously adopted by the City Council in January 2021.
- Served on the Police Chief Search Committee to ensure compliance with civil service and antidiscrimination, fairness and equity guidelines.

Community Policing. The Chief of Police also increased the Department's foot patrols on Main Street beginning in 2020.

C. CURRENT POLICIES AND PROCEDURES

One of the requirements of Executive Order 203 was for police departments to evaluate and detail existing policies and strategies to address particular needs of communities served by the police departments and address racial bias and disproportionate policing of communities of color. As noted previously, the Beacon Police Department has already revised and updated many of its policies, which are outlined below as a foundation for understanding further proposed reforms.

1. Accountability Measures

The Beacon Police Department has worked to use technology to increase accountability and transparency in the conduct of its officers in public interactions. In 2009, the Department equipped all vehicles assigned to patrol officers with in-car camera systems and adopted a policy that requires regular review of footage by supervisors in order to enhance officer performance.

The Department was also among the first in the area to purchase and require body cameras for all officers. After a successful pilot period with a limited number of officers, body cameras were issued to all patrol officers in 2018. Due to technical issues with the older cameras, in late 2020, the Department secured all new generation body cameras and was able to expand the program to include patrol supervisors. Like the in-car camera systems, the body cameras are monitored on a regular basis by supervisors in addition to reviews of specific events. The Department also utilizes cameras covering most of Main Street, which provide an additional layer of review for officer responses on Main Street.

In addition to the use of the cameras to monitor and improve the performance of police officers, the Department also records all incoming telephone calls for service and officer radio transmissions. All interviews and interactions by officers following an arrest are similarly recorded and used both for review and evaluation. Finally, the Department utilizes Global Positioning Systems installed in police vehicles to monitor officer activity and response to calls for service. The use of such technology supported by policies that utilize the data collected help to provide a layer of accountability.

2. Use of Force Policies

The Beacon Police Department documents and reviews all incidents involving the use of force by its officers. The Department defines “use of force” much more broadly than the State of New York definition, considering any force beyond compliant handcuffing to constitute a use of force. During any interaction with the public in which a Beacon Police officer uses such force, a use of force report is required and an investigation into the incident is mandated.

Use of force investigations are conducted by the supervisor working at the time of the incident and include a thorough review of the officers’ accounts of the incident and a review of video

footage generated by the body camera and/or in-car camera as well as consideration of any other available footage or relevant evidence, such as cell phone videos by the public. An interview with the person on whom force was used and any possible witnesses in the area is also a required part of this investigation.

Following any use of force incidents, supervisors are also required to get medical attention for anyone who requests or appears to need it. The investigation by the supervising officer is then reviewed by the Department's use of force policy instructor, who is a uniformed Lieutenant, as well as by the Chief of Police. If the use of force meets the criteria for reporting to New York State, it is then reported as part of the Department's uniformed crime reporting. Like all of its policies, the Department's use of force policy is regularly updated to be in conformance with case law, statutes, and best practices. This use of force policy manual is available to the public on the City of Beacon website⁵.

Since at least 2010, the Beacon Police Department has required that officers who witness force that is clearly outside of policy intervene to stop it and that officers who suspect that a use of force may have been outside of policy, report it to a supervisor. The Department's use of force policy instructor regularly attends trainings to keep current on best practices. These trainings include instruction from the New York Division of Criminal Justice Services, Chief Mike Rinalli (retired), the former Chair of the Accreditation Council, and the Daigle Law Group, experts on use of force and internal affairs law. Beacon Police officers are retrained annually on the Beacon Police Department Use of Force Policy. This includes any updates to federal and State law and case law regarding the use of force, de-escalation training, information on medical considerations such as the prevention of positional asphyxia and death due to excited delirium, and the duty to intervene in excessive force.

3. Equipment

In 2020, at the direction of the Acting Chief and Mayor, the Beacon Police Department undertook a comprehensive review of its needs related to equipment, particularly in the area of lethal and non-lethal weapons. The Department determined that several weapons systems were outdated, incompatible with current department practices, or simply unnecessary. These included pistol caliber, fully automatic sub-machineguns and certain non-lethal gas and chemical delivery systems. Such equipment was then eliminated from the Department's inventory. On the other hand, the department continues to utilize systems such as electronic control weapons and pepper spray which when used with training and discretion can reduce the potential need for deadly force or limit potential injury to suspects from traditional force methods. The Department has also avoided acquisition or procurement of more "militarized" equipment which has raised concerns in larger departments, such as armored tactical vehicles. Even though the Beacon Police Department has certain equipment for riot situations, the Department carefully evaluates situations to determine if such equipment is warranted and necessary, usually siding on having officers at demonstrations and other events using much less

⁵ <https://www.cityofbeacon.org/wp-content/uploads/2019/10/Use-of-Force.pdf>

imposing equipment than the types of riot gear that were regularly used by larger departments during the protests of 2020 resulting from the murder of George Floyd and others.

4. Training

The Beacon Police Department has a recent history of progressive training. All patrol officers are trained in a 40-hour Crisis Intervention Training (“CIT”) course, which helps to train officers to help persons with mental disorders and addictions to access medical treatment rather than place them in the criminal justice system. This evidence-based strategy has been found effective in reducing the risk of injury or death during emergency interactions between police and persons with mental illness.⁶

In addition to the CIT Training, the Department conducts regular in-service training on topics including Workplace Violence, Sexual Harassment, Use of Force Policy and Law, De-escalation Techniques, Administration of Narcan (to address opioid overdoses), CPR/AED, Defensive Tactics, Active Shooter Response, Blood-borne Pathogens, and Taser and OC spray (pepper spray) use. The Department is adding eight hours of Procedural Justice training and eight hours of Implicit Bias training for all officers for 2021.

Procedural Justice training focuses on how the police interact with the public. Procedural justice is based on four central principles: "treating people with dignity and respect, giving citizens 'voice' during encounters, being neutral in decision making, and conveying trustworthy motives." Research demonstrates that these principles contribute to relationships between authorities and the community in which 1) the community has trust and confidence in the police as honest, unbiased, benevolent, and lawful; 2) the community feels obligated to follow the law and the dictates of legal authorities, and 3) the community feels that it shares a common set of interests and values with the police.⁷

Implicit Bias Training addresses the automatic, and often unconscious, association that people make between groups of people, whether that be based on race or some other categorization, and stereotypes or preconceived notions about those groups. The focus is on unconscious thoughts or feelings that can influence our own actions and, particularly in the case of policing, our response to others’ actions. The combination of these trainings helps to ensure that police officers can respond to a wide variety of emergency situations while also reducing the risk of harm to officers and the public.

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Firearms Training Simulator training is being added to test and develop officers’ skills in using lethal violence only when absolutely necessary. These “shoot/ no shoot” and de-escalation

⁶ <http://jaapl.org/content/early/2019/09/24/JAAPL.003863-19>

⁷ <https://trustandjustice.org/resources/intervention/procedural-justice>

scenarios help to prepare officers to make wise decisions during difficult emergency situations through repeated practice and understanding of the situations. Additional hours are also being added to the Department's Defensive Tactics and Active Shooter Response training to better prepare officers through scenario-based training and will include scenarios in which officer must utilize verbal skills to de-escalate dangerous situations. Finally, the Department has added Disability Awareness training to better prepare officers to interact with and serve all members of the community, including persons with developmental disabilities whose actions are sometimes misinterpreted.

5. Complaints

The Beacon Police Department accepts complaints, questions, and criticisms about its officers through a number of different sources. Formal complaints can be filed using the Department's Civilian Complaint Form which is as of 2020 available online on the City of Beacon website⁸ and can be returned directly to the Department or turned in to the City of Beacon Human Relations Commission. Additionally, complaints may be made directly in person, or by telephone to police headquarters. Complaints may also be forwarded through third parties, such as members of the City Council, the Mayor, or the City Administrator. Anytime the Department's command staff is made aware of a complaint through any of these sources, it is treated and evaluated as a personnel complaint.

Sometimes members of the public come to police headquarters or call the Department after an interaction with an officer to seek an explanation of the interaction or the officer's actions. These types of complaints are usually resolved with such an explanation; however, if the person is unsatisfied or does not accept the explanation, their complaint would also be handled as a personnel complaint.

Once a personnel complaint is received, it will be investigated by a member of the command staff in the same manner that any other police investigation would be conducted, and a case report will be completed. All available means of collecting evidence, such as interviews with the complainant and officer involved, body cameras, in-car cameras, station and other surveillance cameras, etc., will be utilized when possible. If the investigation indicates that the officer acted appropriately and within Department policies, the officer will be exonerated. If there is insufficient evidence to substantiate the complaint, it will be considered unsubstantiated. If there is evidence substantiating the complaint and the officer is determined to have violated policy or procedure, the case will be turned over to the Chief of Police to make a determination as to what, if any, discipline is appropriate. This can range from verbal counseling to termination depending on the severity of the incident. In any case, the complainant will be contacted and told of the results of the investigation.

6. Transparency

⁸ <https://www.cityofbeacon.org/wp-content/uploads/2019/10/civilian-complaint-form-fillable.pdf>

In addition to the above-described complaint procedure, by which complainants receive a full explanation of the investigation and findings of their complaint, the Department is also seeking to increase transparency by publishing as of 2020 summaries of all of its releasable blotters on the City's website.⁹ These blotters provide data on the time of response, type of call, disposition of the call, and the primary officer involved. Starting in 2020, at the direction of the Acting Chief and Mayor, the Department also requires officers to provide people with their name and rank and business cards that explain how to make a complaint to the department or Human Relations Commission and to provide explanation for the reason for any stop, search or temporary detention.

⁹ <https://www.cityofbeacon.org/index.php/beacon-police-department-daily-blatter/>

D. POLICE REFORM PLANNING COMMITTEE RECOMMENDATIONS

The Beacon Police Reform Planning Committee developed recommendations in ten areas to further reform and reinvent policing in the City of Beacon, recognizing that a number of specific recommendations have already been implemented to varying degrees in the City of Beacon Police Department. The recommendations are broken down into general categories although some of them clearly overlap and correspond to one another. Some recommendations go beyond the bounds of the Beacon Police Department, but are included to provide a viewpoint on broader issues such as additional community programming.

1. Community Safety

The subcommittee that worked on the topic of “Community Safety” started by asking how our community could reimagine community safety in Beacon and develop feasible, practical changes in response. There were three specific recommendations.

a. Community Safety Plan. In order to strengthen the roles and responsibilities of all community members in providing safety and security within the City of Beacon, the City should conduct a comprehensive safety needs assessment to better understand the needs of the community. This assessment will be directed in a manner so that it addresses differences in the needs and community safety desires of different communities and neighborhoods so that areas of focus for officers patrolling those communities and neighborhoods can be tailored to those needs. This can be done through additional community surveys and meetings, as well as direct interactions between officers and members of the community. A goal would be to encourage non-law enforcement means of solving lower level, non-violent community problems, such as noise and minor neighbor disputes, through sources such as the Mediation Center of Dutchess County, local community organizations, or the Human Rights Commission.

b. Community Safety Officers. The Committee recommended the exploration of the possible of hiring volunteer citizen non-sworn neighborhood safety officers, who would convey citizen concerns to the Beacon Police Department, recommending improvements to public safety (e.g., street lighting improvements, graffiti removal, or enhanced recreational facilities), and accompany and learn from Beacon Police officers. ~~The City and Police Department are required to conform to New York Civil Service regulations that would likely preclude the hiring of such citizen officers. However, t~~he goals of this recommendation might be accomplished through the formalization of more frequent interaction and discussion between the Beacon Police Department and community organizations, which is discussed in other recommendations below.

c. De-Escalation Training. In order to help defuse volatile crisis situations, police de-escalation training can help police departments more fully realize their charge to “serve and protect.” The Committee recommended this training, which is also useful in helping to identify implicit bias and stereotyping. De-escalation training is already being conducted on a regular basis by the Beacon Police Department and should draw on models, such a DEAI (Diversity, Equity,

Accessibility; Inclusion). The Department also incorporates de-escalation training into its annual Use of Force Training. Additionally, all officers receive 40 hours of Crisis Intervention Training (“CIT”), which strongly focuses on de-escalation of persons in crisis, particularly those with mental illness. For this training to be effective, it must be woven into daily practice. The Department will start expanding other in-service, scenario-based trainings to incorporate focuses on opportunities for de-escalation. The Department will also consider how to best incorporate additional input from communities of color.

2. Addressing the Needs of Individuals

One of the most common and pressing individual needs that the Beacon Police Department and other law enforcement agencies confront is the lack of mental health services and support. Police responding to persons with mental health disorders has become a backstop in many cases for the shortage of federal and State resources to address mental health. The City and Beacon Police Department have taken some recent steps to help deal with this crisis, so some of the recommendation below are in the process of being developed and/or implemented.

a. Mental Health. In January of 2021, the Beacon Police Department received approximately twenty-five calls involving subjects suffering from mental health crisis or who are known to live with mental illness. The Committee recommends diligently documenting and reporting the number of such encounters, which the Beacon Police Department has already begun doing. Such data will be further enhanced once the Department brings on a Mental Health Intensive Case Worker, which is scheduled to begin in March 2021 (this is discussed further below.) The Committee highlighted that City of Beacon and Dutchess County resources for individuals with mental health issues lag behind those available for other challenges, such as substance abuse. The City of Beacon is home to a Dutchess County Behavioral Health Center and two supportive housing facilities for those suffering from mental illness, both of which have generated police calls over time. The Committee supported the City’s recent initiative to partner with Mental Health America of Dutchess County (“MHA”). This initiative has been piloted in the City of Poughkeepsie in 2020 with positive results reported thus far. The City hopes to hire this case mental health case manager in March 2021, which should help in responses to calls from person with mental health issues. MHA is well-connected with the network of support services available and can help people navigate these sometimes difficult to understand systems rather than have them repeatedly interact with the criminal justice system.

b. Crisis Intervention. The Beacon Police Department has had officers trained in crisis intervention through a partnership by the Dutchess County Department of Behavioral and Community Health and People, Inc., a non-profit mental health provider. This has allowed officers to be better equipped to interview people who have suffered a trauma or are suffering from a mental illness. Along with its experience with the county’s Mobile Crisis team, this training has led the Department toward adopting a more local service tailored to Beacon’s communities.

c. Social Worker. In addition to the mental health worker discussed above, the Committee recommended future consideration of obtaining the services of a social worker to work in collaboration with the Department. Social workers have extensive training in working with diverse populations and in helping them resolve individual and family problems. Just as police officers are experts in addressing issues of law enforcement, social workers are experts in resolving social problems that often bring individuals into encounters with the police. Formal and informal collaboration between police and social workers can help improve responses to emergencies. Such connections can be done through employment of social workers within a police department, or allowing them to team up with police officers to respond to calls, and to then follow up on cases. Other departments contract with a community-based organization that employs social workers and other clinicians, with certain 911 calls sent to the contracted service for response. Both approaches have had positive results throughout the nation, leading social workers to be more often called upon to respond to calls related to mental health, homelessness, substance use, and other matters not requiring a law enforcement officer.

d. Addiction Recovery. Since mid-2020, the Beacon Police Department has partnered with Hudson Valley *Hope Not Handcuffs* to get addiction rehabilitation services to those in need. Under this program, people suffering with addiction can be referred to assistance by the Department. Some individuals come to the police station and ask for help while others call the program directly from cards distributed by the Department. When individuals come to the station, the Department will then call *Hope Not Handcuffs*, which will send a trained volunteer to the station. The volunteer will meet with the person seeking rehabilitation, get them placed into a rehab within 24 hours, and set the person up with some essentials such as personal hygiene items. While the volunteers do not provide transportation, they will assist with setting up transportation. This program was publicized at its outset and officers carry cards with *Hope Not Handcuffs* information to be given to people who may be suffering with addiction. The program is part of the non-profit Tri-County Community Partnership and is run at no cost to the Department or the City, and the City will continue this important initiative.

3. Criminal Justice Alternatives

The Committee recommended continuing several alternatives that the City is currently undertaking and exploring additional initiatives in certain circumstances that avoid bringing individuals into the criminal justice system when other services, such as mental health services, could better address the root problems and avoid recidivism. Additionally, the Committee recommended continuing programs to support certain crime victims or establish restorative justice programs.

a. Advocates. The Beacon Police Department currently works with a member of the Dutchess County Domestic Abuse Response Team (“DART”), who is co-housed in the Department. This individual is an advocate for victims of domestic violence and sexual crimes who coordinates services and resources for victims. Additionally, to reduce recidivism among individuals living with mental illness and to minimize their involvement in the criminal justice system, the Beacon Police Department is in the process of partnering with Mental Health America of Dutchess

County to provide an Intensive Case Manager. This case manager will help to address mental health crises in progress by being available to respond with officers and will provide accessibility and connection to professional services and programs for those in need. This case manager will be available on a full-time basis and be co-housed in the police department. This will also help to address the often-repeated need expressed by those in the community for easy access to mental health services, many of which are based in Poughkeepsie, such as the county's Stabilization Center.

b. Law Enforcement Assisted Diversion. The Beacon Police Department, along with the City of Poughkeepsie Police Department, is currently exploring the implementation of a Law Enforcement Assisted Diversion ("LEAD") program through the Dutchess County Department of Behavioral and Community Health. Such a program would have county case managers work with law enforcement to identify those who have frequent contact with law enforcement stemming from needs such as addiction, housing instability, poverty, and/or mental illness. Case managers would then meet these individuals where they are and follow up to assist and encourage these individuals with getting services which could divert them away from the criminal justice system.

c. Mental Health Court Hub. The City is working with the Beacon City Court, the Dutchess County District Attorney's Office, and the Dutchess County Public Defender's Office to try to make Beacon City Court the site of a mental health court hub for the area. In Mental Health Courts ("MHCs"), eligible defendants are those living with a mental illness related to their current criminal justice involvement and whose participation would not create an increased risk to public safety. Being a hub would help Beacon expand protocols to refer individuals in need of mental health treatment so they can begin individualized treatment programs and have access to support services to ensure they do things such as take prescribed medication and receive transportation to appointments. MHCs also help with broader aims such as reducing recidivism and the frequency of police contacts for those living with mental illness and reducing the length of incarceration for those individuals for whom community-based treatment is more appropriate. MHCs provide judges with the ability and means to make more informed decisions by equipping them with the tools for more accurate assessments and making connections with appropriate treatment options. MHCs would help reverse the "criminalization" of mental illness, in which the behaviors associated with or caused by mental illness result in repeated contact with the criminal justice system.

d. Restorative Justice. As a matter of public policy, the City of Beacon is committed to the concept of restorative justice where it can be used as an alternative to traditional, punitive approaches to the criminal justice system. By bringing those together who commit criminal acts and those affected by them, restorative justice helps repair a community, address specific harms done, and strengthens bonds among people. The City, on its own, cannot implement these programs as it does not control this area of the justice system, but it will use its collective voice to advocate with the New York State Unified Court System, the Dutchess County District Attorney's Office, the Dutchess County Public Defender's Office, and the Dutchess County Office of Probation and Community Corrections to utilize restorative justice whenever available

and appropriate. Some restorative justice services already offered by Probation and Community Corrections include: Empathy/ Letter of Apology Workshops, Community Service, Teen Intervene, Interactive Journaling and Decision Points. The Mediation Center of Dutchess County also has a Restorative Justice Initiative that the City will investigate and consider.

4. Communications and Representation

Members of the public and the Beacon Police Department have expressed widespread interest in increasing communication and building relationships between residents and the Police. Throughout the past year and during the Committee's discussions and investigations, the idea of setting up forums and structures to connect officers with residents in multiple ways was highlighted repeatedly as something the City should prioritize for implementation. In order to increase opportunities for regular communication between the community and Police, the City should focus on the alternatives below.

a. Regular Community Meetings. The Beacon Police Department, local community leaders, and City officials should work together to hold quarterly public meetings with community members for the purpose of seeking input on policing practices, community needs, and desired structural reforms. These meetings should prioritize access to segments of the community historically impacted by disproportionate policing and will be held at locations and times recommended by residents to maximize opportunities for participation. The Committee stressed that the Police should work with local organizations to build new partnerships between the community and Police. The City of Beacon has a wide range of civic, social, and faith-based groups, and these should be engaged by the Beacon Police Department and City officials for assistance with these meetings, including scheduling, setting agendas, or hosting these meetings. Meeting spaces should be in locations where groups and communities already gather, including historically Black and Latinx churches, the Howland Library, and other businesses and community facilities used by local organizations.

b. Police Advisory Committee/Procedural Justice Committee. The City of Beacon should examine ways in which to provide community review and advice for the Beacon Police Department, e.g., the creation of a Police Advisory Committee/ Procedural Justice Committee ("PAC"). Proposed responsibilities for the PAC include:

- Working with the City and the Police Department to develop a clear roadmap for implementation which overviews reform initiatives in the works and fleshes out short- and long-term priorities (including year one goals).
- Leading the implementation of the roadmap's scope of work, utilizing expertise contained within the Committee, itself, and/or through partnerships with the City, the Police Department, and outside agencies.
- Making and developing specific recommendations for the development of equitable policing practices, policies, and strategies.

- Acting as the primary body to organize and collect general public suggestions and questions about the City's public safety work (not including specific Police complaints), through structured surveys, community-police meetings, and ongoing feedback.
- Working with the City and Police Department to determine specific data for tracking, methods for capturing said data, developing recommendations for ongoing research, and establishing reporting protocols.
- Providing the City Council and the general public with regular status updates on the implementation of elements of the Beacon's overall police reform efforts.

~~Such a group~~ The PAC would be focused on making recommendations for the development of equitable policing practices and strategies. It could examine traffic stop, arrest, and other Police related data as well as community policing practices and community input in making these recommendations. Additionally, input from the committee could be sought before any policy or procedure changes in the Beacon Police Department that would substantially impact members of the community, unless such policy or procedure change is mandated to be enacted by law or New York State Accreditation Standards, or where publicization of the policy or procedure could interfere with effective enforcement of the law or endanger an individual. Examples of policies and procedures where input could be sought include, but are not limited to, the Use of Force Policy and the Vehicle Pursuits Policy. In doing so, these policies and procedures should be analyzed for potential disparate impacts and biases. Such a group could also assist the police department in identifying areas of community need and formulating ideas and making recommendations to the City for how initiatives such as environmental design could help improve overall community safety.

c. Creation of a Police Chaplain Division.

The Beacon Police Department will work with the community to develop new partnerships, drawing on and learning from potential models in other communities. These include partnerships in other area cities, such as the Newburgh Police Department of a Police Chaplain Division, which could be established with rotating chaplains from various faiths. The Chaplains Division would leverage clergy as a communal resource to help bridge the gap between the Police Department members and the communities they serve. While Police Chaplains have long existed, to serve officers and their families, this proposal calls for a Chaplains Division which builds on that traditional role and expands it to serve as a community de-escalation resource.

The Chaplain's Division would be a "ministry of presence," not advancing any particular religious practice or even religion in general; rather the chaplains would serve as translators between police and civilian populations, in three main areas:

1. Being on-scene in moments of crisis as a "de-escalating" force
2. Serving as a bridge between the police and the broader community
3. Supporting crime victims and their families and police officers and their families

Chaplains would not carry weapons or have authority to make arrests. They would build relationships with the officers and the broader community. Chaplains would likely be existing ordained clergy in Beacon; the Beacon Interfaith Clergy Association would be the natural partner for this project.

- It is important to note that while for many people, clergy represent a positive, calming presence, for others, clergy can represent oppressive or traumatic experiences in their lives. Special care would need to be taken to ensure that not only are clergy free of any convictions, but they are capable of serving *all* members of the community, regardless of race, religion, or gender identity. This program could be modeled on existing chaplaincy organization, such as the International Conference of Police Chaplains, as well as departments that have built other de-escalation programs, such as Denver and Newark.

5. Incorporation of Police Officer Experiences and Recommendations

Around the country, reforms falter without buy-in from police rank and file. Integral to Beacon's reform will, therefore, be ongoing incorporation of officers' experiences and recommendations.

a. Police Surveys. As part of the Committee's efforts in researching and producing this report and with support from the Beacon Police Benevolent Association ("PBA"), an anonymous survey of Beacon Police Department officers was conducted. Nearly two-thirds of the officers responded to the survey, the compiled answers to which are attached in Appendix 53. The survey asked two questions. The first asked, "What are your experiences in Beacon with police community relations?" The second asked, "What recommendations do you have to improve them?" Officers widely reported feeling very positively about their interactions with the community and expressed appreciation for support and cooperation from the community. At the same time, nearly every officer pointed to three major areas for improvement within the Beacon Police Department. These top concerns related to the high turn-over rate of officers, the lack of available opportunities for advancement or specialization within the Department, and the inability to engage in community policing due to insufficient staffing levels. The Department will institute yearly surveys to gather feedback from its members and track progress on metrics, such as job satisfaction and community relations.

b. Police Retention. The high rate of turn-over was also a concern for many community stakeholders who agreed with officers' assessment that good community policing required recruiting and retaining quality officers who wanted to work with the community and who would stay long enough to truly get to know the community they serve. Recommendations from the committee to assist with this include continued expansion of community policing and community relations efforts, expansion of access to high technology, creation of opportunities for specialized assignments, changes to ensure the salary package is more competitive, and enhancements in scheduling flexibility to enable work with the community on issues of interest and concern.

6. Data Collection and Reporting

Collection, analysis, and reporting of police activity data can be useful to evaluate if policing practices are effective, to ensure compliance with the law, and to identify potential biases and disparities in policing. The Committee recommended the City consider the following steps to improve data collection and reporting, including continuation of some current best practices.

a. Analysis of Data. In order to improve accountability and strengthen joint problem solving and between the community and the Beacon Police Department, the City should regularly analyze what policing data should be collected and distributed in response to community needs and desires. The City should conduct an assessment of its existing data collection and determine what data should be made available to the public.

The Beacon Police Department should continue to expand its collection and making public of data about various Police responses. These might include, but are not limited to, the following:

- Number and disposition of civilian complaints;
- Traffic stop data such the location of the stop, the perceived race/ethnicity of the person stopped, the outcome of the stop and the officer's ID;
- Arrest data such as race/ethnicity of the person arrested and whether the arrest was based on proactive officer activity, a call, or complaint from the public, or a warrant issued by a court;
- Use of force data such as information on number of incidents, number to be found out of policy and information about the time, location, type of event, type of force, injuries sustained to the suspects and officers, and demographic information about the suspects and officers.

The Beacon Police Department currently participates in the New York State Use of Force reporting system, as required by State law, and the Department will participate in the National Use of Force Data Collection.

b. Continued Use of Body Cameras. As noted earlier in this plan, the Beacon Police Department currently requires use of body cameras for all patrol officers along with in-car camera systems. The Committee viewed the use of such cameras as an important measure to protect both the public and the officers and recommended that the City continue to fund and provide this technology.

c. Information Access. The Committee recommended that increased availability of information concerning Police activities and policies were important to the community. As noted previously, the Beacon Police Department already posts a daily blotter to the City website along with its Use of Force Policy. The Department recently started, and will continue to use, social media as a means of communicating with and updating the public on crime trends and areas of public concern and to share information about the Department. As detailed above in *Analysis of Data*, the City will start to make additional information available to the extent that such information does not interfere with the effective enforcement of the law or endanger an individual.

The City and Department will consider other data and information that might be made available. As previously noted, the Department is already considering the release of more detailed traffic stop information, since that is often one of the most common causes for interaction between the Police and community. Additional information such as public aggregate data about the number and disposition of public complaints and use of force will also be considered. Information should be posted and/or shared in a timely manner.

7. A Police Department Reflecting Beacon's Diversity

While relatively diverse in comparison to many other local police departments, only a small percentage of the Beacon Police Department is made up of Black, Latinx, or female officers despite efforts to recruit more diverse candidates. There is a strong consensus among members of the community, City officials, and the Beacon Police Department leadership that the Department needs to continue to prioritize diversifying its workforce. That important goal is often hindered by resistance among minority groups to apply for policing jobs, obstacles toward applicants completing the civil service exam, budgeting limits on new hiring, and competition with other police agencies offering higher salaries and benefits packages.

a. Civil Service Exam. One barrier to diversifying the Beacon Police Department and other law enforcement agencies is the New York State Civil Service system, which requires an exam in order to qualify to be a police officer. Those exams are only offered periodically, sometimes with several years between tests, and many potential candidates simply do not know the process for preparing and taking these critical exams. When considering the hiring of new applicants, the City is required to adhere to the "Rule of Three" under which only the top three scorers on an exam (or more for the top scoring cohort) can be canvassed for the position. Many rightfully argue that the exam process has created a barrier to increasing the racial and gender diversity of law enforcement agencies and other public departments. In 2014, the Beacon Police Department offered a comprehensive tutorial program for the Civil Service exam in conjunction with Dutchess County Equal Employment Opportunity. Unfortunately, this program was ended by the County. The City and Department will explore the potential of reinstituting these tutorials with Dutchess County and making sure they are available to people of all backgrounds. Additionally, exam prep is available through a collaborative between the Dutchess and Ulster County Sheriff's Offices and SUNY Ulster. When these classes take place, the City will use its available means to advertise them, particularly in communities of color and low-income areas. Finally, to help increase access to policing jobs, Dutchess County has removed the requirement for candidates to possess sixty college credits before they can take the Police Office exam. This has now been shifted to require that applicants receive the sixty credits within five years of the start of their employment. The Dutchess County Police Academy would satisfy thirty of those credits through SUNY Dutchess. The Beacon Police Department will attempt to work with SUNY Dutchess to allow additional in-service training to be applied as credits as well. The City should consider programs such as tuition matching or reimbursement to support officers in obtaining these credits.

b. Recruitment and Access. The Beacon Police Department will consider other initiatives to help attract a more diverse candidate pool. The addition of a stipend paid to officers fluent in needed foreign languages like Spanish would also help to increase diversity within the Department and could also be considered in upcoming negotiations between the City and PBA. The Department will also explore the viability of creating a cadet program for young people in the community. It will also work with the City's Human Resources Director and the Dutchess County Equal Employment Opportunity and Inclusion Officer to ensure that all available means for recruiting from diverse populations are explored, and there is sufficient support for new hires to ensure their success. In addition to increase the racial and ethnic diversity of the Department, the City will consider all available alternatives for increasing the gender balance of the Department. Available data strongly suggested that increasing the presence of women in law enforcement agencies can reduce the use of force in those agencies.¹⁰

8. Police Structure and Patrols

Throughout the world, the implementation of community safety plans that create greater community-police trust often begin with an examination of, and possible restructuring of, the police force, itself. If police officers are over-stretched, assigned exclusively to vehicle patrol, and have few opportunities to interact with community members, then community safety plans cannot work. In order to address these problems, the Beacon Police Department has expressed a strong desire to make its focus on community policing and providing opportunities for officers to interact with the public in non-enforcement scenarios. The Department has already realigned its traffic enforcement methods to focus on localized community complaints, rather than casting a wide net and making it the primary focus of proactive patrols. Appendix 4 of this report is a description of the current structure and staffing of the Beacon Police Department.

a. Community Policing Projects. The Beacon Police Department has interest in conducting and expanding community policing, but it often does not have sufficient staffing to cover required duties while dedicating officers to such efforts, such as walking Main Street, at least as current duties are required and staffed. There are currently at least six vacant positions in the Department, and most shifts are staffed to the contractual minimum, which limits opportunities for community policing. As staffing levels allow or duties are reconsidered, the Department will consider assigning an officer to foot and bicycle patrols. Such patrols would focus primarily on Main Street but may also include neighborhoods and areas of the City with high population density and foot traffic, such as Beacon's apartment complexes. The intention of these patrols is for officers to make personal connections with members of the community, to learn about and report community concerns or problems to Department leadership, and when possible, to try to find ways address these concerns or problems before enforcement action is necessary. It is important to note that the goal of this type of community policing is not to issue high volumes of summonses or make high volumes of arrests or stops for minor infractions or violations. It is instead to try to get to know people in the community and address

¹⁰ <https://www.ojp.gov/library/abstracts/women-police-use-force-and-against-female-officers>

their concerns by other means where possible. In the meantime, the Department is assigning officers to utilize available time to conduct foot patrols.

b. Evaluating Officers. Traditionally, police officers have been evaluated by their superiors and compared to their peers based on numbers such as numbers of traffic stops and arrests made. While this creates a verifiable method of measuring officer activity, it fails to account for the potential community pitfalls of over-policing. It also ignores and undermines the benefits of relationship and community building between police and the community. Police departments made up of officers who are known to, and trusted by, communities are more effective at solving crimes because they gain the cooperation of those affected. The Beacon Police Department will work with the City administration and public to formulate objective evaluation methods that account for a police officers' work in relationship and community building.

9. Accountability

Accountability for misconduct and thorough and fair investigations of alleged misconduct are centerpieces for community safety, individual rights, and community policing. Changes to oversight, discipline and internal investigation systems can be complex and require agreements between multiple parties, including labor unions, and may even require changes to the City Charter, but increasing accountability should be explored by the City and the Department. Some of the steps discussed in earlier sections- such as the use of body and in-car cameras- should be continued while other initiatives should be considered.

a. Oversight and Accountability. As noted previously, the City of Beacon should explore building a community advisory process. In addition to creating a more structured format for community/ police communication, the City should ensure there is a community involvement in accepting and reviewing complaints, subject to existing disciplinary processes under Civil Service and collective bargaining agreements. While some on the Committee suggested using the City's Human Resource Committee ("HRC") in this regard, the current City Charter does not provide for this type of oversight responsibility by the HRC. Data from the Bureau of Justice Statistics Law Enforcement Management and Administration Statistics ("LEMAS") shows that complaints are more likely to be accepted and acted upon in agencies with a civilian oversight body. It would be important to ensure that such oversight requires training to understand police procedures and the laws that govern police conduct.

b. Complaint System Enhancements. The City and Department should review and as appropriate refine the Department's complaint procedures with involvement of a community advisory process. The goal of such a review to ensure that such complaints can be submitted through multiple means, which is already the case but potentially could be expanded or made easier. The City is already working towards providing the Complaint Form in Spanish, and this should be prioritized. Information on how to file a complaint should be available in many forms and places (e.g., the police station, court, schools, the City of Beacon website, etc.) and should be made available in multiple languages and in locations compliant with the Americans with Disabilities Act.

c. Internal Accountability. The Beacon Police Department will review and if necessary, revise its proceeds for internal accountability. As noted previously, the Department's Use of Force policy requires officers to report use of force by other officers and intervene in situations in which policies are violated. Such peer intervention is an important accountability measure. The Department will review its policies to see if expansion to cover other violations is in order. The City already has a Whistleblower Policy to protect employees reporting misconduct or unethical behavior, and the Department will review said policy to ensure it fully covers situations impacting its officers.

10. Youth Security, Education and Policing

Issues around youth are among the most concerning when it comes to safety, security, and the criminal justice system. Despite the City's growth, a frequent desire raised among residents is wanting additional activities and gathering places for youth and a concern that this may lead to unnecessary contacts with law enforcement. There is a good range of sporting and outdoor spaces, but they are dependent on the weather and limited to recreational activities. The recommendations made here – while beyond the scope of police and public safety review – are intended to provide new spaces for Beacon's youth that strengthen their security, widen their opportunities, and help them to learn about the operations of the criminal justice system.

a. Police Athletic League. One of the most common recommendations from community members, youth, and members of the Beacon Police Department members is the creation of an athletic league that brings together officers and teens. The City will encourage partnership between the Recreation Department and members of the Department to form such an organization, possibly for basketball, tennis, or other sports.

b. Internship Programs. The Beacon Police Department currently has an internship program for college students studying criminal justice. The Beacon City School District superintendent participated in this process and agreed that the District should work toward the creation of an internship program for High School Students to work with criminal justice or other community safety programs such as policing and criminal justice agencies, non-governmental agencies or social work. The Beacon Police Department has indicated it would be a willing participant in such a program.

c. Age-Specific Programs. A long-term goal for improving community safety is to have young people become more engaged members of the community and to increase Beacon resident participation in the Beacon Police Department. Programs that could be utilized to accomplish this are the Officer Phil program for elementary school-aged children and the Get Home Safely program, which educates youth about their rights and responsibilities as community members with tips on how to stay out of trouble and interact with the police. Additionally, if the school district is amenable, Beacon Police Department members and leadership could engage with students in open conversations about issues of policing and public safety in Beacon.

d. Summer Youth Police Academy. Pending improvement in COVID-19 conditions, the Beacon Police Department will reinstitute the Beacon Youth Police Academy (“BYPA”). Each year from 2015 to 2019, the BYPA provided a five-day program for approximately twenty students from very diverse backgrounds, entering grades 9-12. The program was designed to give youth an intensive, hands-on experience learning about criminal justice and interacting with the police.

This program provides many contributions: it helps educate students about the criminal justice system, opens up their consideration for careers in criminal justice, strengthens their critical thinking about public policy, and improves their personal relationships with police and other officials. In addition to in-person classroom time and hands-on experience, the BYPA included several fieldtrips. Students were given opportunities, including: observed a live court session, followed by a tour and Q&A with staff; toured a correctional facility; met with FBI agents and lawyers; and spent a full day at a law enforcement training facility for interactive police simulations.

e. Youth Training. The Beacon Police Department sends its detectives, the primary members working with juveniles, to two separate week-long Juvenile Officer’s trainings hosted by the New York State Juvenile Officer’s Association. There they receive specialized training on specific laws and issues facing juveniles and the differences between the adult and juvenile justice systems. Additionally, the Beacon Police Department works closely with the Child Advocacy Center to address issues of, and conduct investigations into, child abuse.

f. Community Center. Although not specifically a police reform, at the center of community safety is youth well-being. To help provide for it, community stakeholders expressed a strong desire to advance the City’s plan to establish a community youth center. This would be a place to house many of the initiatives proposed above: give youth their own space for art, theater and other activities; provide much-needed services like academic tutoring; and prevent the “crimes of opportunity” that arise when youth have little else to do. Stakeholders cited that there is a great need to provide a safe, inviting, and diverse space for youth who lack structure during non-school hours, during which they are often the subject of calls to police for loitering and disorderly groups. This absence adds greatly to family financial and mental stress and imperils the city’s socio-economic viability. As stressed above, Beacon’s most powerful asset is its social capital, and a youth community center would be a place to bring together and apply our wealth of talent, energy, and experience toward our collective security and future well-being. The City will be taking a first step towards considering this potential new center by conducting a comprehensive recreational needs assessment, which the Beacon City Council funded in the 2021 Operational Budget. This assessment will inventory existing facilities and services and work with the community to identify gaps.

APPENDIX 1: RESOLUTION NO. 127 OF 2020

CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. 127 OF 2020

**RESOLUTION ANNOUNCING CITY COUNCIL'S ACTION
PLAN FOR EVALUATION AND RETHINKING
OF COMMUNITY PUBLIC SAFETY SERVICES**

WHEREAS, our City, State and Country has been presented with a watershed moment to reconsider and reevaluate the public safety services provided to City residents, including to people of color; and

WHEREAS, the City Council has received and sought public comments at a community forum, comments at City Council meetings, individual emails and in discussions with constituents, the City Administrator, the Police Department, among Council members and from groups representing residents engaged on these topics; and

WHEREAS, the City Council recognizes the current environment is the product of years of past history; that change is a process both urgent and ongoing, and that the City has an obligation to engage with the public and police department to address these concerns; and

WHEREAS, it is the intent of the City Council to examine public concerns and existing public safety practices, and evaluate and implement measures to improve the City's providing of these services to its residents; and

WHEREAS, the City Council recognizes certain basic foundational elements that inform its review and the public discussion; and

WHEREAS, Black lives matter; and

WHEREAS, Brown lives matter, LGBTQ+ lives matter, indigenous lives matter, immigrant and undocumented people's lives matter, Muslim lives matter, the lives of people with disabilities matter, poor people's lives matter, all oppressed peoples' lives matter; and

WHEREAS, all lives matter, including the lives of police officers and white people, but historically and currently, generally and with exceptions these have been the lives prioritized by society's institutions, and the recent and historical deaths of black people nationally and

violence against black and other oppressed people make it essential to state that such violence is completely unacceptable and the lives affected by that violence matter; and

WHEREAS, racial tensions and tensions between police and the community exist in Beacon as they do anywhere else in the nation, and there is therefore a need to improve systems of policing, as well as systems of care and community trust; and

WHEREAS, there exists an opportunity to further support Beacon's police officers through the stresses and responsibilities of their roles; and

WHEREAS, the people of Beacon deserve to have the most highly and appropriately qualified individuals responding immediately to their emergencies.

NOW THEREFORE, BE IT RESOLVED that the Council requests the Mayor direct the new Chief of Police to begin their tenure with a thorough review of police training, culminating in a data-driven set of recommendations for improving police training and measuring the benefits.

BE IT FURTHER RESOLVED that the Council also requests the Mayor direct the new Police Chief to examine the City's existing policy on psychological supportive care and testing for police officers and make recommendations, given the stresses inherent in the profession of policing, for periodic counseling and testing during an officer's period of employment.

BE IT FURTHER RESOLVED the Council requests the Mayor direct the City's Human Resource Director to create a multi-year plan for implicit bias training for all City of Beacon staff, including police.

BE IT FURTHER RESOLVED that the Council will review with the Police Chief and City Administrator the types of emergency and other calls to the Police Department to assess what type of skills and experience are required to best respond to these calls.

BE IT FURTHER RESOLVED that the Council requests the Mayor to have the Police Chief and City Administrator examine this information and present a report to the Council on options - including those specifically requested by the Council - to explore deploying alternative responders for nonviolent, noncriminal calls and activities that do not require police training.

BE IT FURTHER RESOLVED that the Council requests the Mayor to have the Police Chief and City Administrator to examine and prepare a report on the City's existing disciplinary policy or procedure for police misconduct, appropriate Local, State and Federal statutes and the process by which civilians and other officers may file complaints about specific incidents, and how such complaints are handled after they are received. The report shall study the incidents of and discipline for excessive use of force, racial bias, and/or harassment and related matters. The Council may recommend improvements in the existing

policies and the existing processes to file and handle complaints, so as to establish strong policies against misbehavior to ensure that our residents can be guaranteed that the police officers serving them are each trustworthy individuals.

BE IT FURTHER RESOLVED that the Council will review existing policies and practices regarding oversight of the police system to ensure: (i) it is transparent, community-involved, and trained to be able to handle their charge; (ii) guarantees that all police working within the City's police department are held accountable to best conduct; (iii) allows for whistleblowers within the police department to share any specific concerns they may have; and (iv) includes a process by which the public can express their policing concerns.

BE IT FURTHER RESOLVED that the Council requests that the Mayor have the Police Chief and City Administrator review existing policies related to use of force in light of recent legal changes, and report to the Council regarding any improvements needed.

BE IT FURTHER RESOLVED that the Council requests that the Mayor have the Police Chief and City Administrator examine and prepare a report on the City's existing weapons (lethal and non-lethal), including noting which are in use, which are required, and which are not in use, as well as the City's existing weapons purchasing policy. The Council may make recommendations including limiting certain types of weapons and other equipment.

BE IT FURTHER RESOLVED that the Council will strengthen Beacon's municipal support for social services, such as mental health services, child care, community assets, digital equity, and food and housing support.

BE IT FURTHER RESOLVED that the Council will, as a part of the annual budget process, consider the multi-year budget implications of all of the above with the intention to redirect cost savings toward community investments.

BE IT FURTHER RESOLVED that the Council considers the above the minimum and start of the work the City must do to advance safety, justice, and the needs of people of color, low-income neighborhoods, and other vulnerable and oppressed members of the Beacon community.

BE IT FURTHER RESOLVED, that these and other actions are intended in part to comply with Governor Cuomo's Executive Order 203, New York State Police Reform and Reinvention Collaborative, issued June 12, 2020.

BE IT FURTHER RESOLVED, the Police Chief and City Administrator will provide reports to the council on the above steps when requested and the Council shall review, revise and supplement this Action Plan periodically.

BE IT FURTHER RESOLVED, as the community discussion continues and evolves additional actions will be taken by the Council and Mayor.

Resolution No. <u>127</u> of 2020			Date: <u>August 17, 2020</u>				
☐ 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	x				
	x	Jodi McCredo	x				
		George Mansfield	x				
		Amber Grant	x				
x		Air Rhodes	x				
		Dan Aymar-Blair	x				
		Mayor Lee Kyriacou	x				
Motion Carried			x				

APPENDIX 2: COMPARISON OF PER CAPITA POLICE SPENDING IN HUDSON VALLEY CITIES

Police Spend - Downstate Cities		1998	2003	2008	2013	2018	2018
City	County	Rank PC	Rank PC	Rank PC	Rank PC	Rank PC	Per Capita
City of Beacon	Dutchess	7	7	1	1	1	\$272
City of Newburgh	Orange	5	9	12	3	2	\$308
City of Mount Vernon	Westchester	3	2	2	6	3	\$308
City of Kingston	Ulster	6	4	4	2	4	\$335
City of Peekskill	Westchester	10	8	10	7	5	\$342
City of Middletown	Orange	1	1	9	5	6	\$344
City of Glen Cove	Nassau	9	10	6	8	7	\$369
City of Poughkeepsie	Dutchess	11	11	13	10	8	\$371
City of New Rochelle	Westchester	8	6	5	4	9	\$401
City of Long Beach	Nassau	12	13	7	9	10	\$420
City of Rye	Westchester	14	14	11	12	11	\$438
City of Hudson	Columbia	2	5	8	14	12	\$455
City of White Plains	Westchester	15	15	14	15	13	\$460
City of Port Jervis	Orange	4	3	3	11	14	\$469
City of Yonkers	Westchester	13	12	15	13	15	\$524
All Downstate Cities (AVG)							\$420
<i>*Higher Number Values Denote Higher Per Capita Spending</i>							

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APPENDIX 4: BEACON POLICE DEPARTMENT STRUCTURE, STAFFING AND PATROLS

The Beacon Police Department is budgeted for 37 sworn members, two civilian secretaries and one full-time dispatcher. It is broken into 3 general divisions, which are Administration, the Detective Bureau and Patrol. The Department provides 24-hour policing and investigative services to the City.

PATROL

The largest division is the patrol division. It is budgeted for 20 patrol officers and 7 sergeants. Currently, due to open positions, there are 15 officers assigned to the patrol division and 7 sergeants. Patrol members are divided into 4 squads. Of those, 3 squads rotate to cover the day and evening shifts (8AM to 4PM and 4PM to 12AM, respectively). Day and evening members of the patrol division work a contractual 4-day on, 2-day off rotating schedule. A squad, therefore, will work four day shifts, be off for two days and return to work 4 evening shifts and then be off for two days and so on. The midnight shift works a little bit differently because contractually members working steady midnights work 4 days on, 2 days off, 4 days on, 3 days off. Day and evening squads, if at full complement, would consist of five to six patrol officers and one sergeant (absent members using time off). This would allow permanent assignment of beat officers who would be responsible for walking or bicycling Main St. as well as other areas of high population concentration for the purpose of conducting community relations, making the department more accessible to the community and conducting enforcement if necessary. Currently, due to open positions, we are running the contractual minimum of three patrol officers and one sergeant on nearly every shift. (One shift has two sergeants but the second sergeant is assigned to the most senior sergeant's squad and counts as a patrol officer in order to minimize more costly sergeant overtime.) The midnight shift is currently staffed by 5 patrol officers and three sergeants (one out on long term disability). This is because of the need to cover all days of the week with one group of steadily assigned members and the different schedule (in other words, they don't all work at once). Presently the midnight shift also has a sergeant and three patrol officers, though sometimes it is two sergeants and two patrol officers (again necessitated by the 4/2, 4/3 rotation schedule). At full complement there would be a total of 6 patrol officers and 3 sergeants assigned to the steady midnight shift. This would give either 3 or 4 patrol officers and 2 sergeants on each shift. The two sergeants are assigned to limit costly supervisor overtime.

The 24/7 need to staff the desk at police HQ in order to answer telephones, radios, monitor surrounding radio frequencies, input data into the computer system, maintain warrant files, address walk-ins, dispatch officers to calls, etc., means that currently on nearly all shifts other than week-day, day shifts where a dispatcher fills this roll, the department deploys two patrol officers and a sergeant to answer and respond to all calls/requests for service, complete all reports of crimes and incidents, complete full investigations of minor crimes, conduct traffic enforcement and patrol as well as high visibility patrol, complete community relations, etc. The

sergeant is responsible for supervising the patrol officers, ensuring that they are completing these tasks in a timely and professional manner by reviewing all reports and approving or returning them for correction, reviewing the work of patrol officers by responding to calls and directly observing or reviewing body and in-car camera footage and performing the function of a patrol officer when needed. Due to the size of the department and the significant administrative requirements placed on every police department, each sergeant also has an area of administrative assignment. This includes traffic administration, corrections law monitoring and compliance, exposure reporting, first aid coordination and impounds.

DETECTIVE DIVISION

The Detective Division is staffed by five detectives and one detective sergeant. Four detectives are assigned to handle investigations and follow up on all cases requiring significant follow up as well as all felony offenses. They are also the department's crime scene investigators / technicians so they handle the processing and collection of evidence at crime scenes. They are also tasked with handling all cases involving juveniles, adolescent offenders, child abuse and sexual crimes. They maintain the sex offender database, ensure compliance from registered offenders, maintain the department's evidence system, collect and turn over all material required by the newly enacted state evidence discovery laws, ensure timely follow up on court issued warrants and liaison with the school district to address safety concerns in the schools such as threats made on social media, etc. The detectives are also responsible for conducting pre-employment background investigations, background checks for the Beacon Housing Authority, collecting DNA samples from those required to provide them post-conviction and participating in the Dutchess County Field Intelligence Group. There is a fifth detective assigned to the Dutchess County Drug Task Force. The task force focuses on the distribution side of drug enforcement throughout the county, pursuing those selling felony amounts of drugs as well as pursuing prosecutions against drug dealers who are associated with overdose deaths. The task force detective also monitors all drug overdose occurrences in the city. Detectives work a rotating schedule on weekdays (one set of 8AM to 4PM shifts, followed by a set of 3PM to 11PM shifts) One detective is always on call for incidents on weekends, after hours or if more detectives are needed to respond to an incident.

ADMINISTRATION

The administration is made up of the Chief, the Captain (currently unfilled) and the two uniformed Lieutenants.

The responsibilities of the uniformed Lieutenants include supervising all of the uniformed Sergeants, maintaining and overseeing the department's computerized record management system, maintaining statistics for the patrol division, managing the department's NY State Accreditation, managing the department's accountability systems such as the body worn cameras, in-car cameras and the department's telephone and radio recording system. They are also responsible for fleet maintenance and management, patrol scheduling, coordination of the

patrol division with other city services such as DPW, event and parade planning and liaising with District Attorney's Office on matters involving the patrol division. The uniformed Lieutenants are responsible for designing and implementing changes to department procedure in order to comply with changing laws and practices such as bail/discovery reform, juvenile justice reform, etc., coordinating the Dutchess County domestic violence advocate and review of all use of force incidents. The Uniformed Lieutenants work weekdays, opposite of each other and rotate between the day shift and evening shift every week. They also cover as the patrol supervisor during their regular shift if the sergeant is off for vacation, sick or personal time.

The Captain is responsible for grant management, all internal affairs functions such as investigating and following up on personnel complaints from the public, internal discipline issues and making recommendations to the Chief of Police on those items. The Captain is responsible for coordinating and supervising the hiring of staff and working with civil service on those items, policy development and implementation, training coordination and assisting the Chief of Police by participating in any assigned committees, special projects, etc. The Captain supervises the work of the Uniformed Lieutenants and Detective Sergeant and participates in labor relations and negotiations with the bargaining unit. The Chief of Police is responsible for overseeing all personnel and department activity, ensuring the department is responsive to community needs, reporting the activities of the department to the City Administrator, preparing and maintaining the department's budget, discipline of department members, evaluation of department programs, policies and procedures, assignment and promotion of department members, giving the final decision on all hiring and participating in labor relations and negotiations with the bargaining unit. The Captain and Chief of Police generally work weekday, day shifts but as non-union management employees they are required to flex their schedule or work additional hours to meet the needs of the department.

CIVILIAN STAFF

The department employs two civilian secretaries and one dispatcher. One secretary is assigned to the detective division and chief of police. That secretary is responsible for managing department records, processing purchasing requests, maintaining the inventory of non-critical department property (office supplies, etc.), merging of files in the department's computerized record management system and maintaining the system by which taxi cabs are registered. The other secretary is assigned to be the juvenile secretary and also handles processing and compliance with most FOIL requests, maintaining and issuing handicapped parking permits and maintaining the inventory of non-critical department property for designated the juvenile area. The dispatcher handles the dispatching function which is described above. All civilian staff work the day shift on weekdays.

NON-STAFF WORKING AT THE BEACON POLICE DEPARTMENT

Dutchess County assigns a victim's advocate to be co-housed in the police department. The victim's advocate is not an employee of the police department and primarily advocates for

victims of domestic violence and sexual crimes. The advocate coordinates and follows up to provide services and resources for those victims. The department will also soon, co-house a civilian mental health worker who will coordinate mental health services for those who come into contact with the police department as well as respond to some calls for service for people in mental health crisis.

FUTURE STRUCTURAL GOALS

Community Policing- When staffing allows the department intends to start assigning members on a continuous basis to complete foot and bicycle patrols with the primary intention of having those officers make connections with those in the community, to learn about and report to the administration any community concerns or problems and to address those problems, if possible, before enforcement action is needed. These patrols would take place on Main Street as well as other areas of high population concentration. It is important to note that the goal of this type of community policing would not be to issue tickets or make arrests for minor infractions, particularly if community concerns in those areas can be addressed through other means. The department has already started to shift toward community-based policing by realigning the department's traffic enforcement efforts to concentrate on areas where there are specific community complaints, rather than casting a wide net and making it the primary focus of proactive patrols. The department would also do well to have input from the public on how to objectively assess officer performance in the area of community relations and policing in order to shift away from "numbers based" evaluation methods.

Law Enforcement Assisted Diversion- The department, as well as the City of Poughkeepsie Police Department is currently working with the Dutchess County Department of Behavioral and Community Health on starting a program for Law Enforcement Assisted Diversion. The goal of such a program would be for department members to work with case managers to identify and introduce people who are frequent subjects of police calls due, primarily to unmet needs in the areas of mental health, addiction or homelessness.

Needs Assessment- The department would benefit from a community safety needs assessment that is not only comprehensive but also ongoing and directed in a manner so that it addresses differences in the needs of different communities or neighborhoods so that areas of focus for officers patrolling those communities are tailored to those needs. This can be done through community surveys, community meetings and the aforementioned officers conducting community relations and bringing back what they learn from conversations with residents.

Scheduling- Much of the current structure and staffing is contractual or derived from other labor agreements. At current levels it is pretty minimal, allowing the department's patrol division to safely respond to, for example, one domestic incident and one other minor incident such as a car accident that does not require any traffic control, at the same time on most shifts using best practices for dispatch.

APPENDIX 5: BEACON POLICE DEPARTMENT STAFF SURVEY

February 2, 2021 Survey Questions and Results:

QUESTION 1: Please tell us about your experiences and recommendations regarding the relationships and contacts between Beacon Police officers and citizens in Beacon.

1. My experience is great. I love the Beacon Police.
2. My experience and interaction with the Beacon Police Department and its officers has been courteous and professional.
3. Any and all of the experiences I have had with the Beacon Police have been professional, courteous, helpful, and extremely fair. I believe that police officers have a hard job to do and that we should be thankful for them and what they do, because few people are willing to. Every officer I've had dealings with has always gone out of their way to help me and I could not be more appreciative.
4. I believe we should have a dedicated Main St officer /PR/PARKING/ETC...
5. The Beacon PD is a progressive police department and has had progressive policies in place before NYS required all police departments to have.
6. I believe that we have an overwhelming amount of positive interactions with the general public. It would be nice to have more resources to dedicate just to community policing. I feel our short staffing limits our ability to engage the public at times.
7. Experiences- for the overwhelming majority of interactions, the citizens appreciate our presence and assistance. We have a good working relationship with the residents and business owners based on a mutual respect. Recommendations- when addressing concerns or complaints involving officers, asking questions about the incident and gathering the facts of the circumstance is paramount to understanding objectively.
8. Any police officer's experiences and relationships with the public are mixed. On one side the police are viewed as protectors and people you trust to help you out when you need it, without question. The other side you have people who have a negative view of the police because the interactions they have with us are at their most negative times in their lives. Therefore, they can only view the police as being around in the negative aspect. It has been my experience here in Beacon that the majority of the public trusts us and there is a mutual respect. However, over the past year there has been a small group of people, who have taken a legitimate movement to vilify any and all police officers with no facts to back up allegations of wrong doing by the members of this department. This group has influenced others in the community, creating a narrative and attitude that has made our job more difficult, in terms of cooperation.

9. General population of Beacon seems supportive of BPD and its Officers.

10. Relationships and contacts are usually very well, the vast majority like this department and the members since a lot of us grew up here and work in our home town department. I do not recall any negative contact in my ten plus years on this job with talking to citizens and attempting to help victims of crime. Obviously due to the nature of this profession and when mandatory arrests are made not everyone will have a great experience with us and deflect their own mistakes onto us. I do believe when we reach a higher staffing level having the community officer on Main street will be a great asset to Beacon and I have already recommended to fellow officers the need to interact more with citizens to improve police relations.

11. In my experience the relationships and contacts between BPD officer and Citizens in Beacon have been nothing but professional and exceptional considering the atmosphere in the US regarding such topic. BPD officers are from all walks of life, ethnic backgrounds, and show proficiency in building relationships and having good contacts with the citizens of Beacon.

12. Every time I have had contact with the officers of the department it has been professional

13. The unfortunate staffing levels have led to less personal interactions with the BPD officers and citizens. Officers are unable to dedicate time to improving community relations with the public due to the minimal shifts and having to handle the daily call volume. Unfortunately, most time spent with the public is during calls for service and not for being able to go into the community and speak with the general public. The turnover rate and loss of quality officers has hurt BPD with officers not staying with the department long enough to build strong community relations with the citizens of the city. When officers are able to find the time to interact with the public and speak with the citizens the interactions and outcome has had positive feedback and relationships have brought the BPD and community closer

14. I have been employed with the City of Beacon Police Dep for approx. 17 years. Over my years and thousands of contacts with the citizens of Beacon, I feel an overwhelming the city of Beacon supports the police officers that are employed with the city. I have established hundreds of friendships, whether it be by my patrols, Child Car seat events and/or Beacon Youth academy. As any job I feel not everyone is going to like you especially when it comes to police being you usually meet/see people under stressful situations. But I have made many acquaintances with people I have been in contact through those means also. I also feel the short-staffed department does not get a chance to get out and actually do community policing. We have very few officers working per shift to which most of the time they are busy with calls to service, traffic control, walk in complaints etc., and don't have the proper time to get to know Citizens in this city. The turnover margin of officers is also extremely high, which puts stress on officers making meaningful relationships in this city. Overall, I feel our police officers are very respectful and the citizens of Beacon are just as respectful back

15. For the most part, my experiences with interacting with the citizens of Beacon have been positive. Even in situations where I have had to take individuals into custody, many people

leave thanking officers and before COVID-19, even shaking our hands. I believe that the best approach to connect with our community here in Beacon and continue to build positive relationships is to increase the number of soft contacts the police have with the public (i.e. coffee with a cop, foot patrols on community events/Main St.) It is important for people to know that we are human beings too, and not just a uniform carrying a badge and a gun.

16. Throughout my employment at the City of Beacon Police Dept., I have observed professionalism and curtesy by the members of the department. On a daily basis the men and women who work for the department strive to interact with the community on a positive level and always treat the City of Beacon residents with respect. In regards to a recommendation that I believe would make the relationship between the citizens of Beacon and the Police Dept. become even closer together, would be the formation of a Community Policing Unit.

17. The citizens of the City of Beacon have a great deal of respect for the officers working on the streets. Personally, my relationships with citizens are very cordial and inviting and many are left with what seems to be good impressions on the department image. More community events with police interaction would be beneficial for the department and public in terms of getting to know their officers as more than a uniform, but as people too. The turnover rate of Beacon seems to be an issue as many citizens comment on how they do not recognize new officers, and that adaptation of getting to know new officers can be daunting. More transparency in regards to police practices or opportunities to inform the public would be warranted as there are those who demonize the police as a whole with very little understanding or knowledge of the good efforts that Beacon Police puts in for its City, based on media scrutiny.

18. As a Police Officer, I feel that I have had many positive interactions with the community. Anytime I walk on Main St, business owners will come out to talk to us to see how we are doing and address any concerns or problems they may have. While we are walking around community members are able to become familiar with individual Officers and are able to build a working relationship. This allows citizens to feel more comfortable with Beacon Officers in case a future incident arises where they will need our help. Having that personal relationship allows citizens to know that we want to try our best to help, it also allows citizens to feel comfortable enough to speak to us about their problems.

19. My experiences are largely positive, even in enforcement situations. Community policing initiatives could further the positivity.

20. An overwhelming majority of my personal contacts have been positive ones, even in instances where enforcement is implemented. Ignorance is to blame for a majority of bad contacts and relationships between BPD officers and the citizens of Beacon, thankfully BPD officers have outstanding interpersonal skills to deal with such instances.

21. My experience is the general public needs to educate themselves as far as law and law enforcement is concerned. It's quite apparent that far too many people know what they know

from the main stream media which always seems to show the police in a negative light. The medias objective is division in this country and pitting the people against the police is the main factor in this objective

QUESTION 2: Please tell us of any recommendations to improve the approach, structure, or any other aspect of policing in Beacon.

1. Let the police do their jobs
2. My recommendations if any is to put trust and faith within the Beacon Police Department and its associates. Allow officers to conduct their jobs correctly and conduct proper investigations to continue serving Beacon City public to its highest standard.
3. My recommendation would be for any type of change, get insight from the actual people who work there, not just get a bunch of people in a room who have never done the job of police officer, and ask them how it could be better. It's not fair. Cops for the most part are competent at their jobs, and when all else fails, what does every single person do? Call the police to solve their problems, and they do, so treat them well.
4. Have an active bike patrol / more community events to interact with officers EG; sports games and other functions
5. Beacon Police does a very good job at policing the city.
6. I think the city should consider negotiating with the PBA to hire a civilian parking enforcement officer. We do have a large amount of parking complaints, especially on weekends that are in need of enforcement. I have heard negative feedback from the business owners, tourists and residents who act that this necessary enforcement is revenue driven and with some hurts our standing in the community with those effected.
7. Law enforcement careers require countless hours of continued training, preparation and knowledge of a multitude of policies, procedures and laws all intertwined with the dynamics of human interactions. I understand that decisions need to be made from the city government perspective but please first ask questions and get facts from the law enforcement perspective as we are on the "front lines" interacting daily with the same citizens both of us serve.
8. Our number one focus here in Beacon needs to be retention of good, young officers. We have lost at least 10 officers, over the past 5 years to other departments. This number does not count those officers who have retired as a result of completing at least 20 years of service or forced to retire due to injury. Not only does it make keeping this organization running at the highest level, as we have to constantly take time to train new officers but also lowers the moral of the remaining workforce. Problems with retention also affects call for community policing in the City. You cannot effectively and successfully have a community policing unit or initiative if

your officers are constantly changing. The public needs build a relationship with officers to properly know and trust them and the work of the department as a whole. Our approach to policing here in Beacon must first be some form of a structured community policing effort. If we are successful in this, we will be able to work hand in hand with the community to address criminal activity and maintain the level of safety this city has achieved.

9. Increased numbers Officers and more and more regular training.

10. Staffing has always been an issue since I started with this department over ten years ago, having only two officers on the road for most of my career to answer calls and patrol neighborhoods. Unfortunately, local departments especially like ours has been taking hits because of good quality officers transferring to higher paying ones in different counties. I recommend hiring more officers, which will have to be more frequent now due to the above stated and more training to officers especially in the area of people suffering from mental health and substance abuse.

11. A recommendation I would have is that the officers receive more training in regards to any of the hats that police have to throw on while performing their job.

12. Let them do their jobs

13. Staffing levels need to improve so that officers can have dedicated time to build quality relationships with the public without officers feeling rushed to have a quick interaction or interrupted conversations to respond to calls for service due to minimal staffing. A productive approach to try and retain good quality officers should be made by the city council so that interactions and relationships can grow between the community and BPD officers. A serious look into a real community policing division should be the focus of the city council that would have dedicated officers who can a special relationship with the community and the leaders of the community. It has been proven that having quality officers who volunteer for the community relations division have been able to make positive impacts with the community and the police department due to the time the assigned officers have to dedicate to improving the relationships between BPD and the community. It also allows the community and the leaders to have certain officers as contacts and liaisons that can be trusted for both parties.

14. Like I stated in the first question, I helped run with the Beacon Police Youth Academy which helps are youth in this city understand the job of a police officer and what it details. The program has been extremely successful, and I hope it continues. Hiring and retaining of officers would certainly help. Lots of are highly regarded police officers leave for higher paying jobs. This hurts the community and our department when it comes to building strong relations with the community. I understand money is always an issue, but if the gap was closed a little more compared to the other departments, it would most likely keep officers here, and more officers are likely to come here to work which would definitely help with retention of the police dept.

15. One of the biggest issues facing policing is the matter of retention. This is especially so in Beacon PD. Over the past 5 years or so this department has seen at least 10 officers leave. Some of these officers through retirement, however most leave to go to other opportunities in departments elsewhere that have more to offer. As a result, the Department is left operating at minimum staffing levels and scrambling to try to recruit new officers. This creates a number of issues. The constant cycling of new recruits in and out of the department means that only a small number of officers actually stay in Beacon for the length of their career.

Typically, the longer an officer works at a department, the more skilled and efficient they become at their job, cutting down on waste as well as liability as they have more knowledge of the job, proper procedures and best practices. More importantly, the longer officers work at a department, the more relationships they can cultivate within the community they serve. Unfortunately, many new recruits only look at Beacon PD as a stepping stone to a different department resulting in a lack of interest in building these relationships that are so vital to the success of not only the Beacon Police Department, but the City of Beacon as a whole. Why do they leave? Some of these officers leave to go to departments where they make more money. Beacon is in a difficult position in its geographic location because of its proximity to Putnam, Westchester, and Orange counties, where there are departments that have higher base salaries that Beacon PD just does not compete with. Other officers, especially newer officers leave to go to departments where they have access to the latest technology and up to date equipment. Some officers leave to go to departments where there are more opportunities to advance in their career. Like in most professions, new officers as well as senior officers need to feel fulfilled in their career. Officers are drawn to divisions such as K9, Anti-Crime, Diving/Recovery, drug task force, community policing and other specialized units that not only provide officers with an engaging work environment but provides the community with valuable resources that help protect the lives and investments of the citizens of this City. Unfortunately, as a result of years of high turnover, uncompetitive benefits, lack of career opportunities and lack of up-to-date technology and equipment (such as vehicles that have reached the end of their service life, and outdated computers) Beacon PD has had difficulty attracting and retaining officers.

What can Beacon do? With an ever-shrinking pool of qualified applicants, Beacon PD needs to focus on building morale, employee retention and attracting talented officers to join the department. One of the most effective ways to do this is to offer a more competitive benefits package to officers. This incorporates a more competitive salary, but also includes but is not limited to things such as tuition assistance programs and uniform allowances. Another effective way to retain and attract talented officers to Beacon PD is to offer more opportunities for career advancement as well as specialty units and assignments. The City of Beacon as a whole would benefit greatly by investing time and effort to make sure that its officers receive quality training on a consistent basis that allows officers to learn and grow as individuals while gaining valuable skills in which they can use in service of this community. Training not only improves the quality of an officer, it reduces the potential liability of an officer mishandling a situation. Beacon must also work towards equipping its officers with updated equipment and vehicles. Fortunately, there are many grant programs available through various state and federal agencies that could provide this department with much needed equipment at little to no cost to

the City. Beacon is fortunate to have such a beautiful community with a thriving Main St that attracts people from all over to enjoy what this City has to offer. This was achieved through the collaborative effort and hard work of The Beacon City Council, Beacon PD and most importantly the citizens of Beacon themselves. It is essential that Beacon invests in its public safety and allow the Beacon PD build stronger ties within the community in which it serves instead of it just being a line item in a budget.

16. I believe that the formation of Community Policing Unit would help strengthen the relationship between the Police Dept. and the community. I would also like to see the addition of specialized units, such as a Hostage Negotiation Team and Emergency Services Unit to deal with incidents that may require specialized training and tactics.

17. More proactive policing approaches can help engage officers in the community and strengthen relationships with the public.

18. Becoming a Police Officer is a job of growth. Officers from the day they join to the day they retire are always aspiring to be better and more knowledgeable Officers. Working in Beacon feels like working at a job with a low ceiling for advancement. Officers have nothing to work toward, there are no special assignments or units in Beacon. For example, many officers wished that there were was a K9 unit with more than one dog. A dog could be used in many scenarios, and can even be a way to open up communications between the community and police. Young community members can meet and pet the dog and the Officer that handles the dog. The low pay and lack of growth compared to neighboring Departments forces Officers to want to leave Beacon for better jobs. A promotion feels more like a reassignment with the lack of pay and increased responsibilities and is not an incentive to work harder. Beacon wants to create a better relationship with the community, but the number of Officers leaving to other Departments with better incentives creates a spinning tire effect. No relationship is ever being built because as one officer leaves another new officer fills the spot in which he must start from square one to gain the trust of the community. Officers from other Departments avoid applying to Beacon because they see that Beacon has nothing to offer its current employees. If Beacon continues to grow, so must the agency that protects and serves the community.

19. Institute a dedicated community policing unit.

20. Fund and support our ability to train properly and thoroughly. Allow opportunities for advanced training. This will assist with officer retention as well as promote the growth of BPD and its officers. BPD is not comparable to surrounding departments when it comes to advancement opportunities for its officers.

21. It is my recommendation that the age be raised to 25 from 21 for police applicants. In my opinion life experience is pretty valuable when it comes to being a police officer. With police training, there should also be a segment that shows and somewhat educates police recruits on what environments on which they may not be familiar with.

APPENDIX 6: CITY OF BEACON WHISTLEBLOWER POLICY

- a. Purpose.** It is the policy of the City of Beacon to afford certain protections to individuals who, in good faith, report violations of ethics or other instances of potential wrongdoing within the City. The Whistleblower Policy set forth below is intended to encourage and enable employees to raise concerns in good faith within the City of Beacon Administration, and without fear of retaliation or adverse employment action.
- b. Definitions.**
 - i. **Good Faith:** When the individual making the disclosure reasonably believes such information to be true and reasonably believes that it constitutes potential Wrongdoing.
 - ii. **Employee:** All Elected Officials, board members, officers and staff employed at the City of Beacon, whether full-time, part-time, employed pursuant to contract or appointment, employees on probation or temporary employees.
 - iii. **Personnel Action:** Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.
 - iv. **Whistleblower:** Any City of Beacon Employee who, in Good Faith, discloses information concerning potential Wrongdoing by another City of Beacon Employee, or concerning the business of the City of Beacon itself.
 - v. **Wrongdoing:** Any alleged corruption, fraud, criminal or unethical activity, misconduct, waste, conflict of interest, intentional reporting of false or misleading information, or abuse of authority engaged in by a City of Beacon Employee that relates to the City of Beacon.
- c. Reporting Wrongdoing.** All City of Beacon Employees who discover or have knowledge of potential Wrongdoing concerning elected officials, board members, officers, or Employees of this City, or a person having business dealings with this City, or concerning the City itself, shall report such activity in accordance with the following procedures:
 - i. The City of Beacon Employee shall disclose any information concerning Wrongdoing, either orally or in a written report, to his/her supervisor, or to the Authority's City Administrator or Director of Human Resources.
 - ii. All City of Beacon Employees who discover or have knowledge of Wrongdoing shall report such Wrongdoing in a prompt and timely manner.
 - iii. The identity of the Whistleblower and the substance of their allegations will be kept confidential to the extent possible.
 - iv. The individual to whom the potential Wrongdoing is reported shall investigate and handle the claim in a timely and reasonable manner, which may include referring such information to City of Beacon Counsel or an appropriate law enforcement agency where applicable.
 - v. After investigation, the individual to whom the potential Wrongdoing is reported shall recommend appropriate corrective action, if any.

- d. False Complaints. Any unfounded allegation that proves to have been made maliciously, recklessly, or knowingly to be false will be viewed as a serious offense and result in disciplinary action, up to and including termination of employment.
- e. No Retaliation or Interference. No City of Beacon Employee shall retaliate against any Whistleblower for the disclosure of potential Wrongdoing, whether through threat, coercion, or abuse of authority; and no City of Beacon Employee shall interfere with any other City Employee by any improper means aimed at deterring disclosure of potential Wrongdoing. Any attempts at retaliation or interference are strictly prohibited; also:
 - i. No City of Beacon Employee who in Good Faith discloses potential violations of ethics, or other instances of potential Wrongdoing, shall be the subject of harassment, retaliation or adverse Personnel Action.
 - ii. All allegations of retaliation against a Whistleblower, or interference with an individual seeking to disclose potential Wrongdoing, will be thoroughly investigated by the City of Beacon.
 - iii. Any City of Beacon Employee who retaliates against, or attempts to interfere with, any individual for having in Good Faith disclosed potential violations of ethics or other instances of potential Wrongdoing may be subject to discipline, which may include termination of employment.
 - iv. Any allegation of retaliation or interference will be taken seriously and, irrespective of the outcome of the initial complaint, will be treated as a separate matter.

Other Legal Rights Not Impaired. The Whistleblower Policy set forth herein is not intended to limit, diminish or impair any other rights or remedies that an individual may have under the law with respect to disclosing potential Wrongdoing, free from retaliation or adverse Personnel Action.

- f. Specifically, this Whistleblower Policy is not intended to limit any rights or remedies that an individual may have under the laws of the State of New York including, but not limited to, the following provisions: Civil Service Law § 75-b, Labor Law § 740, State Finance Law § 191 (commonly known as the “False Claims Act”), and Executive Law § 55(1).
 - i. With respect to any rights or remedies that an individual may have pursuant to Civil Service Law § 75-b or Labor Law § 740, any Employee who wishes to preserve such rights shall, prior to disclosing information to a government body, have made a good faith effort to provide the appointing authority or his/her designee the information to be disclosed, and shall provide the appointing authority or designee a reasonable time to take appropriate action, unless there is imminent and serious danger to public health or safety. (See Civil Service Law § 75-b[2][b]; Labor Law § 740[3]).

APPENDIX 7: CITY OF BEACON DOMESTIC VIOLENCE POLICY

- a. Policy Statement.** The purpose of this policy is to identify and prescribe City of Beacon (City) practices that will promote safety in the workplace and respond effectively to the needs of victims of domestic violence.
- b. Definitions.** For purposes of this policy, the following terms will be defined as follows:
 - i. Domestic Violence:** A pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against a Family or Household Member with the goal of establishing and maintaining power and control over the victim.
 - ii. Family or Household Member:** Includes persons related by consanguinity or affinity; persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time; and unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household.
 - iii. Abuser:** A person who perpetrates this pattern of coercive tactics.
 - iv. Victim:** The person against whom an abuser directs coercive and/or violent acts and/or their child.
 - v. Domestic Violence Service Provider:** Agency or staff member of an agency that primarily or exclusively provides comprehensive services to victims of domestic violence, including residential programs licensed by the NYS Office of Children and Family Services.

Guidelines. Employee Awareness: The City shall increase awareness of domestic violence and inform employees of available sources of assistance i.e. The Employee Assistance Program, local domestic violence service providers, the NYS Domestic Violence and Sexual Assault hotline, and/or trained Human Resources personnel who are available to serve as confidential sources of information, support, and referral (Domestic Violence Liaison).

- c. Non-Discriminatory and Responsive Personnel Policies for Victimized Employees.** The City will ensure that personnel policies and procedures do not discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence.
 - i.** In Accordance with Executive Law §§292(34), 296(1), 296(22) employees will be allowed reasonable time off for the following reasons:
 - To seek medical attention for injuries caused by domestic violence;
 - To obtain services from a domestic violence shelter, program or rape crisis center;
 - To obtain psychological counseling related to an incident of domestic violence;
 - To participate in safety planning or to take other actions to increase safety from future incidents of domestic violence; or

- To obtain legal services, assist in the prosecution of the offense, or appear in court in relation to the incident of domestic violence.

An employee who requires reasonable accommodations must give advanced notice to the employer if possible. If it is not possible to give notice, the employer may request that the employee certify their victim status after the time off with either a police report, court order or other evidence from a court or prosecutor, medical records, or service provider records. Acceptable forms of notification are:

- A police report indicating that the employee or their child was a victim of domestic violence;
 - A court order protecting or separating the employee or their child from the perpetrator of an act of domestic violence;
 - Other evidence from the court or prosecuting attorney that the employee appeared in court;
 - Documentation from a medical professional, domestic violence advocate, healthcare provider, or counselor that the employee or their child was undergoing counseling or treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.
 - Any other proof accepted at the discretion of the Director of Human Resources.
- ii. Employees who are victims of domestic violence and who separate from a spouse (or terminate a relationship with a domestic partner, if covered), shall be allowed to make reasonable changes in benefits at any time during the calendar year where possible, in accordance with statute, regulation, contract and policy.
 - iii. In cases in which it is identified that an employee's work performance difficulties are a result of being a victim of domestic violence, said employee shall be afforded all of the proactive measures outlined in this policy, and shall be provided clear information about performance expectations, priorities, and performance evaluation. If a disciplinary process is initiated, special care will be taken to consider all aspects of the victimized employee's situation, and all available options in trying to resolve the performance problems should be exhausted, including making a referral to the Employee Assistance Program, consistent with existing collective bargaining unit agreements, statute, regulations and City policy.
 - iv. If reasonable measures have been taken to resolve domestic violence-related performance problems of victimized employees, but the performance problems persist and the employee is terminated or voluntarily separates from employment, the employee will be informed of their potential eligibility for unemployment insurance and other separation benefits.

d. Workplace Safety Plans.

- i. The City shall have a Domestic Violence Workplace Safety Response Plan in place and provide reasonable means to assist victimized employees in developing and

- implementing individualized domestic violence workplace safety plans, consistent with existing collective bargaining agreements, statutes and regulations.
- ii. The City's response plan consists of alerting the appropriate law enforcement agency by dialing 911, with subsequent notification given to the Director of Human Resources, and City Administrator. Such a plan will allow appropriate actions to be taken if an abuser gains unauthorized access to the work site, or if an abuser engages in any acts that threaten the safety of employees or public.
 - iii. Employees are responsible for providing a written report of any incidents of domestic violence in the workplace, including any threats which they have witnessed, received, or have been told that another person has witnessed or received. These reports should be submitted to the Director of Human Resources. Any employee who obtains a protective or restraining order which includes City-owned or leased premises as a protected area shall provide a copy of such order to the Director of Human Resources.
 - iv. The City shall comply and assist with enforcement of all known court orders of protection, particularly orders in which abusers have been ordered to stay away from the work site. If requested by the victim of domestic violence or law enforcement, the City shall provide information in its possession concerning an alleged violation of an order of protection.
 - v. Employees are encouraged to bring their orders of protection (OP) to the attention of the Director of Human Resources, who will secure the document, along with any other confidential information. The Director of Human Resources will discuss with the employee a plan on how best to proceed to ensure the safest possible work environment for the employee and the rest of the staff. With the permission of the employee, this may include providing a copy of the OP and/or photo of the perpetrator to Department Supervisors, the Police Department and/or front desk personnel. The employee is responsible for notifying the Director of Human Resources if there are any changes to the OP.
 - vi. Information related to an employee being a victim of domestic violence shall not be divulged without the express written consent of the victimized employee, unless it is determined that maintaining said confidentiality puts the victim or other employees at risk of physical harm. In such circumstances, where possible, the victimized employee should be given advanced notification of the intent to provide information to third parties.

e. Accountability for Employees Who Are Offenders.

The City shall hold accountable employees who engage in the following behavior: (1) using City resources to commit an act of domestic violence; (2) committing an act of domestic violence from or at the workplace, or from any other location while on official City business; or (3) using their job-related City resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.

- i. In cases in which the City has found that an employee has threatened, harassed, or abused an intimate partner at the workplace using City resources such as work time,

- workplace telephones, FAX machines, mail, e-mail or other means, said employee may be subject to corrective or disciplinary action, up to and including termination.
- ii. In cases in which the City has verification that an employee is responsible for a domestic violence-related offense, or is the subject of any order of protection, including temporary, final or out-of-state order, as a result of domestic violence, and said employee has job functions that include the authority to take actions that directly impact victims of domestic violence and/or actions that may protect abusers from appropriate consequences for their behavior, the City shall determine if corrective action is warranted.
 - iii. In cases in which any employee intentionally uses their job-related authority and/or intentionally uses City resources in order to negatively impact a victim of domestic violence, assist an abuser in locating a victim, assist an abuser in perpetrating acts of domestic violence, or protect an abuser from appropriate consequences for their behavior, said employee may be subject to corrective or disciplinary action, up to and including termination.

APPENDIX 8: CITY OF BEACON COMMUNITY FORUMS ON POLICING AND PUBLIC SAFETY

The City of Beacon hosted three Community Forums on Policing and Public Safety throughout 2020. Beacon became the first in the region to respond to the Governor's call for community dialogue on public safety and held the first of three forums on June 20, the second on November 21, and third on December 19, 2020. All three forums were held virtually for the purpose of health and safety during the COVID-19 pandemic. Comments were also accepted via email and mail prior to each forum. Extensive advertising was conducted; fliers were posted to social media, sent to local press, published on the City's website, and brought to the Beacon Housing Authority for distribution, announcements were also made at preceding City Council Meetings. The forums were moderated by Pastor John Perez of Faith Temple Church of God in Christ, Reverend and former City Councilmember John Rembert, and Beacon High School graduate Sade Barksdale.

A diverse group of community members called into the forums to share their thoughts on policing and public safety. Over 200 people took part in the first forum and all three forums combined have now been viewed over 600 times online. Callers represented all four City Wards, members of Beacon 4 Black Lives, Beacon Mutual Aid, Beacon Now (formerly Beacon Speaks Out), as well as local educators and business owners. Several members of community boards and committees, including the Beacon Human Relations Commission, Beacon Board of Ethics, and Beacon Board of Education called in on behalf of themselves. While the callers expressed a wide range of views on policing and public safety, the majority of calls were for a demilitarizing of the police department, a hiring freeze, greater transparency and accountability, and increased training for officers, particularly in the field of racial bias.

City of Beacon City Council Agenda
03/15/2021

Title:

Resolution Adopting a Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Viewsheds_3.15.2021

ATTACHMENTS

Resolution Adopting a Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Viewsheds(2).docx

Memorandum from the City of Beacon Planning Board Regarding Viewsheds

Memorandum from the Dutchess County Department of Planning and Development

Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Viewsheds

Environmental Assessment Form - Part 1

Short Environmental Assessment Form Part 2 and Negative Declaration

CITY OF BEACON
CITY COUNCIL

Resolution No. _____ of 2021

RESOLUTION ADOPTING A PROPOSED LOCAL LAW TO CREATE
CHAPTER 223, SECTION 25.1 OF THE CODE OF THE CITY OF BEACON
REGARDING VIEWSHEDS

NOW, THEREFORE, BE IT RESOLVED, that the City Council in accordance with 6 NYCRR Part 617 and upon review of the Short Environmental Assessment Form and all other materials prepared, hereby adopts the attached Negative Declaration for the proposed action.

IT IS HEREBY RESOLVED that the City Council adopts a proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon regarding Viewsheds

Resolution No. _____ of 2021			Date: <u>March 15, 2021</u>				
☐ 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					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					



Memorandum

Planning Board

TO: Mayor Lee Kyriacou and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: City Council Request to Create Chapter 223, Section 25.1 concerning Viewshed Protection

DATE: February 11, 2021

At the February 9, 2021 Planning Board meeting, members reviewed and discussed the proposed local law referred from the City Council which would create Chapter 223, Section 25.1 of the City Code concerning viewshed protection. A comprehensive review of the proposed law took place with the City Planner John Clarke and Attorney Jennifer Gray with particular attention to areas of the law that pertain to the Planning Board's role. Generally, the Planning Board is in agreement with the local law which is comprehensive and structured in a way that makes sense. However, considerable discussion took place regarding whether the law should apply to Subdivision, Special Use Permit, and Variance approvals as well as site development plans. The current draft is limited only to applications for site development plans and members are concerned that omitting Subdivision, Special Use Permit and Variance applications from the scope of the viewshed protections may result in too many exceptions to the rule. The Planning Board recommends that the City Council consider whether those additional types of land use applications should be included in the scope of the proposed local law.

Should you have any questions or require additional information, please feel free to contact me.

Dutchess County Department of Planning and Development		Fax Info Only	To	Date	#pgs
		Co./Dept.	From		
		Fax #	Phone #		

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Numbers(s):

Project Name: **Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Scenic Viewsheds Protection**

Applicant: **City of Beacon City Council**

Address of Property:

Exempt Actions:*
239 Review is NOT Required

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

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

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

Parcels within 500 feet of:

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

Date Response Requested: **3/11/2021**

Entered By: **Milone, Collin**

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

For County Office Use Only			
Response From Dutchess County Department of Planning and Development			
No Comments: ☒ Matter of Local Concern ☐ No Jurisdiction ☐ No Authority ☐ Withdrawn ☐ Incomplete - municipality must resubmit to County ☐ Exempt from 239 Review ☐ None		Comments Attached: ☐ Local Concern with Comments ☐ Conditional ☐ Denial ☐ Incomplete with Comments- municipality must resubmit to County ☐ Informal Comments Only (Action Exempt from 239 Review)	
Date Submitted: 3/1/2021	Notes:	☐ Major Project	
Date Received: 3/1/2021		Referral #: ZR21-055	
Date Requested: 3/11/2021			
Date Required: 3/30/2021	☐ Also mailed hard copy	Reviewer: Jennifer F. Coccozza	
Date Transmitted: 3/4/2021		Digitally signed by Jennifer F. Coccozza DN: CN=Jennifer F. Coccozza, C=US, O=Dutchess County, OU=Planning and Development, E=jcoccozza@dutchessny.gov Reason: I am the author of this document Location: your signing location here Date: 2021.03.04 15:05:32-05'00' Foxit Reader Version: 10.1.0	

DRAFT LOCAL LAW NO. ____ OF 2021

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO CREATE
CHAPTER 223, SECTION 25.1 OF THE CODE OF THE CITY OF
BEACON**

A LOCAL LAW to
create Chapter 223,
Section 25.1 of the
Code of the City of
Beacon concerning
Scenic Viewshed
Protection.

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

Section 1. Chapter 223, Section 25.1 of the Code of the City of Beacon is hereby created as follows:

§ 223-25.1 Scenic Viewshed Protection.

- A. Statutory authority. Pursuant to the General Municipal Law § 96-a of the State of New York and the General City Law of the State of New York, the Beacon City Council hereby enacts a Scenic Viewshed Protection Law.
- B. Legislative findings and purpose. The City of Beacon finds that certain public view locations and viewsheds, as herein defined, have a special scenic, historic, or aesthetic value and any future obstruction of such viewsheds would constitute an irreplaceable loss to the people of the City. It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and scenic use of designated view locations is a public necessity and is required in the interest of health, safety and general welfare. The purpose of this section is to:
 - (1) Safeguard the City's scenic and aesthetic resources, as embodied in designated viewpoints and viewsheds.
 - (2) Preserve property values in such scenic resource areas.
 - (3) Foster civic pride in the beauty of the City.

- (4) Implement the objectives and policies of the City's Comprehensive Plan, Local Waterfront Revitalization Program, and Natural Resources Inventory.

C. Legislative Intent

- (1) It is the intent of the City of Beacon to protect and preserve the scenic resources of the City, to ensure that the benefits provided by the scenic resource will not be lost for present and future generations, and to protect the broader public interest.
- (2) This section is enacted with the intent of providing an equitable balance between the rights of individual property owners to the use of their property and the rights of present and future generations to enjoy scenic viewsheds. Therefore, this section recognizes the rights of property owners that may be affected by a designated scenic resource to use their property for reasonable purposes consistent with these and other regulations and controls, provided that such use does not result in a significant loss or impairment to public scenic viewsheds.
- ~~(3)~~ It is not the intent of this section to protect views from private properties or to affect property development constructed prior to the designation of a specific scenic viewshed or scenic view location. However, it is the intent of the City of Beacon that the provisions of this section shall apply to any enlargement, alteration, improvement, or modification of any existing building or structure that affects a designated scenic viewshed.
- ~~(3)~~(4) It is the intent of this section to protect viewsheds while allowing property to be developed in accordance with the City Zoning Code and New York State law. The Planning Board has the flexibility to modify the City's zoning regulations with respect to site layout and lot design, including minimum lot area, width, depth, and frontage, minimum front, side, and rear yards, and other similar requirements in the § 223-17, Schedule of Dimensional Regulations, as permitted in this section, to preserve designated viewsheds and permit proposed projects that otherwise meet the requirements of the City Code.

- D. Definitions. Unless specifically defined below, words or phrases in this section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this section its most reasonable application.

SCENIC VIEW LOCATION

A designated position from a public street, public sidewalk, public property, or publicly accessible easement at standing height in a designated direction that overlooks a scenic viewshed.

SCENIC VIEWSHED

A designated area which exhibits outstanding or unique arrangements of natural or built features, including water or water-related features, streetscape, landforms or vegetative patterns, or other historic or environmental features that provide inspiration, hold interest and command the attention of the viewing public. A scenic viewshed is visible from a scenic view location.

- E. Designation process. From time to time the City Council may ~~on its own motion~~, identify and designate certain areas within the City of Beacon as a scenic view location and a scenic viewshed:
- (1) The City Council shall identify a scenic view location and scenic viewshed for possible designation. The City Council shall prepare and make public a justification assessment which shall include maps, photographs, and a written description to describe the potential scenic view location and scenic viewshed under consideration.
 - (2) The City Council shall request comments regarding the potential scenic view location and scenic viewshed from the Planning Board and Conservation Advisory Committee. The City Council may also request comments from other officials and committees as the Council deems appropriate. All comments shall be provided to the City within 30 days of the City's initial request.
 - (3) After the City Council has identified a specific scenic view location and scenic viewshed for protection, it shall hold a public hearing on the designation of each identified scenic view location at which time the general public, interested parties, and property owners in the area shall have the opportunity to be heard regarding the proposed scenic view location and scenic viewshed designation.
 - (4) Notice of the public hearing on the designation of the scenic view location and scenic viewshed shall be provided as follows:
 - (a) The City shall submit a notice of public hearing to the official City newspaper and one additional local newspaper for publication at least 10 days before such hearing. The notice shall be published at the expense and direction of the City. The notice shall contain the time, date and place of the public hearing, and shall identify the view location and viewshed to be designated.
 - (b) Notice of the public hearing shall be sent by the City, by certified mail (return receipts not required) at least 10 days before such hearing to all property owners within a distance of 250 feet of any boundary of the proposed scenic view location. The notice shall contain the time, date and place of the public hearing, and shall identify the view location and viewshed to be designated.
 - (5) After conducting a public hearing on the intent to designate a scenic view location the City Council shall approve or disapprove the designation according to its regular

voting procedures and include any designated view location on the City of Beacon Zoning Map.

- (6) The designation of a scenic view location or scenic viewshed may be amended or rescinded by the City Council, after a public hearing.

F. Criteria for designation.

- (1) Prior to designating a scenic view location or scenic viewshed, the City Council must find the scenic view location or scenic viewshed possesses one or more of the following characteristics:
 - (a) The view represents a key view location for which public sensitivity to an alteration of the view will be the highest, such as at gateway entrances to the City, public parks, and major intersections.
 - (b) The view is illustrative of a natural landscape feature, water body, or geologic feature important to the natural character of the City. The City's Natural Resources Inventory identified three primary scenic viewsheds worthy of protection, including views of the Hudson River, Fishkill Creek, Fishkill Ridge and Mt. Beacon.
 - (c) The view encompasses a significant historic location which is important to the cultural history of the City. Designated view locations may include historic structures, but views of historic buildings shall be protected by the provisions in Chapter 134, Historic Preservation.
- (2) Scenic viewsheds shall possess a unique overall quality of scenic beauty.
- (3) If multiple nearby locations have similar views, the best view locations shall be designated.
- (4) Designation shall consider foreground elements and the longer-distance viewshed, as well as whether the view will be available in both summer and winter.
- (5) Only legally accessible public property, including existing roads, parks, or other legally accessible public property, may be designated as a protected scenic view location.

G. ~~Site development plan~~ Regulations for proposed projects affecting a designated scenic view location or designated scenic viewshed.

- (1) Where site development plan approval and/or subdivision approval is required by the Planning Board ~~pursuant to § 223-25~~, the Planning Board shall ~~consider make~~ specific findings concerning the consistency of the proposed development, alteration, modification or improvement with the provisions of this section.

- (2) Where special use permit approval or concept plan approval is required by the City Council, the City Council shall refer the special use permit or concept plan application to the Planning Board for comments. The Planning Board shall provide comments to the City Council concerning the consistency of the proposed development, alteration, modification or improvement with the provisions of this section prior to the close of any public hearing on the special use permit or concept plan application. Such comments shall be incorporated into any recommendation provided by the Planning Board to the City Council on the special use permit or concept plan application.
- (3) Where variance approval is required by the Zoning Board of Appeals, the Zoning Board of Appeals shall refer the variance application to the Planning Board for comments. The Planning Board shall provide comments to the Zoning Board of Appeals concerning the consistency of the proposed development, alteration, modification or improvement with the provisions of this section prior to the close of any public hearing on the variance application.
- (4) Where variance approval is required by the Zoning Board of Appeals, the Zoning Board of Appeals shall make specific findings concerning the consistency of the proposed development, alteration, modification or improvements with the provisions of this section when evaluating whether the requested use variance(s) will alter the essential character of the neighborhood or whether the requested area variance(s) will produce an undesirable change in the character of the neighborhood.
- (5) The City Council and City departments shall consider the consistency of any public project or improvement, such as decisions on parks, street trees and other public improvements, with the provisions of this section. The City shall consider the standards set forth in § 223-25.1G(7) when reviewing any public project or public improvement that may affect a designated scenic viewshed or scenic view location.
- ~~(4)~~(6) An application for site development plan approval, subdivision approval or variance approval for a proposed development, alteration, modification or improvement that may affect a designated scenic view location or designated scenic viewshed shall include a visual assessment of the proposed action as part of the application packet. The visual assessment shall include the following:
 - (a) An aerial photograph showing the subject property, adjoining parcels, and the designated view location and direction.
 - (b) Perspective drawings, plans and section diagrams, photographs, or photo-simulations of proposed improvements in relation to the designated view location and viewshed.

- (c) A written description of the proposed development, the predicted impacts on the designated view location and viewshed, and suggested mitigation measures to avoid any potential impacts.
- (d) The reviewing authority may request additional information as part of the review process.

~~(2)~~(7) Before granting or denying any site development plan, subdivision application or variance request, the Planning Board or the Zoning Board of Appeals shall consider the following standards, when reviewing a site development plan application, subdivision application or variance request that may affect a designated scenic viewshed or scenic view location:

- (a) The proposed activity, including any new structure, parking lot, overhead wires, antenna, light fixture, fencing, mechanical equipment, or other new site feature, shall be located or clustered on the parcel so as to avoid affecting the designated viewshed or cause the least possible obstruction of the view.
- (b) If there is no reasonable alternative on the site to placing a permitted building(s) near designated views, such building(s) shall be located to maintain a substantial viewshed corridor between buildings, thereby framing the view rather than obstructing it.
- (c) To protect designated scenic viewsheds over buildings, rooftop mechanical equipment and other potential roof-top obstructions shall be avoided, or at least minimized and screened, and any visible flat roof surfaces shall be integrated into views with green roof plantings or other architectural measures.
- (d) Disturbance to existing vegetation that contributes to the scenic viewshed shall only be permitted to the extent that it is absolutely necessary for the development or improvement. Existing overgrown vegetation that is blocking scenic views may be selectively cut down or trimmed back.
- (e) New landscaping, including trees, shrubs, and hedges, shall be planted so as to avoid obstruction of designated public viewsheds and maintained over time as a condition of any approval.
- (f) Development that may affect the designated viewshed shall be integrated with existing vegetation and kept screened behind and below the natural tree line, whenever possible.
- (g) Designated viewsheds may be additionally protected by providing enhanced scenic view locations as part of a development plan, such as the incorporation

of a publicly accessible viewpoint, greenspace, promenade, or Greenway Trail into the proposal.

~~(3)~~(8) The Planning Board or Zoning Board of Appeals may request alternative design options that would avoid or minimize negative impacts to the designated viewshed.

~~(4)~~(9) In order to achieve the purposes of this section, the Planning Board may modify the zoning regulations with respect to site layout and lot design, including minimum lot area, width, depth, and frontage, minimum front, side, and rear yards, and other similar requirements in the § 223-17, Schedule of Dimensional Regulations, provided that:

- (a) The permitted number of dwellings or overall square feet of development in no case exceeds the number that could be permitted if the land was developed in conformance with the normally applicable requirements of the zoning district.
- (b) The maximum permitted building height requirements shall be the same as those normally applicable to other dwellings in the zoning district.

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

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

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is

2/24/21

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.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information							
Proposed Local Law to Protect Scenic Viewsheds							
Name of Action or Project: Local Law to add Chapter 223, Section 25.1 to the Code of the City of Beacon concerning protection of scenic viewsheds.							
Project Location (describe, and attach a location map): City of Beacon							
Brief Description of Proposed Action: The City of Beacon finds that certain public view locations and viewsheds have a special scenic, historic, or aesthetic value and any future obstruction of such viewsheds would constitute an irreplaceable loss to the people of the City. The City of Beacon has prepared a proposed local law to create Chapter 223, Section 25.1 of the Code of the City of Beacon to protect and preserve the scenic resources of the City, to ensure that the benefits provided by the scenic resource will not be lost for present and future generations, and to protect the broader public interest. The purpose of the proposed local law is to safeguard the City's scenic and aesthetic resources.							
Name of Applicant or Sponsor: City of Beacon		Telephone: 845-383-5000					
		E-Mail: Mayor@cityofbeacon.org					
Address: 1 Municipal Plaza							
City/PO: Beacon		State: NY	Zip Code: 12509				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☐</td> <td>☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☐</td> <td>☐</td> </tr> </table>	NO	YES	☐	☐
NO	YES						
☐	☐						
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	☐	☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☐	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☐	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☐	YES ☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO ☐	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO ☐	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO ☐	YES ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>City of Beacon</u> Date: <u>1/14/2021</u>		
Signature: <u>Jim Garib</u> , on behalf of the city of Beacon Title: <u>City Attorney</u>		

Environmental Assessment Form
Part 1 – Project Information
Narrative Description

The City Council of the City of Beacon (“City Council”) has prepared a proposed local law to create Chapter 223, Section 25.1 of the Code of the City of Beacon to protect scenic viewsheds in the City of Beacon. Certain public view locations and viewsheds have a special scenic, historic, or aesthetic value and any future obstruction of such viewsheds would constitute an irreplaceable loss to the people of the City. The protection, enhancement, perpetuation, and scenic use of designated view locations is a public necessity and is required in the interest of health, safety and general welfare. It the intent of the proposed local law to protect and preserve the scenic resources of the City, to ensure that the benefits provided by the scenic resource will not be lost for present and future generations, and to protect the broader public interest. The proposed local law provides an equitable balance between the rights of individual property owners to the use of their property and the rights of present and future generations to enjoy scenic viewsheds. The proposed local law recognizes the rights of property owners that may be affected by a designated scenic resource to use their property for any reasonable purpose consistent the provisions of the proposed local law and other regulations and controls, provided that such use does not result in a significant loss or impairment to public scenic viewsheds or scenic view location.

The proposed local law establishes a process to identify and designate areas within the City of Beacon as scenic view locations and scenic viewsheds. A scenic view location is a designated position from a public street, public sidewalk, public property, or publicly accessible easement at standing height in a designated direction that overlooks a scenic viewshed. A scenic viewshed is designated area which exhibits outstanding or unique arrangements of natural or man-made features, including water or water-related features, streetscape, landforms or vegetative patterns, or other historic or environmental features that provide inspiration, hold interest and command the attention of the viewing public. A scenic viewshed is visible from a view location.

Prior to designating a scenic viewshed or scenic view location, the City Council must determine that the scenic viewshed or scenic view location meets the criteria for designation set forth in § 223-25.1.F(1) of the proposed local law.

Where site development plan approval and/or subdivision approval is required by the Planning Board, the Planning Board shall make specific findings concerning the consistency of the proposed development, alteration, modification or improvement with the provisions of this section.

Where special use permit approval or concept plan approval is required by the City Council, the City Council shall refer the special use permit or concept plan application to the Planning Board for comments. The Planning Board shall provide comments to the City Council concerning the consistency of the proposed development, alteration, modification or improvement with the provisions of this section prior to the close of any public hearing on the special use permit or concept plan application. Such comments shall be incorporated into any recommendation

provided by the Planning Board to the City Council on the special use permit or concept plan application.

Where variance approval is required by the Zoning Board of Appeals, the Zoning Board of Appeals shall refer the variance application to the Planning Board for comments. The Planning Board shall provide comments to the Zoning Board of Appeals concerning the consistency of the proposed development, alteration, modification or improvement with the provisions of this section prior to the close of any public hearing on the variance application.

Where variance approval is required by the Zoning Board of Appeals, the Zoning Board of Appeals shall make specific findings concerning the consistency of the proposed development, alteration, modification or improvements with the provisions of this section when evaluating whether the requested use variance(s) will alter the essential character of the neighborhood or whether the requested area variance(s) will produce an undesirable change in the character of the neighborhood.

The City Council and City departments shall consider the consistency of any public project or improvement, such as decisions on parks, street trees and other public improvements, with the provisions of this section. The City shall consider the standards set forth in § 223-25.1G(7) when reviewing any public project or public improvement that may affect a designated scenic viewshed or scenic view location.

Where site development plan, subdivision or variance approval is required by the Planning Board or the Zoning Board of Appeals, the reviewing board must consider the standards set forth in § 223-25.1.G(7) of the proposed local law to mitigate potential impacts to a designated scenic view location or designated scenic viewshed. In connection with its site development plan review or subdivision review, the Planning Board may request alternative design options that would avoid or minimize negative impacts to the designated viewshed.

The proposed local law will have a positive impact on the City's resources as the purpose of the proposed local law is to safeguard the City's scenic and aesthetic resources, as embodied in designated viewpoints and viewsheds.

Project: Local Law- Viewsheds

Date: 1/14/21

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The City Council of the City of Beacon (“City Council”) has prepared a proposed local law to create Chapter 223, Section 25.1 of the Code of the City of Beacon to protect scenic viewsheds in the City of Beacon. Certain public view locations and viewsheds have a special scenic, historic, or aesthetic value and any future obstruction of such viewsheds would constitute an irreplaceable loss to the people of the City. The protection, enhancement, perpetuation, and scenic use of designated view locations is a public necessity and is required in the interest of health, safety and general welfare. It the intent of the proposed local law to protect and preserve the scenic resources of the City, to ensure that the benefits provided by the scenic resource will not be lost for present and future generations, and to protect the broader public interest. The proposed local law provides an equitable balance between the rights of individual property owners to the use of their property and the rights of present and future generations to enjoy scenic viewsheds. The proposed local law recognizes the rights of property owners that may be affected by a designated scenic resource to use their property for any reasonable purpose consistent the provisions of the proposed local law, and other regulations and controls, provided that such use does not result in a significant loss or impairment to public scenic viewsheds. The law establishes a process to designate scenic view locations and scenic viewsheds and sets forth criteria the Planning Board must consider as part of its site development plan review for any proposed action that may affect a designated scenic viewshed or scenic view location.

The proposed local law will have a positive impact on the City's resources as the purpose of the proposed local law is to safeguard the City's scenic and aesthetic resources, as embodied in designated viewpoints and viewsheds. The proposed local law will not result in any significant adverse environmental impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
 ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Beacon City Council

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

City of Beacon City Council Agenda
03/15/2021

Title:

Resolution Adopting a Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Viewsheds_3.15.2021

ATTACHMENTS

Resolution Adopting a Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Viewsheds(2).docx

Memorandum from the City of Beacon Planning Board Regarding Viewsheds

Memorandum from the Dutchess County Department of Planning and Development

Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Viewsheds

Environmental Assessment Form - Part 1

Short Environmental Assessment Form Part 2 and Negative Declaration

CITY OF BEACON
CITY COUNCIL

Resolution No. _____ of 2021

RESOLUTION ADOPTING A PROPOSED LOCAL LAW TO CREATE
CHAPTER 223, SECTION 25.1 OF THE CODE OF THE CITY OF BEACON
REGARDING VIEWSHEDS

NOW, THEREFORE, BE IT RESOLVED, that the City Council in accordance with 6 NYCRR Part 617 and upon review of the Short Environmental Assessment Form and all other materials prepared, hereby adopts the attached Negative Declaration for the proposed action.

IT IS HEREBY RESOLVED that the City Council adopts a proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon regarding Viewsheds

Resolution No. _____ of 2021			Date: <u>March 15, 2021</u>				
☐ 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					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					



Memorandum

Planning Board

TO: Mayor Lee Kyriacou and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: City Council Request to Create Chapter 223, Section 25.1 concerning Viewshed Protection

DATE: February 11, 2021

At the February 9, 2021 Planning Board meeting, members reviewed and discussed the proposed local law referred from the City Council which would create Chapter 223, Section 25.1 of the City Code concerning viewshed protection. A comprehensive review of the proposed law took place with the City Planner John Clarke and Attorney Jennifer Gray with particular attention to areas of the law that pertain to the Planning Board's role. Generally, the Planning Board is in agreement with the local law which is comprehensive and structured in a way that makes sense. However, considerable discussion took place regarding whether the law should apply to Subdivision, Special Use Permit, and Variance approvals as well as site development plans. The current draft is limited only to applications for site development plans and members are concerned that omitting Subdivision, Special Use Permit and Variance applications from the scope of the viewshed protections may result in too many exceptions to the rule. The Planning Board recommends that the City Council consider whether those additional types of land use applications should be included in the scope of the proposed local law.

Should you have any questions or require additional information, please feel free to contact me.

Dutchess County Department of Planning and Development		Fax Info Only	To	Date	#pgs
			Co./Dept.	From	
			Fax #	Phone #	

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Numbers(s):

Project Name: **Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon Regarding Scenic Viewsheds Protection**

Applicant: **City of Beacon City Council**

Address of Property:

**Exempt Actions:*
239 Review is NOT Required**

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

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

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

Parcels within 500 feet of:

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

Date Response Requested: **3/11/2021**

Entered By: **Milone, Collin**

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

For County Office Use Only			
Response From Dutchess County Department of Planning and Development			
No Comments: ☒ Matter of Local Concern ☐ No Jurisdiction ☐ No Authority ☐ Withdrawn ☐ Incomplete - municipality must resubmit to County ☐ Exempt from 239 Review ☐ None		Comments Attached: ☐ Local Concern with Comments ☐ Conditional ☐ Denial ☐ Incomplete with Comments- municipality must resubmit to County ☐ Informal Comments Only (Action Exempt from 239 Review)	
Date Submitted: 3/1/2021	Notes:	☐ Major Project	
Date Received: 3/1/2021		Referral #: ZR21-055	
Date Requested: 3/11/2021			
Date Required: 3/30/2021	☐ Also mailed hard copy	Reviewer: Jennifer F. Coccozza	
Date Transmitted: 3/4/2021		Digitally signed by Jennifer F. Coccozza DN: CN=Jennifer F. Coccozza, C=US, O=Dutchess County, OU=Planning and Development, E=jcoccozza@dutchessny.gov Reason: I am the author of this document Location: your signing location here Date: 2021.03.04 15:05:32-05'00' Foxit Reader Version: 10.1.0	

DRAFT LOCAL LAW NO. ____ OF 2021

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO CREATE
CHAPTER 223, SECTION 25.1 OF THE CODE OF THE CITY OF
BEACON**

A LOCAL LAW to
create Chapter 223,
Section 25.1 of the
Code of the City of
Beacon concerning
Scenic Viewshed
Protection.

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

Section 1. Chapter 223, Section 25.1 of the Code of the City of Beacon is hereby created as follows:

§ 223-25.1 Scenic Viewshed Protection.

- A. Statutory authority. Pursuant to the General Municipal Law § 96-a of the State of New York and the General City Law of the State of New York, the Beacon City Council hereby enacts a Scenic Viewshed Protection Law.
- B. Legislative findings and purpose. The City of Beacon finds that certain public view locations and viewsheds, as herein defined, have a special scenic, historic, or aesthetic value and any future obstruction of such viewsheds would constitute an irreplaceable loss to the people of the City. It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and scenic use of designated view locations is a public necessity and is required in the interest of health, safety and general welfare. The purpose of this section is to:
 - (1) Safeguard the City's scenic and aesthetic resources, as embodied in designated viewpoints and viewsheds.
 - (2) Preserve property values in such scenic resource areas.
 - (3) Foster civic pride in the beauty of the City.

- (4) Implement the objectives and policies of the City's Comprehensive Plan, Local Waterfront Revitalization Program, and Natural Resources Inventory.

C. Legislative Intent

- (1) It is the intent of the City of Beacon to protect and preserve the scenic resources of the City, to ensure that the benefits provided by the scenic resource will not be lost for present and future generations, and to protect the broader public interest.
- (2) This section is enacted with the intent of providing an equitable balance between the rights of individual property owners to the use of their property and the rights of present and future generations to enjoy scenic viewsheds. Therefore, this section recognizes the rights of property owners that may be affected by a designated scenic resource to use their property for reasonable purposes consistent with these and other regulations and controls, provided that such use does not result in a significant loss or impairment to public scenic viewsheds.
- ~~(3)~~ It is not the intent of this section to protect views from private properties or to affect property development constructed prior to the designation of a specific scenic viewshed or scenic view location. However, it is the intent of the City of Beacon that the provisions of this section shall apply to any enlargement, alteration, improvement, or modification of any existing building or structure that affects a designated scenic viewshed.
- ~~(3)(4)~~ It is the intent of this section to protect viewsheds while allowing property to be developed in accordance with the City Zoning Code and New York State law. The Planning Board has the flexibility to modify the City's zoning regulations with respect to site layout and lot design, including minimum lot area, width, depth, and frontage, minimum front, side, and rear yards, and other similar requirements in the § 223-17, Schedule of Dimensional Regulations, as permitted in this section, to preserve designated viewsheds and permit proposed projects that otherwise meet the requirements of the City Code.

- D. Definitions. Unless specifically defined below, words or phrases in this section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this section its most reasonable application.

SCENIC VIEW LOCATION

A designated position from a public street, public sidewalk, public property, or publicly accessible easement at standing height in a designated direction that overlooks a scenic viewshed.

SCENIC VIEWSHED

A designated area which exhibits outstanding or unique arrangements of natural or built features, including water or water-related features, streetscape, landforms or vegetative patterns, or other historic or environmental features that provide inspiration, hold interest and command the attention of the viewing public. A scenic viewshed is visible from a scenic view location.

- E. Designation process. From time to time the City Council may ~~on its own motion~~, identify and designate certain areas within the City of Beacon as a scenic view location and a scenic viewshed:
- (1) The City Council shall identify a scenic view location and scenic viewshed for possible designation. The City Council shall prepare and make public a justification assessment which shall include maps, photographs, and a written description to describe the potential scenic view location and scenic viewshed under consideration.
 - (2) The City Council shall request comments regarding the potential scenic view location and scenic viewshed from the Planning Board and Conservation Advisory Committee. The City Council may also request comments from other officials and committees as the Council deems appropriate. All comments shall be provided to the City within 30 days of the City's initial request.
 - (3) After the City Council has identified a specific scenic view location and scenic viewshed for protection, it shall hold a public hearing on the designation of each identified scenic view location at which time the general public, interested parties, and property owners in the area shall have the opportunity to be heard regarding the proposed scenic view location and scenic viewshed designation.
 - (4) Notice of the public hearing on the designation of the scenic view location and scenic viewshed shall be provided as follows:
 - (a) The City shall submit a notice of public hearing to the official City newspaper and one additional local newspaper for publication at least 10 days before such hearing. The notice shall be published at the expense and direction of the City. The notice shall contain the time, date and place of the public hearing, and shall identify the view location and viewshed to be designated.
 - (b) Notice of the public hearing shall be sent by the City, by certified mail (return receipts not required) at least 10 days before such hearing to all property owners within a distance of 250 feet of any boundary of the proposed scenic view location. The notice shall contain the time, date and place of the public hearing, and shall identify the view location and viewshed to be designated.
 - (5) After conducting a public hearing on the intent to designate a scenic view location the City Council shall approve or disapprove the designation according to its regular

voting procedures and include any designated view location on the City of Beacon Zoning Map.

- (6) The designation of a scenic view location or scenic viewshed may be amended or rescinded by the City Council, after a public hearing.

F. Criteria for designation.

- (1) Prior to designating a scenic view location or scenic viewshed, the City Council must find the scenic view location or scenic viewshed possesses one or more of the following characteristics:
 - (a) The view represents a key view location for which public sensitivity to an alteration of the view will be the highest, such as at gateway entrances to the City, public parks, and major intersections.
 - (b) The view is illustrative of a natural landscape feature, water body, or geologic feature important to the natural character of the City. The City's Natural Resources Inventory identified three primary scenic viewsheds worthy of protection, including views of the Hudson River, Fishkill Creek, Fishkill Ridge and Mt. Beacon.
 - (c) The view encompasses a significant historic location which is important to the cultural history of the City. Designated view locations may include historic structures, but views of historic buildings shall be protected by the provisions in Chapter 134, Historic Preservation.
- (2) Scenic viewsheds shall possess a unique overall quality of scenic beauty.
- (3) If multiple nearby locations have similar views, the best view locations shall be designated.
- (4) Designation shall consider foreground elements and the longer-distance viewshed, as well as whether the view will be available in both summer and winter.
- (5) Only legally accessible public property, including existing roads, parks, or other legally accessible public property, may be designated as a protected scenic view location.

G. ~~Site development plan~~ Regulations for proposed projects affecting a designated scenic view location or designated scenic viewshed.

- (1) Where site development plan approval and/or subdivision approval is required by the Planning Board ~~pursuant to § 223-25~~, the Planning Board shall ~~consider make~~ specific findings concerning the consistency of the proposed development, alteration, modification or improvement with the provisions of this section.

- (2) Where special use permit approval or concept plan approval is required by the City Council, the City Council shall refer the special use permit or concept plan application to the Planning Board for comments. The Planning Board shall provide comments to the City Council concerning the consistency of the proposed development, alteration, modification or improvement with the provisions of this section prior to the close of any public hearing on the special use permit or concept plan application. Such comments shall be incorporated into any recommendation provided by the Planning Board to the City Council on the special use permit or concept plan application.
- (3) Where variance approval is required by the Zoning Board of Appeals, the Zoning Board of Appeals shall refer the variance application to the Planning Board for comments. The Planning Board shall provide comments to the Zoning Board of Appeals concerning the consistency of the proposed development, alteration, modification or improvement with the provisions of this section prior to the close of any public hearing on the variance application.
- (4) Where variance approval is required by the Zoning Board of Appeals, the Zoning Board of Appeals shall make specific findings concerning the consistency of the proposed development, alteration, modification or improvements with the provisions of this section when evaluating whether the requested use variance(s) will alter the essential character of the neighborhood or whether the requested area variance(s) will produce an undesirable change in the character of the neighborhood.
- (5) The City Council and City departments shall consider the consistency of any public project or improvement, such as decisions on parks, street trees and other public improvements, with the provisions of this section. The City shall consider the standards set forth in § 223-25.1G(7) when reviewing any public project or public improvement that may affect a designated scenic viewshed or scenic view location.
- ~~(4)~~(6) An application for site development plan approval, subdivision approval or variance approval for a proposed development, alteration, modification or improvement that may affect a designated scenic view location or designated scenic viewshed shall include a visual assessment of the proposed action as part of the application packet. The visual assessment shall include the following:
 - (a) An aerial photograph showing the subject property, adjoining parcels, and the designated view location and direction.
 - (b) Perspective drawings, plans and section diagrams, photographs, or photo-simulations of proposed improvements in relation to the designated view location and viewshed.

- (c) A written description of the proposed development, the predicted impacts on the designated view location and viewshed, and suggested mitigation measures to avoid any potential impacts.
- (d) The reviewing authority may request additional information as part of the review process.

~~(2)~~(7) Before granting or denying any site development plan, subdivision application or variance request, the Planning Board or the Zoning Board of Appeals shall consider the following standards, when reviewing a site development plan application, subdivision application or variance request that may affect a designated scenic viewshed or scenic view location:

- (a) The proposed activity, including any new structure, parking lot, overhead wires, antenna, light fixture, fencing, mechanical equipment, or other new site feature, shall be located or clustered on the parcel so as to avoid affecting the designated viewshed or cause the least possible obstruction of the view.
- (b) If there is no reasonable alternative on the site to placing a permitted building(s) near designated views, such building(s) shall be located to maintain a substantial viewshed corridor between buildings, thereby framing the view rather than obstructing it.
- (c) To protect designated scenic viewsheds over buildings, rooftop mechanical equipment and other potential roof-top obstructions shall be avoided, or at least minimized and screened, and any visible flat roof surfaces shall be integrated into views with green roof plantings or other architectural measures.
- (d) Disturbance to existing vegetation that contributes to the scenic viewshed shall only be permitted to the extent that it is absolutely necessary for the development or improvement. Existing overgrown vegetation that is blocking scenic views may be selectively cut down or trimmed back.
- (e) New landscaping, including trees, shrubs, and hedges, shall be planted so as to avoid obstruction of designated public viewsheds and maintained over time as a condition of any approval.
- (f) Development that may affect the designated viewshed shall be integrated with existing vegetation and kept screened behind and below the natural tree line, whenever possible.
- (g) Designated viewsheds may be additionally protected by providing enhanced scenic view locations as part of a development plan, such as the incorporation

of a publicly accessible viewpoint, greenspace, promenade, or Greenway Trail into the proposal.

~~(3)~~(8) The Planning Board or Zoning Board of Appeals may request alternative design options that would avoid or minimize negative impacts to the designated viewshed.

~~(4)~~(9) In order to achieve the purposes of this section, the Planning Board may modify the zoning regulations with respect to site layout and lot design, including minimum lot area, width, depth, and frontage, minimum front, side, and rear yards, and other similar requirements in the § 223-17, Schedule of Dimensional Regulations, provided that:

- (a) The permitted number of dwellings or overall square feet of development in no case exceeds the number that could be permitted if the land was developed in conformance with the normally applicable requirements of the zoning district.
- (b) The maximum permitted building height requirements shall be the same as those normally applicable to other dwellings in the zoning district.

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

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

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is

2/24/21

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.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information							
Proposed Local Law to Protect Scenic Viewsheds							
Name of Action or Project: Local Law to add Chapter 223, Section 25.1 to the Code of the City of Beacon concerning protection of scenic viewsheds.							
Project Location (describe, and attach a location map): City of Beacon							
Brief Description of Proposed Action: The City of Beacon finds that certain public view locations and viewsheds have a special scenic, historic, or aesthetic value and any future obstruction of such viewsheds would constitute an irreplaceable loss to the people of the City. The City of Beacon has prepared a proposed local law to create Chapter 223, Section 25.1 of the Code of the City of Beacon to protect and preserve the scenic resources of the City, to ensure that the benefits provided by the scenic resource will not be lost for present and future generations, and to protect the broader public interest. The purpose of the proposed local law is to safeguard the City's scenic and aesthetic resources.							
Name of Applicant or Sponsor: City of Beacon		Telephone: 845-383-5000					
		E-Mail: Mayor@cityofbeacon.org					
Address: 1 Municipal Plaza							
City/PO: Beacon		State: NY	Zip Code: 12509				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☐</td> <td>☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☐</td> <td>☐</td> </tr> </table>	NO	YES	☐	☐
NO	YES						
☐	☐						
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☐	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☐	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☐	YES ☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO ☐	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO ☐	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO ☐	YES ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>City of Beacon</u> Date: <u>1/14/2021</u>		
Signature: <u>Jim Garib</u> , on behalf of the city of Beacon Title: <u>City Attorney</u>		

Environmental Assessment Form
Part 1 – Project Information
Narrative Description

The City Council of the City of Beacon (“City Council”) has prepared a proposed local law to create Chapter 223, Section 25.1 of the Code of the City of Beacon to protect scenic viewsheds in the City of Beacon. Certain public view locations and viewsheds have a special scenic, historic, or aesthetic value and any future obstruction of such viewsheds would constitute an irreplaceable loss to the people of the City. The protection, enhancement, perpetuation, and scenic use of designated view locations is a public necessity and is required in the interest of health, safety and general welfare. It the intent of the proposed local law to protect and preserve the scenic resources of the City, to ensure that the benefits provided by the scenic resource will not be lost for present and future generations, and to protect the broader public interest. The proposed local law provides an equitable balance between the rights of individual property owners to the use of their property and the rights of present and future generations to enjoy scenic viewsheds. The proposed local law recognizes the rights of property owners that may be affected by a designated scenic resource to use their property for any reasonable purpose consistent the provisions of the proposed local law and other regulations and controls, provided that such use does not result in a significant loss or impairment to public scenic viewsheds or scenic view location.

The proposed local law establishes a process to identify and designate areas within the City of Beacon as scenic view locations and scenic viewsheds. A scenic view location is a designated position from a public street, public sidewalk, public property, or publicly accessible easement at standing height in a designated direction that overlooks a scenic viewshed. A scenic viewshed is designated area which exhibits outstanding or unique arrangements of natural or man-made features, including water or water-related features, streetscape, landforms or vegetative patterns, or other historic or environmental features that provide inspiration, hold interest and command the attention of the viewing public. A scenic viewshed is visible from a view location.

Prior to designating a scenic viewshed or scenic view location, the City Council must determine that the scenic viewshed or scenic view location meets the criteria for designation set forth in § 223-25.1.F(1) of the proposed local law.

Where site development plan approval and/or subdivision approval is required by the Planning Board, the Planning Board shall make specific findings concerning the consistency of the proposed development, alteration, modification or improvement with the provisions of this section.

Where special use permit approval or concept plan approval is required by the City Council, the City Council shall refer the special use permit or concept plan application to the Planning Board for comments. The Planning Board shall provide comments to the City Council concerning the consistency of the proposed development, alteration, modification or improvement with the provisions of this section prior to the close of any public hearing on the special use permit or concept plan application. Such comments shall be incorporated into any recommendation

provided by the Planning Board to the City Council on the special use permit or concept plan application.

Where variance approval is required by the Zoning Board of Appeals, the Zoning Board of Appeals shall refer the variance application to the Planning Board for comments. The Planning Board shall provide comments to the Zoning Board of Appeals concerning the consistency of the proposed development, alteration, modification or improvement with the provisions of this section prior to the close of any public hearing on the variance application.

Where variance approval is required by the Zoning Board of Appeals, the Zoning Board of Appeals shall make specific findings concerning the consistency of the proposed development, alteration, modification or improvements with the provisions of this section when evaluating whether the requested use variance(s) will alter the essential character of the neighborhood or whether the requested area variance(s) will produce an undesirable change in the character of the neighborhood.

The City Council and City departments shall consider the consistency of any public project or improvement, such as decisions on parks, street trees and other public improvements, with the provisions of this section. The City shall consider the standards set forth in § 223-25.1G(7) when reviewing any public project or public improvement that may affect a designated scenic viewshed or scenic view location.

Where site development plan, subdivision or variance approval is required by the Planning Board or the Zoning Board of Appeals, the reviewing board must consider the standards set forth in § 223-25.1.G(7) of the proposed local law to mitigate potential impacts to a designated scenic view location or designated scenic viewshed. In connection with its site development plan review or subdivision review, the Planning Board may request alternative design options that would avoid or minimize negative impacts to the designated viewshed.

The proposed local law will have a positive impact on the City's resources as the purpose of the proposed local law is to safeguard the City's scenic and aesthetic resources, as embodied in designated viewpoints and viewsheds.

Project: Local Law- Viewsheds

Date: 1/14/21

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:		
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The City Council of the City of Beacon (“City Council”) has prepared a proposed local law to create Chapter 223, Section 25.1 of the Code of the City of Beacon to protect scenic viewsheds in the City of Beacon. Certain public view locations and viewsheds have a special scenic, historic, or aesthetic value and any future obstruction of such viewsheds would constitute an irreplaceable loss to the people of the City. The protection, enhancement, perpetuation, and scenic use of designated view locations is a public necessity and is required in the interest of health, safety and general welfare. It the intent of the proposed local law to protect and preserve the scenic resources of the City, to ensure that the benefits provided by the scenic resource will not be lost for present and future generations, and to protect the broader public interest. The proposed local law provides an equitable balance between the rights of individual property owners to the use of their property and the rights of present and future generations to enjoy scenic viewsheds. The proposed local law recognizes the rights of property owners that may be affected by a designated scenic resource to use their property for any reasonable purpose consistent the provisions of the proposed local law, and other regulations and controls, provided that such use does not result in a significant loss or impairment to public scenic viewsheds. The law establishes a process to designate scenic view locations and scenic viewsheds and sets forth criteria the Planning Board must consider as part of its site development plan review for any proposed action that may affect a designated scenic viewshed or scenic view location.

The proposed local law will have a positive impact on the City's resources as the purpose of the proposed local law is to safeguard the City's scenic and aesthetic resources, as embodied in designated viewpoints and viewsheds. The proposed local law will not result in any significant adverse environmental impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Beacon City Council

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

City of Beacon City Council Agenda
03/15/2021

Title:

Resolution Authorizing the Issuance of up to \$505,000 Aggregate Principal Amount Serial Bonds to Finance the Costs of the Construction Improvements to City Hall_3.15.2021

ATTACHMENTS

Resolution Authorizing the Issuance of up to \$505,000 Aggregate Principal Amount Serial Bonds to Finance the Costs of the Construction Improvements to City Hall

February 18, 2021



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Orrick.com

Douglas E. Goodfriend

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D +1 212 506 5211
F +1 212 506 5151

VIA E-MAIL (stucker@cityofbeacon.org)

Susan K. Tucker, CPA
Director of Finance
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Discussion
Draft

Re: City of Beacon, Dutchess County, New York
City Hall Improvements - \$505,000 Bonds
Orrick File: 46739-2-500

Dear Susan:

We have prepared and enclose herewith a draft form of bond resolution relating to the above matter for possible adoption by the City Council. Please confirm SEQRA status with your engineers.

If utilized, please see that this resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the City Council. After adoption, the summary Legal Notice of Estoppel of the resolution, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

Douglas

Douglas E. Goodfriend

DEG/zmt
Enclosures
4125-5980-3171.02

cc: Ms. Beth Ferguson (w/encl.) (bferguson@fiscaladvisors.com)

**BOND ORDINANCE, DATED MARCH 15, 2021, AUTHORIZING THE
ISSUANCE OF UP TO \$505,000 AGGREGATE PRINCIPAL AMOUNT
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF
DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL
FINANCE LAW, TO FINANCE THE COSTS OF THE CONSTRUCTION
OF IMPROVEMENTS TO CITY HALL, IN AND FOR THE CITY.**

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to Section 617.5(c)(1) and 617.5(c)(2) of the New York State Environmental Quality Review Act ("SEQRA"), and accordingly no further environmental review is required; and

WHEREAS, the City Council of the City of Beacon (the "City"), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the construction of improvements to City Hall, in and for the City, including incidental equipment, improvements and expenses in connection therewith (the "Project"), at a total estimated cost not to exceed \$505,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$505,000 to finance the costs of the Project at a total estimated cost not to exceed \$505,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$505,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose as described in subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is twenty-five (25) years. The serial bonds authorized herein shall have a maximum maturity of the twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the City Council of the City will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact on the environment.

Section 8. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice

provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond ordinance is effective immediately upon adoption by the City Council of the City.

Resolution No. ____ of 2021			Date: <u>March 15, 2021</u>				
☐ Amendments			☐ On roll call			☐ 2/3 Required	
☐ Not on roll call.						☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March 15, 2021, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the seal of the City, this ____ day of March, 2021.

(SEAL)

IOLA C. TAYLOR
City Clerk
City of Beacon, New York

**CITY OF BEACON
COUNTY OF DUTCHESS, NEW YORK**

ESTOPPEL NOTICE

The bond ordinance, a summary of which is published herewith was adopted by the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, on March 15, 2021. The validity of the obligations authorized by such bond ordinance may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: March 15, 2021

/s/ Iola C. Taylor

IOLA C. TAYLOR

City Clerk

City of Beacon, New York

BOND ORDINANCE DATED MARCH 15, 2021.

BOND ORDINANCE, DATED MARCH 15, 2021, AUTHORIZING THE ISSUANCE OF UP TO \$505,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE CONSTRUCTION OF IMPROVEMENTS TO CITY HALL, IN AND FOR THE CITY.

Specific object or purpose:	Construction of City Hall improvements
Period of probable usefulness:	25 years
Maximum estimated cost:	\$505,000
Amount of obligations to be issued pursuant to this resolution:	\$505,000 bonds
SEQRA status:	Type II Action

City of Beacon City Council Agenda
03/15/2021

Title:

Resolution Authorizing the Issuance of up to \$525,000 Aggregate Principal Amount Serial Bonds to Finance the Cost of the Purchase of Equipment for the Highway Department_3.15.2021

ATTACHMENTS

Resolution Authorizing the Issuance of up to \$525,000 Aggregate Principal Amount Serial Bonds to Finance the Cost of the Purchase of Equipment for the Highway Department



February 18, 2021

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VIA E-MAIL (stucker@cityofbeacon.org)

Susan K. Tucker, CPA
Director of Finance
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Discussion
Draft

Re: City of Beacon, Dutchess County, New York
Purchase of Highway Equipment - \$525,000 Bonds
Orrick File: 46739-2-500

Dear Susan:

We have prepared and enclose herewith a draft form of bond resolution relating to the above matter for possible adoption by the City Council.

If utilized, please see that this resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the City Council. After adoption, the summary Legal Notice of Estoppel of the resolution, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

Douglas

Douglas E. Goodfriend

DEG/zmt
Enclosures
4145-2783-7739.01

cc: Ms. Beth Ferguson (w/encl.) (bferguson@fiscaladvisors.com)

**BOND ORDINANCE, DATED MARCH 15, 2021, AUTHORIZING THE
ISSUANCE OF UP TO \$525,000 AGGREGATE PRINCIPAL AMOUNT
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF
DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL
FINANCE LAW, TO FINANCE THE COST OF THE PURCHASE OF
EQUIPMENT FOR THE HIGHWAY DEPARTMENT, IN AND FOR THE
CITY.**

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to Section 617.5(c)(31) of the New York State Environmental Quality Review Act ("SEQRA"), and accordingly no further environmental review is required; and

WHEREAS, the City Council of the City of Beacon (the "City"), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the purchase of equipment for the Highway Department, each item of which costs \$30,000 or more, for the City, including incidental equipment and expenses in connection therewith (the "Project"), at a total estimated cost not to exceed \$525,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$525,000 to finance the costs of the Project at a total estimated cost not to exceed \$525,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$525,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a class of objects or purposes as described in subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is fifteen (15) years. The serial bonds authorized herein shall have a maximum maturity of the fifteen (15) years computed from the earlier of (a) the date of

the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the City Council of the City will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the

advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact on the environment.

Section 8. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the

agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond ordinance is effective immediately upon adoption by the City Council of the City.

Resolution No. ____ of 2021			Date: <u>March 15, 2021</u>				
☐ Amendments			☐ On roll call			☐ 2/3 Required	
☐ Not on roll call.						☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March 15, 2021, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the seal of the City, this ____ day of March, 2021.

(SEAL)

IOLA C. TAYLOR
City Clerk
City of Beacon, New York

**CITY OF BEACON
COUNTY OF DUTCHESS, NEW YORK**

ESTOPPEL NOTICE

The bond ordinance, a summary of which is published herewith was adopted by the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, on March 15, 2021. The validity of the obligations authorized by such bond ordinance may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: March 15, 2021

/s/ Iola C. Taylor

IOLA C. TAYLOR

City Clerk

City of Beacon, New York

BOND ORDINANCE DATED MARCH 15, 2021.

BOND ORDINANCE, DATED MARCH 15, 2021, AUTHORIZING THE ISSUANCE OF UP TO \$525,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COST OF THE PURCHASE OF EQUIPMENT FOR THE HIGHWAY DEPARTMENT, IN AND FOR THE CITY.

Class of objects or purposes:	Purchase of equipment for the Hwy. Dept., each item of which costs \$30,000 or more
Period of probable usefulness:	15 years
Maximum estimated cost:	\$525,000
Amount of obligations to be issued pursuant to this resolution:	\$525,000 bonds
SEQRA status:	Type II Action

City of Beacon City Council Agenda
03/15/2021

Title:

Resolution Authorizing the Issuance of up to \$640,000 Aggregate Principal Amount Serial Bonds to Finance the Cost of the Purchase of a Pumper Rescue Fire-Fighting Vehicle_3.15.2021

ATTACHMENTS

Resolution Authorizing the Issuance of up to \$640,000 Aggregate Principal Amount Serial Bonds to Finance the Cost of the Purchase of a Pumper Rescue Fire-Fighting Vehicle



February 18, 2021

Orrick, Herrington & Sutcliffe LLP
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New York, NY 10019-6142
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Douglas E. Goodfriend

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VIA E-MAIL (stucker@cityofbeacon.org)

Susan K. Tucker, CPA
Director of Finance
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Discussion
Draft

Re: City of Beacon, Dutchess County, New York
Pumper/Rescue Fire Fighting Vehicle - \$640,000 Bonds
Orrick File: 46739-2-500

Dear Susan:

We have prepared and enclose herewith a draft form of bond resolution relating to the above matter for possible adoption by the City Council. We understand that the dollar amount may change, taking into account trade-in/sale of old vehicle.

If utilized, please see that this resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the City Council. After adoption, the summary Legal Notice of Estoppel of the resolution, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

Douglas

Douglas E. Goodfriend

DEG/zmt
Enclosures
4139-0504-9131.01

cc: Ms. Beth Ferguson (w/encl.) (bferguson@fiscaladvisors.com)

**BOND ORDINANCE, DATED MARCH 15, 2021, AUTHORIZING THE
ISSUANCE OF UP TO \$640,000 AGGREGATE PRINCIPAL AMOUNT
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF
DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL
FINANCE LAW, TO FINANCE THE COST OF THE PURCHASE OF A
PUMPER RESCUE FIRE-FIGHTING VEHICLE, IN AND FOR THE
CITY.**

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to Section 617.5(c)(31) of the New York State Environmental Quality Review Act ("SEQRA"), and accordingly no further environmental review is required; and

WHEREAS, the City Council of the City of Beacon (the "City"), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the cost of the purchase of a pumper rescue fire-fighting vehicle, in and for the City, including incidental equipment and expenses in connection therewith (the "Project"), at a total estimated cost not to exceed \$640,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$640,000 to finance the costs of the Project at a total estimated cost not to exceed \$640,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$640,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose as described in subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is twenty (20) years. The serial bonds authorized herein shall have a maximum maturity of the twenty (20) years computed from the earlier of (a) the date of

the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the City Council of the City will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the

advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact on the environment.

Section 8. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the

agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond ordinance is effective immediately upon adoption by the City Council of the City.

Resolution No. ____ of 2021			Date: <u>March 15, 2021</u>				
☐ 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					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March 15, 2021, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the seal of the City, this ____ day of March, 2021.

(SEAL)

IOLA C. TAYLOR
City Clerk
City of Beacon, New York

**CITY OF BEACON
COUNTY OF DUTCHESS, NEW YORK**

ESTOPPEL NOTICE

The bond ordinance, a summary of which is published herewith was adopted by the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, on March 15, 2021. The validity of the obligations authorized by such bond ordinance may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: March 15, 2021

/s/ Iola C. Taylor

IOLA C. TAYLOR

City Clerk

City of Beacon, New York

BOND ORDINANCE DATED MARCH 15, 2021.

BOND ORDINANCE, DATED MARCH 15, 2021, AUTHORIZING THE ISSUANCE OF UP TO \$640,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COST OF THE PURCHASE OF A PUMPER RESCUE FIRE-FIGHTING VEHICLE, IN AND FOR THE CITY.

Specific object or purpose:	Purchase of a pumper rescue fire-fighting vehicle
Period of probable usefulness:	20 years
Maximum estimated cost:	\$640,000
Amount of obligations to be issued pursuant to this resolution:	\$640,000 bonds
SEQRA status:	Type II Action

City of Beacon City Council Agenda
03/15/2021

Title:

Resolution Authorizing the Issuance of up to \$7,113,000 Aggregate Principal Amount Serial Bonds to Finance the Costs of the Reconstruction of and Construction of Improvements to the City Sanitary Sewer System_3.15.2021

ATTACHMENTS

Resolution Authorizing the Issuance of up to \$7,113,000 Aggregate Principal Amount Serial Bonds to Finance the Costs of the Reconstruction of and Construction of Improvements to the City Sanitary Sewer System

February 18, 2021



Orrick, Herrington & Sutcliffe LLP
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F +1 212 506 5151

VIA E-MAIL (stucker@cityofbeacon.org)

Susan K. Tucker, CPA
Director of Finance
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Discussion
Draft

Re: City of Beacon, Dutchess County, New York
Sanitary Sewer System - \$7,113,000 Bonds
Orrick File: New

Dear Susan:

We have prepared and enclose herewith a draft form of bond resolution relating to the above matter for possible adoption by the City Council. Please confirm SEQRA status with your engineers.

If utilized, please see that this resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the City Council. After adoption, the summary Legal Notice of Estoppel of the resolution, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

Douglas

Douglas E. Goodfriend

DEG/zmt
Enclosures
4140-4706-5899.01

cc: Ms. Beth Ferguson (w/encl.) (bferguson@fiscaladvisors.com)

**BOND ORDINANCE, DATED MARCH 15, 2021, AUTHORIZING THE
ISSUANCE OF UP TO \$7,113,000 AGGREGATE PRINCIPAL AMOUNT
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF
DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL
FINANCE LAW, TO FINANCE THE COSTS OF THE
RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS
TO THE CITY SANITARY SEWER SYSTEM, IN AND FOR THE CITY.**

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to Section 617.5(c)(2) and 617.5(c)(9) of the New York State Environmental Quality Review Act, and accordingly no further environmental review is required; and

WHEREAS, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the reconstruction of and construction of improvements to the City sanitary sewer system, in and for the City, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith (the “Project”), at a total estimated cost not to exceed \$7,113,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$7,113,000 to finance the costs of the Project at a total estimated cost not to exceed \$7,113,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$7,113,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a class of objects or purposes as described in subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of the forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds hereby delegated to the City Administrator, shall include the power to sell said bonds to the New York State Environmental Facilities Corporation.

Section 6. The City Administrator is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 7. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Administrator. Such notes shall be of such terms, form and contents as may be prescribed by said City Administrator consistent with the provisions of the Local Finance Law.

Section 8. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 9. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. Prior to the issuance of any obligations authorized herein, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the City Council of the City will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact on the environment.

Section 11. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 12. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the

issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 13. This bond ordinance is effective immediately upon adoption by the City Council of the City.

Resolution No. ____ of 2021			Date: <u>March 15, 2021</u>				
☐ Amendments			☐ On roll call			☐ 2/3 Required	
☐ Not on roll call.						☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March 15, 2021, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the seal of the City, this ____ day of March, 2020.

(SEAL)

IOLA C. TAYLOR
City Clerk
City of Beacon, New York

**CITY OF BEACON
COUNTY OF DUTCHESS, NEW YORK**

ESTOPPEL NOTICE

The bond ordinance, a summary of which is published herewith was adopted by the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, on March 15, 2021. The validity of the obligations authorized by such bond ordinance may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: March 15, 2021

/s/ Iola C. Taylor

IOLA C. TAYLOR

City Clerk

City of Beacon, New York

BOND ORDINANCE DATED MARCH 15, 2021.

BOND ORDINANCE, DATED MARCH 15, 2021, AUTHORIZING THE ISSUANCE OF UP TO \$7,113,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY SANITARY SEWER SYSTEM, IN AND FOR THE CITY.

Class of objects or purposes:	Reconstruction/construction of improvements to the City sanitary sewer system
Period of probable usefulness:	40 years
Maximum estimated cost:	\$7,113,000
Amount of obligations to be issued pursuant to this resolution:	\$7,113,000 bonds
SEQRA status:	Type II Action

City of Beacon City Council Agenda
03/15/2021

Title:

Resolution Authorizing the Issuance of up to \$730,000 Aggregate Principal Amount Serial Bonds to Finance the Costs of the Reconstruction of and Construction of Improvements to the City Water Supply Treatment and Distribution System_3.15.2021

ATTACHMENTS

Resolution Authorizing the Issuance of up to \$730,000 Aggregate Principal Amount Serial Bonds to Finance the Costs of the Reconstruction of and Construction of Improvements to the City Water Supply Treatment and Distribution System



February 18, 2021

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VIA E-MAIL (stucker@cityofbeacon.org)

Susan K. Tucker, CPA
Director of Finance
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Discussion
Draft

Re: City of Beacon, Dutchess County, New York
Water Supply Treatment and Distribution System - \$730,000 Bonds
Orrick File: New

Dear Susan:

We have prepared and enclose herewith a draft form of bond resolution relating to the above matter for possible adoption by the City Council. Please confirm SEQRA status with your engineers.

If utilized, please see that this resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the City Council. After adoption, the summary Legal Notice of Estoppel of the resolution, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

Douglas

Douglas E. Goodfriend

DEG/zmt
Enclosures
4156-0683-4211.02

cc: Ms. Beth Ferguson (w/encl.) (bferguson@fiscaladvisors.com)

**BOND ORDINANCE, DATED MARCH 15, 2021, AUTHORIZING THE
ISSUANCE OF UP TO \$730,000 AGGREGATE PRINCIPAL AMOUNT
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF
DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL
FINANCE LAW, TO FINANCE THE COSTS OF THE
RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS
TO THE CITY WATER SUPPLY TREATMENT AND DISTRIBUTION
SYSTEM, IN AND FOR THE CITY.**

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to Section 617.5(c)(2) and 617.5(c)(9) of the New York State Environmental Quality Review Act, and accordingly no further environmental review is required; and

WHEREAS, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the reconstruction of and construction of improvements to the City water supply, treatment and distribution system, in and for the City, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith (the “Project”), at a total estimated cost not to exceed \$730,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$730,000 to finance the costs of the Project at a total estimated cost not to exceed \$730,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$730,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a class of objects or purposes as described in subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of the forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds hereby delegated to the City Administrator, shall include the power to sell said bonds to the New York State Environmental Facilities Corporation.

Section 6. The City Administrator is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 7. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Administrator. Such notes shall be of such terms, form and contents as may be prescribed by said City Administrator consistent with the provisions of the Local Finance Law.

Section 8. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 9. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. Prior to the issuance of any obligations authorized herein, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the City Council of the City will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact on the environment.

Section 11. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 12. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the

issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 13. This bond ordinance is effective immediately upon adoption by the City Council of the City.

Resolution No. ____ of 2021			Date: <u>March 15, 2021</u>				
☐ 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					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March 15, 2021, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the seal of the City, this ____ day of March, 2020.

(SEAL)

IOLA C. TAYLOR
City Clerk
City of Beacon, New York

**CITY OF BEACON
COUNTY OF DUTCHESS, NEW YORK**

ESTOPPEL NOTICE

The bond ordinance, a summary of which is published herewith was adopted by the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, on March 15, 2021. The validity of the obligations authorized by such bond ordinance may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: March 15, 2021

/s/ Iola C. Taylor

IOLA C. TAYLOR

City Clerk

City of Beacon, New York

BOND ORDINANCE DATED MARCH 15, 2021.

BOND ORDINANCE, DATED MARCH 15, 2021, AUTHORIZING THE ISSUANCE OF UP TO \$730,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY WATER SUPPLY TREATMENT AND DISTRIBUTION SYSTEM, IN AND FOR THE CITY.

Class of objects or purposes:	Reconstruction/construction of improvements to the City water supply, treatment and distribution system
Period of probable usefulness:	40 years
Maximum estimated cost:	\$730,000
Amount of obligations to be issued pursuant to this resolution:	\$730,000 bonds
SEQRA status:	Type II Action

City of Beacon City Council Agenda
03/15/2021

Title:

Resolution Approving Proposed Budget Amendments_3.15.2021

ATTACHMENTS

[Resolution Approving Proposed Budget Amendments](#)

[Budget Amendments](#)

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2021

RESOLUTION APPROVING PROPOSED BUDGET AMENDMENTS

BE IT RESOLVED, that the City Council of the City of Beacon hereby approves the attached budget amendment.

Resolution No. _____ of 2021			Date: <u>March 15, 2021</u>				
☐ 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					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

Council Budget Amendments
March 15, 2021 Meeting

1. Amend the 2020 budget for the accrual and payment for the Retroactive pay for 2020 Administrative salaries and vacation buyout due to COVID-19. Below is the proposed budget amendment:

Transfer to:

A -01-1210-106000- CLERICAL SALARIES	\$ 1,116
A -01-1230-106000- CLERICAL SALARIES	2,123
A -01-1325-101000- REGULAR SALARIES	6,471
A -01-1410-101000- REGULAR SALARIES	2,431
A -03-3120-100200- POLICE CHIEF SALARY	2,130
A -03-3410-100201- FIRE CHIEF SALARY	3,377
A -05-5110-100401- SUPERINTENDENT SALARY	1,784
A -07-7140-101000- REGULAR SALARIES	2,720
A -07-7140-109102- RECREATION DIRECTOR	1,608
F -08-8340-100401- SUPERINTENDENT SALARY	1,674
Total	<u>\$ 25,434</u>

Transfer from:

A -01-1230-101000- REGULAR SALARIES	\$ 23,760
F -08-8340-101000- REGULAR SALARIES	1,674
Total	<u>\$ 25,434</u>

2. Amend the 2020 budget for the accrual and payment for the Retroactive pay for 2020 IAFF contract settlement. Below is the proposed budget amendment:

Transfer to:

A -03-3410-101002- RETROACTIVE PAY	<u>\$ 40,567</u>
------------------------------------	------------------

Transfer from:

A -01-1990-400001- CONTINGENCY FUND	\$ 4,241
A -05-5142-105000- OVERTIME	36,326
	<u>\$ 40,567</u>

3. Amend the 2021 General Fund and Sewer Fund Budgets for payments of unused accumulation of time for 2 Sergeants, the City Administrator and a Sewer Treatment Plant Operator. Below is the proposed budget amendment:

Council Budget Amendments
March 15, 2021 Meeting

Transfer to:

A -01-1230-190000-	SEVERANCE/RETIREMENT PAY	\$ 42,489
A -03-3120-190000-	SEVERANCE/RETIREMENT PAY	105,453
G -08-8130-190000-	SEVERANCE/RETIREMENT PAY	<u>40,697</u>
	Total	<u>\$188,639</u>

Transfer from:

A -01-1990-400004-	CONTINGENCY-RETIREMENT	\$147,942
F -01-1990-400004-	CONTINGENCY-RETIREMENT	40,500
F -01-1990-400001-	CONTINGENCY FUND	<u>197</u>
	Total	<u>\$188,639</u>

Respectfully submitted,
Susan K. Tucker CPA

City of Beacon City Council Agenda
03/15/2021

Title:

Resolution Adopting the Length of Service Award Program ("LOSAP") Investment Policy_3.15.2021

ATTACHMENTS

[Resolution Adopting the Length of Service Award Policy Investment Policy](#)

[Proposed Investment Policy](#)



CITY OF BEACON
CITY COUNCIL

Resolution No. _____ of 2021

**RESOLUTION ADOPTING THE LENGTH OF SERVICE AWARD PROGRAM
(LOSAP) INVESTMENT POLICY**

WHEREAS, RBC Wealth Management has been the City’s investment managers for the City of Beacon Fire Department’s defined Length of Service Award Program (“LOSAP”) since September 2005; and

WHEREAS, RBC Wealth Management prepared an Investment Policy Statement (“IPS”) for the City of Beacon; and

WHEREAS, the IPS was designed by RBC Wealth Management to assist the City in effectively supervising, monitoring and evaluating the investment of the City’s LOSAP assets.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Beacon hereby adopts the Investment Policy Statement dated March, 2021 prepared by RBC Wealth Management and authorizes the Mayor or the City Administrator to sign the Investment Policy Statement; and

Resolution No. ____ of 2021			Date: <u>March 15, 2021</u>				
☐ 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					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

Proposed sample

Investment Policy Statement

City of Beacon

Defined Benefit Length of Service Award Program

Retirement Plan – Directed by

Board of Trustees

Approved March, 2021

**RBC Wealth Management, a division of RBC Capital Markets Corporation,
Member NYSE/FINRA/SIPC**

This Investment Policy Statement should be reviewed from time to time with the Sponsoring Board's Investment Advisor. Any change to this policy should be communicated in writing and on a timely basis to the Investment Advisor. If any term or condition of this Investment Policy Statement conflicts with any trust and/or plan document, the document shall control, as long as such term or condition is consistent with the law

Executive Summary

Type of Client:	Non ERISA LOSAP Plan – Board Directed
Plan Name:	City of Beacon LOSAP Defined Benefit Plan
Client Sub-type:	ERISA Exempt
Fiduciary Standard of Care:	Other - Prudent Man Rule
Tax Id:	14-6002076
Current Assets:	\$ 800,000
Time Horizon:	Long - More than 20 years
Modeled Return:	5.25%

Allocation Range Legend

LL: Lower Limit

SA: Strategic Allocation

UL: Upper Limit

Broad Asset Class	Peer Group	LL	SA	UL
Cash & Cash Equivalents	Cash Equivalents	1.0	3.0	20.0
Fixed Income		50.0	57.0	64.0
	U.S. Gov't Fixed Income	12.0	19.0	26.0
	U.S. ESG Corp Investment Grade Fixed Income	16.0	23.0	30.0
	U.S. ESG Corp High Yield Fixed Income	0.0	4.0	8.0
	International Fixed Income	2.0	8.0	14.0
	Emerging Markets Fixed Income	0.0	4.0	8.0
Equity		50.0	40.0	70.0
	U.S. ESG Large Cap	12.0	18.0	24.0
	U.S. ESG Mid-Cap	3.0	6.0	9.0
	U.S. ESG Small Cap	0.0	0.0	7.0
	International ESG Equity	12.0	16.0	20.0
	Emerging ESG Markets Equity	0.0	0.0	5.0
Alternatives		0.0	0.0	20.00
Total			100.0	

It is the intent of the City Council to implement an ESG strategy over 2 years.

Purpose

The purpose of this Investment Policy Statement (IPS) is to assist the Sponsoring (Board) in effectively supervising, monitoring and evaluating the investment of the Town's Length of Service Award Plan (Plan) assets. The Plan's investment program is defined in the various sections of this IPS by:

1. Stating in a written document the Board's attitudes, expectations, objectives and guidelines for the investment of all of the Plan's assets.
2. Encouraging effective communications between the Board and all parties involved with the investment management decisions.
3. Establishing formal criteria to select, monitor, evaluate and compare the performance results achieved by each investment option on a regular basis.
4. Setting forth an investment structure for managing the Plan's assets. This structure includes various asset classes, investment management styles, asset allocation and acceptable ranges that, in total, are expected to produce an appropriate level of overall diversification and total investment return over the investment time horizon.
5. Providing guidelines for each investment portfolio that control the level of overall risk and liquidity assumed in that portfolio, so all Plan assets are managed in accordance with stated objectives.

Statement of Objectives

Background

The Plan is a defined benefit plan established in 2001 and currently covers 57 participants. Plan size is currently \$ 800,000 and annual contributions should total \$ 50,400. The purpose of the plan is to retain and recruit active volunteer firefighters and/or EMT's.

This IPS has been arrived at upon consideration by the Board by a wide range of policies, and describes the prudent investment process the Board deems appropriate. This process includes offering various asset classes and investment management styles that, in total, are expected to offer the opportunity to diversify the portfolio in a manner consistent with the specified risk and return requirements of the portfolio.

The objectives of the Plan are:

1. Have the ability to pay all benefit and expense obligations when due.
2. Control costs of administering the plan and managing the investments.
3. Maximize return within reasonable and prudent levels of risk in order to minimize contributions.

Time Horizon

The investment guidelines are based upon an investment horizon of greater than twenty years. The Plan's strategic asset allocation is also based on this long-term perspective. Short-term liquidity requirements are anticipated to be covered by the plans assets.

Risk Tolerances

The Board recognizes that some risk must be assumed in order to achieve the investment objectives of the plan. In establishing the risk tolerances of the IPS, the ability to withstand short and intermediate term variability were considered.

A 1-yr loss limit of -9.5% has been calculated for the portfolio. Statistically speaking, there is a 5% chance (once in every twenty years) that the 1-year return will actually be lower than -9.5%.

In summary, The Plan's long time horizon, current financial condition and several other factors suggest collectively some interim fluctuations in market value and rates of return may be tolerated in order to achieve the longer-term objectives.

Performance Expectations

The desired investment objective is a long-term rate of return on assets that is at least 5.25%. The target rate of return for the Plan has been based upon the assumption that future real returns will approximate the long-term rates of return experienced for each asset class in the IPS.

The Board realizes market performance varies and a 5.25% rate of return may not be meaningful during some periods. Accordingly, relative performance benchmarks for the investment options are set forth in the "Monitoring" section.

Duties and Responsibilities

LOSAP Sponsoring Board

As fiduciaries under the Plan, the primary responsibilities of the Board are:

1. Prepare and maintain this investment policy statement.
2. Prudently diversify the Plan's assets to meet an agreed upon risk/return profile.
3. Prudently select investment options.
4. Control and account for all investment, record keeping and administrative expenses associated with the Plan.
5. Monitor and supervise all service vendors and investment options.
6. Avoid prohibited transactions and conflicts of interest.

Custodian

Custodians are responsible for the safekeeping of the Plan's assets. The specific duties and responsibilities of the custodian are:

1. Value the holdings.
2. Collect all income and dividends owed to the Plan.
3. Settle all transactions (buy-sell orders).
4. Provide monthly reports that detail transactions, cash flows, securities held and their current value, and change in value of each security and the overall Plan since the previous report.
5. Maintain separate accounts by legal registration.

Investment Advisor

The Investment Advisor serves as an objective, third-party professional retained to assist the Board in managing the overall investment process. The Advisor is responsible for managing the assets and guiding the Board through a disciplined and rigorous investment process to enable the Board to meet the fiduciary responsibilities outlined above.

Asset Class Guidelines

The Board believes long-term investment performance, in large part, is primarily a function of asset class mix. The Board has reviewed the long-term performance characteristics of the broad asset classes, focusing on balancing the risks and rewards.

Historically while interest-generating investments, such as bonds, have the advantage of relative stability of principal value, they provide little opportunity for real long-term capital growth due to their susceptibility to inflation. On the other hand, equity investments, such as common stocks, clearly have a significantly higher expected return but have the disadvantage of much greater year-by-year variability of return. From an investment decision-making point of view, this year-by-year variability may be worth accepting given the Plan's long time horizon.

The following asset classes were selected and ranked in ascending order of "risk" (least to most) according to the most recent quarter's median 3-year Standard Deviation values.

Money Market Taxable
U.S. Government Fixed Income
U.S. Corporate Investment Grade Fixed Income
International Fixed Income
U.S. Corporate High Yield Fixed Income
Emerging Market Fixed Income
U.S. Large Cap Equity
U.S. Mid Cap Equity
International Equity
U.S. Small Cap Equity
Emerging Market Equity

The performance expectations (both risk and return) of each broad asset class are contained in Appendix A.

Rebalancing of Strategic Allocation

The percentage allocation to each asset class may vary depending upon market conditions. Please reference the allocation table in the Executive Summary for the lower and upper limits for each asset class. When necessary and/or available, cash inflows/outflows will be deployed in a manner consistent with the strategic asset allocation and allocation ranges of the Plan. If there are no cash flows, the allocation of the Plan will be reviewed quarterly.

If the Board judges cash flows to be insufficient to bring the Plan within the target allocation ranges, the Board shall decide whether to effect transactions to bring the allocation of Plan assets within the threshold ranges.

Implementation

The Board will apply the following due diligence criteria in selecting each money manager or mutual fund.

1. Regulatory oversight: Each investment option should be managed by: (i) a bank; (ii) an insurance company; (iii) a registered investment company (mutual fund); or, (iiii) a registered investment adviser.
2. Correlation to style or peer group: The investment option should be highly correlated to the asset class being implemented. This is one of the most critical parts of the analysis since most of the remaining due diligence involves comparisons of the investment option to the appropriate peer group.
3. Performance relative to a peer group: The investment option's performance should be evaluated against the peer group's median manager return, for 1-, 3- and 5-year cumulative periods.
4. Performance relative to assumed risk: The investment option's risk-adjusted performance (Alpha and/or Sharpe Ratio) should be evaluated against the peer group's median manager's risk-adjusted performance.
5. Minimum track record: The investment option should have sufficient history so that performance statistics can be properly calculated.
6. Assets in the product: The investment option should have sufficient assets so that the portfolio manager can properly trade the account.
7. Holdings consistent with style: The underlying securities of the investment option should be consistent with the associated broad asset class.
8. Expense ratios/fees: The investment option's fees should be fair and reasonable. Core/Satellite approach can be implemented to control expenses. This is the recognition that passive management and index funds should be used for the more efficient asset classes combined with active management for less efficient asset classes.
9. Stability of the organization: There should be no perceived organizational problems.

Monitoring

Performance Objectives

The Board acknowledges fluctuating rates of return characterize the securities markets, particularly during short-term time periods. Recognizing that short-term fluctuations may cause variations in performance, the Board intends to evaluate investment performance from a long-term perspective.

The Board is aware the ongoing review and analysis of the investment options is just as important as the due diligence process. The performance of the investment options will be monitored on an ongoing basis and it is at the Board's discretion to take corrective action by replacing a manager if they deem it appropriate at any time.

On a timely basis, but not less than annually, the Board will meet to review whether each investment option continues to conform to the search criteria outlined in the implementation section; specifically:

1. The investment option's adherence to the watch list criteria;
2. Material changes in the investment option's organization, investment philosophy and/or personnel; and,
3. Any legal, SEC and/or other regulatory agency proceedings affecting the investment options organization.

Benchmarks

The Board has determined it is in the best interest of the Plan's participants that performance objectives be established for each investment option. Manager performance will be evaluated in terms of an appropriate market index (e.g. the S&P 500 stock index for large-cap domestic equity manager) and the relevant peer group (e.g. the large-cap growth mutual fund universe for a large-cap growth mutual fund).

Peer Group

Index

U.S. Government Fixed Income Agg	BBg Barc US
U.S. Corporate Investment Grade Fixed Income	BBg Barc US Corp Bond
U.S. Corporate High Yield Fixed Income	ICE BofA US High Yield
International Fixed Income	BBg Barc Global Agg
Emerging Market Fixed Income	JPM EMBI
U.S. Large Cap Equity	Russell 1000
U.S. Mid Cap Equity	Russel Mid Cap Index
U.S. Small Cap Equity	Russell 2000
International Equity	MSCI ACWI Ex US
Emerging Market Equity	MSCI EM

Watch List Criteria

An investment option may be placed on a Watch List and a thorough review and analysis of the investment option may be conducted, when:

1. An investment option performs below median for their peer group over a 1-, 3- and/or 5-year cumulative period.
2. An investment option's 3-year risk adjusted return (Alpha and/or Sharpe) falls below the peer group's median risk adjusted return.
3. There is a change in the professionals managing the investment option.
4. There is a significant decrease or increase in the investment option's assets.
5. There is an indication the investment option is deviating from the stated style and/or strategy.
6. There is an increase in the investment option's fees and expenses.
7. Any extraordinary event occurs that may interfere with the investment option's ability to prudently manage investment assets.

The decision to retain or terminate an investment option cannot be made by a formula. It is the Board's confidence in the investment option's ability to perform in the future that ultimately determines the retention of an investment option.

Measuring Costs

The Board will review at least annually all costs associated with the management of the Plan, including:

1. Expense ratios of each mutual fund against the appropriate peer group.
2. Administrative Fees; costs to administer the Plan, including record keeping, custody and trust services.
3. The proper identification and accounting of all parties receiving soft dollars and/or 12b-1 fees generated by the Portfolio.

Investment Policy Review

The Board will review this IPS at least annually to determine whether stated investment objectives are still relevant and the continued feasibility of achieving the same. It is not expected that the IPS will change frequently. In particular, short-term changes in the financial markets should not require adjustments to the IPS.

Prepared by:

Signature

Date

David M Rogers
RBC Wealth Management

Approved by:
LOSAP Sponsoring Board

Mayor

Date

City of Beacon City Council Agenda
03/15/2021

Title:

Resolution Adopting the City of Beacon Operation Plan for Public Health Emergencies_3.15.2021

ATTACHMENTS

[Resolution Adopting the City of Beacon Operation Plan for Public Health Emergencies](#)

[Operation Plans in the Event of Public Health Emergencies](#)

CITY OF BEACON
CITY COUNCIL

Resolution No. _____ of 2021

RESOLUTION ADOPTING THE CITY OF BEACON OPERATION PLAN FOR
PUBLIC HEALTH EMERGENCIES

IT IS HEREBY RESOLVED that the City Council of the City of Beacon adopts the
Operation Plan for Public Health Emergencies.

Resolution No. _____ of 2021			Date: <u>March 15, 2021</u>				
☐ Amendments			☐ On roll call			☐ 2/3 Required	
☐ Not on roll call.						☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							

City of Beacon Dutchess County, New York

Operation Plan for Public Health Emergency



March 10, 2021- Draft Version 3

This plan has been developed in accordance with NYS legislation S8617B/A10832.

Promulgation

This plan has been developed in accordance with the amended New York State Labor Law section 27-c.

This plan has been developed with the input of CSEA Local 1000 AFSCME, AFL-CIO, IAFF Local 3490, and the Beacon Patrolmen's Benevolent Association, Inc., as required by the amended New York State Labor Law.

No content of this plan is intended to impede, infringe, diminish, or impair the rights of us or our valued employees under any law, rule, regulation, or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship.

This plan has been approved in accordance with requirements applicable to the agency, jurisdiction, authority, or district, as represented by the signature of the authorized individual below.

As the authorized official of City of Beacon, I hereby attest that this plan has been developed, approved, and placed in full effect in accordance with S8617B/A10832 which amends New York State Labor Law section 27-c to address public health emergency planning requirements.

Signed on this day: **Insert Date**

By: Christopher White

Signature:

Title: City Administrator



Record of Changes

Date of Change	Description of Change	Implemented by
01.12.2021	Draft Plan Version 1	Anthony Ruggiero
01.28.2021	Comments received by Kate Fitzpatrick, Labor Relations Specialist, CSEA, Local 1000, Southern Region III	Anthony Ruggiero
02.23.2021	Approval by Michael Merritt, President, IAFF, Local 3490	Christopher White
03.05.2021	Comments from Oscar Vargas, President, Patrolmen's Benevolent Association incorporated with minor revisions.	Christopher White
03.11.2021	Minor edits made based on City Council comments	Christopher White



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Purpose, Scope, Situation Overview, and Assumptions

Purpose

This plan has been developed in accordance with the amended New York State Labor Law section 27-c. This law was amended by the passing of legislation S8617B/A10832 signed by the Governor of New York State on September 7, 2020, which requires public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease. The plan includes the identification of essential positions, facilitation of remote work for non-essential positions, provision of personal protective equipment, and protocols for supporting contact tracing.

Scope

This plan was developed exclusively for and is applicable to the City of Beacon (the “City”). This plan is pertinent to a declared public health emergency in the State of New York which may impact operations. It is in the interest of the safety of the City’s employees, contractors and the public, and the continuity of operations that the City has promulgated this plan.

Situation Overview

On March 11, 2020 the World Health Organization declared a pandemic for the novel coronavirus which causes the COVID-19 severe acute respiratory syndrome. This plan has been developed in accordance with amended laws to support continued resilience in the event of continuation of the spread of this disease or for other infectious diseases which may emerge and cause a declaration of a public health emergency.

The health and safety of City employees and contractors is crucial to maintaining mission essential operations. We encourage all employees and contractors to use [CDC Guidance for Keeping Workplaces, Schools, Homes, and Commercial Establishments Safe](#). The fundamentals of reducing the spread of infection include:

- Use hand sanitizer and washing hands with soap and water frequently, including:
 - After using the restroom
 - After returning from a public outing
 - After touching/disposing of garbage
 - After using public computers and copiers, touching public tables, and countertops, etc.
- Practice social distancing when possible
- If you are feeling ill or have a fever, notify your supervisor immediately and go home
- If you start to experience coughing or sneezing, step away from people and food, cough or sneeze into the crook of your arm or a tissue, the latter of which should be disposed of immediately
- Clean and disinfect workstations at the beginning, middle, and end of each shift
- Follow additional guidance which may be published by the CDC, the New York State Department of Health, or the Dutchess County Department of Behavioral & Community Health.

Planning Assumptions

This plan was developed based on information, best practices, and guidance available as of the date of publication. The plan was developed to largely reflect the circumstances of the current Coronavirus pandemic (“COVID-19”) but may also be applicable to other infectious disease outbreaks.

The following assumptions have been made in the development of this plan:

- The health and safety of our employees and contractors, and their families, is of utmost importance.



- The circumstances of a public health emergency may directly impact City operations.
- Impacts of a public health emergency will take time for the City to respond to, with appropriate safety measures put into place and adjustments made to operations to maximize safety.
- The public and our constituency rely on the City to maintain a level of mission essential operations.
- Resource support from other jurisdictions may be limited based upon the level of impact the public health emergency has upon them.
- Supply chains, particularly those for personal protective equipment (PPE) and cleaning supplies, may be heavily impacted, resulting in considerable delays in procurement.
- The operations of other entities, including the private sector (vendors, contractors, etc.), non-profit organizations, and other governmental agencies and services may also be impacted due to the public health emergency, causing delays or other disruptions in their services.
- Emergency measures and operational changes may need to be adjusted based upon the specific circumstances and impacts of the public health emergency, as well as guidance and direction from public health officials and the Governor.
- Per S8617B/A10832, ‘essential employee’ is defined as a public employee or contractor that is required to be physically present at a work site to perform their job.
- Per S8617B/A10832, ‘non-essential employee’ is defined as a public employee or contractor that is not required to be physically present at a work site to perform their job.

Concept of Operations

The Mayor of the City of Beacon, his/her designee, or his/her successor holds the authority to execute and direct the implementation of this plan. Implementation, monitoring of operations, and adjustments to plan implementation may be supported by additional personnel, at the discretion of the Mayor.

Upon the determination of implementing this plan, all employees and contractors of the City of Beacon shall be notified by phone and/or email as necessary, with details provided as possible and necessary, with additional information and updates provided on a regular basis. The City Council, City Staff and consultants, the Beacon City Court, and local residents will be notified of pertinent operational changes by way of emails, Swift 911, Channel 22 (City of Beacon TV), Facebook, and/or the City website. Other interested parties, such as vendors, will be notified by phone and/or email as necessary. The City Administrator will maintain communications with the public and constituents as needed throughout the implementation of this plan.

The Mayor of the City of Beacon, his/her designee, or his/her successor will maintain awareness of information, direction, and guidance from public health officials and the Governor’s office, directing the implementation of changes as necessary.

Upon resolution of the public health emergency as determined by the Governor of the State of New York, the Mayor of the City of Beacon, his/her designee, or his/her successor will direct the resumption of normal operations or operations with modifications as necessary.

Mission Essential Functions

When confronting events that disrupt normal operations, the City of Beacon is committed to ensuring that essential functions will be continued even under the most challenging circumstances.

Essential functions are those functions that enable the City of Beacon to:



1. Maintain the safety of employees, contractors, and our constituency
2. Provide vital services
3. Provide services required by law
4. Sustain quality operations
5. Uphold the core values of the City of Beacon

The City has identified as critical only those priority functions that are required or are necessary to provide vital services. During activation of this plan, all other activities may be suspended to enable the organization to concentrate on providing the critical functions and building the internal capabilities necessary to increase and eventually restore operations. Appropriate communications with employees, contractors, residents, and other stakeholders will be an ongoing priority.

Essential functions are prioritized according to:

- The time criticality of each essential function
- Interdependency of a one function to others
- The recovery sequence of essential functions and their vital processes

Priority 1 identifies the most essential of functions, with priority 4 identifying functions that are essential, but least among them.

The mission essential functions for City of Beacon have been identified as:

Essential Function	Description	Priority
Information Technology	Provides all hardware and software for the City's Computer operations. Maintains the City's network and phone system.	1
Police Department	Responsible for the public safety of all residents and visitors, including protecting people and property.	1
Fire Department	Responsible for the Fire Protection of the City, including EMT services.	1
Highway Department	Responsible for the maintenance of all city streets, public buildings, the parks, streets lights, transfer stations and garbage and recycling	1
Water and Sewer Department	Responsible for the maintenance and operation of the City's water and sewer distribution system, Water Treatment Plant, 4 Reservoirs, and 2 City Wells.	1
Waste Water Treatment Plant	Responsible for the maintenance and operation of the City's Waste Water Treatment Plant.	1
Building Department	Responsible for review of permit applications and plans for building permits, certificate of occupancy, Code Enforcement, plumbing inspections and ADA Coordinator.	1
Finance Department	Responsible for Budget preparation and maintenance, banking and segregation of funds, payroll, purchasing and accounts payable, collection and accounts receivable, billing for taxes, water, and sewer and debt management.	1
Human Resource Department	Responsible for all of the personnel functions, retirement, health insurance, and Workers Compensation.	1



Recreation Department	Responsible for programs and activities for the City residents, including after school programs, summer camp, pool and parks programs. Assists with Liaison with the community.	1
Videographer	Responsible for the City's Government Channel and filming of all Meetings.	1
City Clerk	The Clerk receives all official records of the City, records ordinances, and issues licenses. Responsible for FOIL, Notice of claims, Marriage Licenses, Dog Licenses, Birth Records, Death Records, and the Municipal ID Program.	1
Assessor	Responsible for the preparation of the fair and equitable assessments	1
Administration	Supervises the Operations of all departments and units of City Government.	1

Essential Positions

Each essential function identified above requires certain positions on-site to effectively operate. The table below identifies the positions or titles that are essential to be staffed on-site for the continued operation of each essential function. Note that while some functions and associated personnel may be essential, some of these can be conducted remotely and do not need to be identified in this section.

All Department Heads are deemed essential, unless deemed otherwise. In addition, a department may be deemed essential or non-essential pursuant to the time of year/season.

Essential Function	Essential Positions/Titles	Justification for Each
Information Technology	Consultant	Essential for the maintenance of IT hardware and software, network management, remote workings, and help desk support.
Police Department	- All Sworn Personnel - Dispatch	Essential for the maintenance of public safety
Fire Department	All Employees	Essential for the maintenance of public safety
Highway Department	All Employees	Essential for the maintenance of City infrastructure, buildings, roads and assets.
Water and Sewer Department	All Employees	Essential for the maintenance of the City's Water Plant and Water Infrastructure.
Waste Water Treatment Plant	All Employees	Essential for the maintenance of the City Waste Water Treatment Plant.
Building Department	- Building Inspector - Deputy Building Inspector	Essential to the enforcement of the building code and code enforcement
Finance Department	- Senior Account Clerk typist - Account Clerk Typist	Essential to the operation of payroll, purchasing and accounts payable, collection of accounts receivable, billing for taxes, water and sewer bills, banking and debt management.
Human Resource Department	Director	Essential for the continued operations of all personnel functions, retirement, health insurance, new positions, and workers compensation.



City Clerk	City Clerk	Receives and maintains all of the official records, ordinances, and documents of the City. Issues licenses and is the Freedom of Information Officer. Responsible for all marriage licenses and vital statistics.
Administration	- City Administrator - Assistant to the Mayor	Essential for the continued operations of all departments, City Government units and City functions.

Reducing Risk Through Remote Work and Staggered Shifts

Through assigning certain staff to work remotely and by staggering work shifts, we can decrease crowding and density at work sites and on public transportation

Remote Work Protocols

Non-essential employees and contractors able to accomplish their functions remotely will be enabled to do so at the greatest extent possible. Working remotely requires:

1. Identification of staff who will work remotely
2. Approval and assignment of remote work
3. Equipping staff for remote work, which may include:
 - a. Internet capable laptop
 - b. Necessary peripherals
 - c. Access to VPN and/or secure network drives
 - d. Access to software and databases necessary to perform their duties
 - e. A solution for telephone communications
 - i. Note that phone lines may need to be forwarded to off-site staff

The City of Beacon has already implemented the protocols and personnel list of working remotely. In coordination with the IT Consultant and Department Heads, the City has already had personnel working from home during the COVID-19 Pandemic. The Department Head requests a position to work remotely to the City Administrator, who makes the final determination if a position is able to be performed remotely. The IT Consultant would then be authorized to implement the necessary requirements.

The City has purchased a considerable number of laptops, cameras, a Zoom Account and recording, and VPN accounts to permit the Finance Department, City Clerk's Office, Mayor's Office, Building Department, and the Human Resources Office to work from home. Please refer to Appendix D for equipment and software list.

Upgrades have been implemented with new SCADA Systems for both the Water Plant and the Waste Water Treatment Plant to permit monitoring from any location.

The City's Videographer is able to remote film meetings and post information to the City's Government Channel from any location.

Staggered Shifts

Implementing staggered shifts may be possible for personnel performing duties which are necessary to be performed on-site but perhaps less sensitive to being accomplished only within core business hours. As possible, management will identify opportunities for staff to work outside core business hours, within compliance of all Collective Bargaining Agreement's ("CBAs") as a strategy of limiting exposure. Regardless of changes in start and end times



of shifts, City of Beacon will ensure that employees are provided with their typical or contracted minimum work hours per week. Staggering shifts requires:

1. Identification of positions for which work hours will be staggered
2. Approval and assignment of changed work hours

Please see Attached detailed Plans regarding each department as Appendix A.

Personal Protective Equipment

The use of personal protective equipment (“PPE”) to reduce the spread of infectious disease is important to supporting the health and safety of our employees and contractors. PPE which may be needed can include:

- Masks
- Face shields
- Gloves
- Disposable gowns and aprons
- Hand Sanitizer
- Disinfectant Wipes
- Disinfectant Spray
- Digital Thermometers

Note that while cleaning supplies are not PPE, there is a related need for cleaning supplies used to sanitize surfaces, as well as hand soap and hand sanitizer. The Coronavirus pandemic demonstrated that supply chains were not able to keep up with increased demand for these products early in the pandemic. As such, we are including these supplies in this section as they are pertinent to protecting the health and safety of our employees and contractors.

Protocols for providing PPE include the following:

1. Identification of need for PPE based upon job duties and work location
2. Procurement of PPE
 - a. As specified in the amended law, public employers must be able to provide at least two pieces of each required type of PPE to each essential employee and contractor during any given work shift for at least six months
 - b. Public employers must be able to mitigate supply chain disruptions to meet this requirement
3. Storage of, access to, and monitoring of PPE stock
 - a. PPE must be stored in a manner which will prevent degradation
 - b. Employees and contractors must have immediate access to PPE in the event of an emergency
 - c. The supply of PPE must be monitored to ensure integrity and to track usage rates

The City has implemented a central storage and purchase protocols within the Highway Department. The City was able to have donated by Global Foundries large metal storage lockers. These are kept in the Highway Facility and locked. The City has been gathering and stock piling all of the above PPE. The City has provided digital thermometers for all departments.

The City has been able to foster a number of local relationships with suppliers of PPE; for example, The DIA Art Center, Brett’s Hardware and local Distillery’s for Hand Sanitizers. In addition, the City has purchased supplies jointly with the Cities of Poughkeepsie, Middletown, Newburgh, and Kingston. The City relies on its Procurement Policy and piggy backing off of other county and State contracts.

City of Beacon

Operation Plan Public Health Emergencies

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The Superintendent of Streets is responsible for monitoring and maintaining the stock of PPE. The City has an approximately 6-month supply of PPE on hand.

Staff Exposures, Cleaning, and Disinfection

Staff Exposures

Staff exposures are organized under several categories based upon the type of exposure and presence of symptoms. Following CDC guidelines, the City has established the following protocols:

- A. If employees or contractors are exposed to a known case of communicable disease that is the subject of the public health emergency (defined as a ‘close contact’ with someone who is confirmed infected, which is ten minutes or more within six feet with that person):
 1. Potentially exposed employees or contractors who do not have symptoms should remain at home or in a comparable setting and practice social distancing for the lesser of 14 days or other current CDC/public health guidance for the communicable disease in question.
 - a. As possible, these employees will be permitted to work remotely during this period of time if they are not ill.
 - b. The Director of Human Resources must be notified and is responsible for ensuring these protocols are followed.
 - c. See the section titled Documentation of Work Hours and Locations for additional information on contact tracing
 2. CDC guidelines for COVID-19 provide that critical essential employees may be permitted to continue work following potential exposure, provided they remain symptom-free and additional precautions are taken to protect them, other employees and contractors, and our constituency/public.
 - a. Additional precautions will include the requirement of the subject employee or contractor, as well as others working in their proximity, to wear appropriate PPE at all times to limit the potential of transmission.
 - b. In-person interactions with the subject employee or contractor will be limited as much as possible.
 - c. Work areas in which the subject employee or contractor are present will be disinfected according to current CDC/public health protocols as practical. See the section on Cleaning and Disinfection for additional information on that subject.
 - d. If at any time they exhibit symptoms, refer to item B below.
 - e. The Director of Human Resources must be notified and is responsible for ensuring these protocols are followed.
- B. If an employee or contractor exhibits symptoms of the communicable disease that is the subject of the public health emergency:
 1. Employees and contractors who exhibit symptoms in the workplace should be immediately separated from other employees, customers, and visitors. They should immediately be sent home with a recommendation to contact their physician.
 2. Employees and contractors who exhibit symptoms outside of work should notify their supervisor and stay home, with a recommendation to contact their physician.
 3. Employees should not return to work until they have met the criteria to discontinue home isolation per CDC/public health guidance and have consulted with a healthcare provider.



4. The City of Beacon may require sick employees to provide a negative test result for the disease in question or healthcare provider's note to validate their illness, qualify for sick leave, or return to work; unless there is a recommendation from the CDC/public health officials to do so.
 5. CDC criteria for COVID-19 provides that persons exhibiting symptoms may return to work if at least 24 hours have passed since the last instance of fever without the use of fever-reducing medications. If the disease in question is other than COVID-19, CDC and other public guidance shall be referenced.
 6. The Director of Human Resources must be notified and is responsible for ensuring these protocols are followed and contact the Dutchess County Department of Behavioral and Community Health.
- C. If an employee or contractor has tested positive for the communicable disease that is the subject of the public health emergency:
1. Apply all the steps identified in item B, above, as applicable.
 2. Areas occupied for prolonged periods of time by the subject employee or contractor will be closed off.
 - a. CDC guidance for COVID-19 indicates that a period of 24 hours is ideally given before cleaning, disinfecting, and reoccupation of those spaces will take place. If this time period is not possible, a period of as long as possible will be given. CDC/public health guidance for the disease in question will be followed.
 - b. Any common areas entered, surfaces touched, or equipment used shall be cleaned and disinfected immediately.
 - c. See the section on Cleaning and Disinfection for additional information on that subject.
 3. Identification of potential employee and contractor exposures will be conducted
 - a. If an employee or contractor is confirmed to have the disease in question, Director of Human Resources or their designee should inform all contacts of their possible exposure. Confidentiality shall be maintained as required by the Americans with Disabilities Act (ADA).
 - b. Apply the steps identified in item A, above, as applicable, for all potentially exposed personnel.
 4. The Director of Human Resources must be notified and is responsible for ensuring these protocols are followed.

The City recognizes there may be nuances or complexities associated with potential exposures, close contacts, symptomatic persons, and those testing positive. The City of Beacon will follow CDC/public health recommendations and requirements and coordinate with our local public health office for additional guidance and support as needed.

The City of Beacon has also instituted Health Screening Questionnaires and Temperature Checks. Please refer to Appendix E.

The City of Beacon has been able to contract with Pulse MD to provide testing capabilities to City Employees. The City is also working to establish a contract with another provider.

Cleaning and Disinfecting

CDC/public health guidelines will be followed for cleaning and disinfection of surfaces/areas. Present guidance for routine cleaning during a public health emergency includes:

1. As possible, employees and contractors will clean their own workspaces in the beginning, middle, and end of their shifts, at a minimum.
 - a. High traffic/high touch areas and areas which are accessible to the public/constituents will be disinfected regularly.



- b. The Cleaner and Motor Equipment Operators will be responsible for cleaning common areas, and the frequency of such.
2. Staff tasked with cleaning and disinfecting areas will be issued and required to wear PPE appropriate to the task.
3. Soiled surfaces will be cleaned with soap and water before being disinfected.
4. Surfaces will be disinfected with products that meet EPA criteria for use against the virus in question and which are appropriate for that surface.
5. Staff will follow instructions of cleaning products to ensure safe and effective use of the products.

The City has contracted with Serve Pro to assist with cleaning and disinfecting City Hall.

Employee and Contractor Leave

Public health emergencies are extenuating and unanticipated circumstances in which the City of Beacon is committed to reducing the burden on our employees and contractors. The New York State Paid Leave for COVID19 provides requirements related to the COVID-19 pandemic, and forms the policies outlined below. This policy may be altered based upon changes in law or regulation, as applicable.

The City will abide by all of the financial regulations as prescribed by Federal, State, County or Local Laws and regulations.

It is our policy that employees of the City of Beacon will not be charged with leave time for testing if mandated by the City of Beacon. All employees are entitled to the one time leave of up to fourteen (14) calendar days as per the New York State Paid Leave for COVID-19.

On January 20, 2021, New York State Department of Labor issued new Guidance on Use of COVID-19 Sick Leave; which is attached as Appendix F.

If it is believed that an employee contracted COVID-19 from another employee or is mandated to quarantine by the City, that employee will be credited leave time.

The Director of Human Resources will work with the separate bargaining units to discuss the possibility of creating a COVID-19 Sick Time Bank.

Additional provisions may be enacted based upon need and the guidance and requirements in place by federal and state employment laws, FMLA, executive orders, and other potential sources.

Contractors, either independent or affiliated with a contracted firm, are not classified as employees of the City of Beacon, and as such are not provided with paid leave time by the City of Beacon, unless required by law.

Documentation of Work Hours and Locations

In a public health emergency, it may be necessary to document work hours and locations of each employee and contractor to support contact tracing efforts. This will be done by logs, sign in sheets or employee time sheets or cards. Identification of locations shall include on-site work, off-site visits. This information may be used by the City of Beacon to support contact tracing within the organization and may be shared with local public health officials.



Currently, the Highway Department, Water Department and Waste Water Treatment Plant have time clocks, and the remaining departments of the City are on paper payroll documentation. The City has budgeted and will be transitioning to a completely digital time clock and payroll system by Spring 2021.

Housing for Essential Employees

There are circumstances within a public health emergency when it may be prudent to have essential employees lodged in such a manner which will help prevent the spread of the subject communicable disease to protect these employees from potential exposures, thus helping to ensure their health and safety and the continuity of the City of Beacon essential operations.

If such a need arises, local hotel rooms are expected to be the most viable option. If hotel rooms are for some reason deemed not practical or ideal, or if there are no hotel rooms available, the City of Beacon will coordinate will identify and arrange for these housing needs. The Fire Department and the Police Department currently have housing capability. The Highway Facility can also be converted into a housing facility.

Each Department Head is responsible for coordinating this, with the assistance from the City Administrator.

The City of Beacon has also secured from the Dutchess County Red Cross Chapter ten (10) cots at no cost.



APPENDIX A

Sample Staff Reduction Plans by Department

Assessor Office

In the event of another shut down, taxpayers will be encouraged to communicate with the Assessor's Office via email, telephone, or mail. The use of the drop box for exemption administration will also be encouraged.

The Assessor's Office is a part time office. The Assessor and the Assessor Aide are not in the office at the same time. In the event of a shut down, the Assessor is able to access the City and County RPS computer system from home by using a City laptop. The Assessor and the Assessor Aide can both access our City Email at home.

Building Department:

The Office Assistant will work from home or alternative days with the Assistant to the City Administrator. The Building Inspector and the Deputy Building Inspector are essential employees and will be working regular hours.

Fire Department:

The City of Beacon Fire Department only operates with 4 career firefighters on duty for each shift. These firefighters are essential employees.

Delegations of Authority

Delegations of authority will follow the orders of succession. If the Fire Chief is unavailable for a sustained period of time, the Assistant Fire Chief will be delegated the authority to act on behalf of the Fire Chief. If the first and second Fire Chiefs are unavailable for a prolonged period, the City could provisionally promote a temporary officer to act on behalf of the Chiefs.

Department Functions

The City of Beacon Fire Department will operate in a fashion that will provide Fire, Medical, and Rescue response to emergencies primarily in the City of Beacon. The City of Beacon Fire Department will also provide response and receive response aide to and from surrounding areas according to the Dutchess County Mutual Aid Plan.

The agency must identify and prioritize its essential functions so the mission may be carried out during an emergency or COOP incident. Any task not deemed as an essential function will be deferred until additional personnel and resources become available.

Prioritization and Staffing

With full staffing:



- All listed functions will be performed.

With limited staffing:

Immediate

- The Beacon Fire Department will not respond to EMS incidents.

Week

- Call back for off duty career firefighters to fill in for a shortage.

Month/Months

- If off duty firefighters are not available to fill shifts due to illness, exposure, or being quarantined daily staffing could be reduced.
- There could be a daily workforce reduction. Daily mutual aid responses would be increased.

Alternate Work Sites

- The City of Beacon Fire Department operates out of three fire stations. The Fire Department could operate out of two stations if one station was compromised by an event.
- The City of Fire Department could operate out of the City of Beacon Department of Public works building if needed.

Finance:

In preparation of potential staff reductions due to a recurrence of COVID-19, the Director of Finance has determined the following:

Essential: Director of Finance (1)
 Senior Account Clerk Typist (1)

Non-essential: Account Clerk Typist (3)

All positions can work from home if doors are shut. If the doors are open, we need 2 of the above positions in the building daily. The remaining positions would be working remotely. These positions can be rotated. Offices are currently set up to socially distance.



Highway:

Highway Department staffing needs can change depending mainly on weather and storm events. The following is the proposed classification for employees during pandemic events:

Essential

Superintendent of Streets

Senior Working Supervisor

Working Supervisor

Mechanic rotation between 3Mechanic, with 2 mechanics on duty per shift

Groundskeeper/Cleaner

MEO assisting with cleaning

Non-Essential

5 HMEO Workers

3 MEO Workers

1 Maintenance Worker

Please note that weather will play a factor in staffing levels. Any type of storm, especially a snow storm, would require the entire department be deemed essential and staff will be called in as needed.

Planning/Zoning

In the event of another shut down, Assistant to the City Administrator will come in daily to check, open and distribute mail from the prior day. This will be done during hours that others will not be in the office. Planning and Zoning Board meetings will continue to be held via ZOOM. All other matters will be done from home using the City's laptops.

Police Department:

If a surge of COVID-19 should come back to this area, the police department will perform the following:

- 1) Administrative staff will operate from home.
- 2) Cleanliness of the workplace and vehicles will be enforced.
- 3) Staff is to report contaminated areas to Chief of Police and Highway Superintendent immediately.
- 4) Contaminated area will be disinfected.
- 5) Remaining staff will report when feeling any symptoms of COVID-19 19 (i.e.: fever, headache, trouble breathing, exhaustion, etc.)
- 6) If staff has symptoms, they will stay home and get immediate testing, unless deemed otherwise by Chief of Police
- 7) If test positive staff will stay home for at least two weeks as long as symptoms have dissipated
- 8) Working staff will get temperatures checked upon start of work, maintain distancing, wear mask in public, use gloves when handling people, avoid entering buildings on calls unless absolutely necessary and limit proactive law enforcement.
- 9) Any work missing due to this will immediately cause more overtime in the patrol division.



10) Overtime will be handled as per guidelines already in place which includes use of detectives and lieutenant.

11) During pandemics, the use of vacation, personal, and other time off will be restricted in order to maintain shift coverage.

12) If shift coverage becomes an impossibility to maintain, assistance would be asked of the Dutchess County Sheriff's Office and New York State Police; however, they may be severely limited with their assistance if they are also dealing with an epidemic within their own departments.

Admin and Logistics:

- 1) IT would be asked to verify administrative staff's home connections are functioning properly
- 2) Request DPW to supply more cleaning personnel and more hours in the police department
- 3) Maintain supply of mask, gloves, cleaning supplies and hand sanitizer
- 4) Report all expenses due to COVID-19 to Finance immediately (i.e.: purchase of supplies, Servpro, overtime due to COVID-19, etc.)

Command and Signal: If the command staff is out with COVID-19 the line of succession is as follows:

- 1) Chief
- 2) Lieutenant
- 3) Detective Sergeant
- 4) Sergeant
- 5) Sergeant

Calling in sick – when staff members call in sick, they will state whether they have any COVID-19 like symptoms. This information will be relayed to the A/Chief.

Recreation Department:

1. All recreation office staff have necessary hardware to work remotely as necessary.
2. The Director and the Assistant Director can alternate in person work days as needed to reduce staff to 50%.
3. All Recreation Assistant work responsibilities can be fulfilled remotely.
4. Cleaner can continue to fulfill work duties at whatever capacity that is mandated or required.
5. It is presumed that if municipal work force is reduced to 50% capacity that the Beacon City School District will be mandated to the same reduction and our after-school program would be halted and staff would not report to work until reduction was lifted.

Office

Director of Recreation

Assistant Director of Recreation

Recreation Assistant

Cleaner - Non-Essential



After School

5 After School Counselors

1 After School Counselor - Non-Essential

Water Filtration, Water and Sewer Department

Water Filtration

- Water Plant Operators will rotate 7 days on/ 7 days off, non-overlapping shifts. This was done previously in 2020. The Chief Operator does have the ability to remote in to monitor operations but daily lab work must be completed on site along with daily chemical mixing and adjustments.

Water and Sewer Department

- The Water and Sewer Department would reduce staff to the Working Supervisor with 1 Heavy Equipment Operator alternating every other week. Maintenance Mechanics and Maintenance Helpers would be rotated in as needed.
- The W/S Maintenance Mechanic would take home the meter phone and answer calls during business hours, as done previously.

Staffing Breakdown Essential/Non-Essential:

Water Superintendent	Essential
Senior Working Supervisor	Essential
Chief Water Treatment Plant Operator	Essential, rotate 7 days on 7 days off
WTP Operator -Grade II	Essential, rotate 7 days on 7 days off
W/S Maintenance Mechanic	Non-Essential, take meter phone home and monitor during business hours
2 HMEO	Essential, rotated HMEO
W/S Maintenance Mechanic	Non-Essential, rotate in as needed
W/S Maintenance Helper	Non-Essential, rotate in as needed



APPENDIX B

Additional Resources and References

Organization	Website
Centers for Disease Control and Prevention	https://www.cdc.gov/
New York State Department of Health	https://www.health.ny.gov/
Dutchess County Government	https://www.dutchessny.gov/
Dutchess County Behavioral & Community Health	https://www.dutchessny.gov/Departments/DBCH/dbch.htm
Hudson Valley Chapter of the American Red Cross	https://www.redcross.org/local/new-york/eastern-new-york/about-us/locations/mid-hudson-valley.html



APPENDIX C

Emergency Contact List

City Administrator City of Beacon	Christopher White One Municipal Plaza Beacon, NY 12508 cwhite@cityofbeacon.com 845-838-5009(<i>office</i>) 845-670-3319 (<i>city cell</i>)
Chief of Police City of Beacon	Sands Frost One Municipal Plaza Beacon, NY 12508 sfrost@beaconpd.com 845-838-5053 (<i>office</i>) 845-821-8778 (<i>city cell</i>)
Fire Chief City of Beacon	Gary Van Voorhis 13 South Avenue Beacon, NY 12508 gvanvoorhis@beaconfd.org 845-765-0899 (<i>office</i>) 845-392-7408 (<i>cell</i>)
Superintendent of Streets City of Beacon	Michael Manzi 30 Camp Beacon Rd Beacon, NY 12508 highway@cityofbeacon.org 845-867-7666 (<i>cell</i>) 845-831-0932 (<i>office</i>)
Director of Human Resources City of Beacon	Gina Basile 1 Municipal Plaza Beacon, NY 12508 gbasile@cityofbeacon.org 845-838-5038 (<i>office</i>) 845-745-8277 (<i>cell</i>)
Chief of Operations Beacon Volunteer Corps., Inc.	Nick Sarchelli 1 Arquilla Drive PO Box 54 Beacon, NY 12508 Scarchilli@beaconvac.org 845-831-4540 (<i>office</i>) 845-656-8836 (<i>cell</i>)
School Facilities Director Beacon City School District	Anthony D'Amato 10 Education Drive



	Beacon, NY 12508 damato.a@beaconk12.org 845-838-6900 x 2014 (<i>main office</i>) 845-797-0831 (<i>cell</i>)
Building Inspector City of Beacon	David Buckley One Municipal Plaza Beacon, NY 12508 dbuckley@cityofbeacon.org 845-838-5020 (<i>office</i>) 845-375-0220 (<i>cell</i>)
Water and Sewer Superintendent City of Beacon	Ed Balicki 470 Liberty Street Beacon, NY 12508 ebalicki@cityofbeacon.org 845-831-7130 (<i>office</i>) 845-549-0002(<i>City cell</i>)
Waste Water Treatment Plant Chief Operator Consultant City of Beacon	Charles Beckett 96 Dennings Avenue Beacon, NY 12508 cbeckett@cityofbeacon.org 845-831-3185 (<i>office</i>) 914-497-8577 (<i>cell</i>)
City Videographer Peter Skorewicz, Jr.	Peter Skorewicz, Jr. One Municipal Plaza Beacon, NY 12508 videoventures65@optonline.net 845-629-9864 (<i>cell</i>)



APPENDIX D

COVID IT Purchase Inventory

Laptops with Webcams	Quantity
Mayor's Office	1
City Administrator	1
Finance Department	5
City Clerk	1
Building Department	1
Planning Department	1
Water Department	1
Highway Department	1
Human Resources	1



Personal Computer's with Webcams	Quantity
Mayor's Office	1
City Administrator	1
Police Department	2
Finance Department	1
City Clerk	1
Building Department	1
Recreation Department	1
Sewer Department	1
Highway Department	1
Human Resources	1
Spare Webcams in Stock	2



Software
Remote Access Software
Remote PC
SSL and Client Based VPN
Zoom
Synology Data Storage



APPENDIX E

City of Beacon

COVID-19 Blue Print For

Re-Opening Procedures and Recovery Guidance

Updated August 11, 2020

The City closely monitors and adheres to State and County government policy changes, guidelines, government mandates, and public health advisements, and will continue to make changes as necessary or appropriate to our protocols and procedures to ensure safety and compliance.

The Governor has outlined regional re-opening requirements for non-essential workers. This plan has been developed to outline the return to work for non-essential and other employees. As this crisis unfolds, we will rely on State Executive Orders and guidance from State and County Health Departments.

The objective of this document is to guide offices and departments to methodically and safely implement a phased recovery of operations, as informed by the New York Forward (<https://forward.ny.gov/>) and Dutchess County Government. The concept that we will ask offices to take is to proceed in a cautious manner and respond via increased capacity to the actual needs of the residents we serve. This document will work in conjunction with the New York Forward Plan and the Dutchess County Reconstitution Plan. The City of Beacon reopening plan will be subject to updates as new guidelines and information is made available.

City offices and departments have maintained essential services since the New York State Stay at Home Executive Order. The City has largely avoided closing facilities or curtailing services, but instead has worked through how to alter processes that provide services in a way that is safe for all. City offices and departments will gradually work toward reopening any closed facilities or curtailed services to employees and the public over the next couple months. This will require non-essential staff members returning to work on either a full-time or part-time basis and essential staff members will continue to work and if applicable transition from telework over the next couple months.

General Considerations:

COVID-19 is primarily a respiratory transmission concern for spreading the virus. As such, our primary focus will be with atmospheric spread, but will also include physical dispersion. The primary means of preventing the spread via the atmosphere will be to reduce the number of employees and residents in our physical office space, which is the process we have used to maintain most services. Those that are in the office will need to conduct business in accordance with requirements that reduce the potential for dispersion of the virus. We will continue to:



- provide public services that do not require direct-contact interaction such as digital communications, the use of glass windows, and “drop boxes” whenever possible;
- social distancing operations;
- continuation of telework where possible if not disruptive to operations

Actions to make the workplace safer follow a hierarchy of controls. These controls in order of preference are Facilities, Administrative, and Personal Protective Equipment. Best practices and Phase I operations will be broken down for each category.

Employee and Resident Health

The health and safety of both our employees and residents is our number one priority. The sections below outline procedures for how we plan to ensure the safety of all.

Physical Distancing: Posted signage will advise residents to practice physical distancing by standing at least six feet away from other groups of people not traveling with them while standing in lines, using stairs, or moving around the property. Signage will remind that all City properties will comply with local or state mandated occupancy limits.

Hand Sanitizer, PPE, and Hygiene Reminders: The City will place hand sanitizer dispensers, touchless whenever possible, at key entrances and contact areas. There will be health and hygiene reminders and signage throughout the property reminding employees of the proper way to wear, handle, and dispose of masks, how to and when to use gloves (in positions deemed appropriate by medical experts), wash hands, sneeze, and to avoid touching their faces.

Employee’s Responsibilities: The City will encourage all employees to wash hands, or use sanitizer when a sink is not available, every 60 minutes (for at least 20-seconds) and after any of the following activities: using the restroom, sneezing, touching the face, blowing the nose, cleaning, sweeping, mopping, smoking, eating, drinking, going on break, and before or after starting a shift.

Employee and Workplace Procedures: Employees are encouraged to use electronic communication where practical, and otherwise socially distanced in-person communication. Employees are discouraged from using another worker’s phone, desk, office, or other work tools and equipment. Employees should avoid direct human contact, including handshakes. Non-essential travel by employees should also be kept to a minimum.

Case Notification: If we are alerted to a presumptive case of COVID-19 at a City property, we will work with the Dutchess County Health Department (DCHD) to follow the appropriate actions recommended by it.

Cleaning Products, Protocols, and PPE Distribution: The City uses cleaning products and protocols which meet all Federal and State guidelines and are effective and approved for use against viruses, bacteria, and other airborne and bloodborne pathogens. The City continues working with our vendors, distribution partners, and suppliers to ensure an uninterrupted supply of these cleaning supplies and the necessary



Personal Protection Equipment (PPE). All Cleaning Products and PPE will be at the City's Highway Facility.

Cleaning and Sanitizing Protocol: The City has cleaners to clean City Hall twice a day everyday it is in use. Additionally, the City will make widely available cleaning solution/wipes for use by employees. The City has contracted with two professional cleaning companies in case they are needed. The Fire Department is responsible for their cleaning and maintenance. The recreation center also has a cleaner on staff.

Public Spaces and Communal Areas: The frequency of cleaning and sanitizing has been increased to twice a day with an emphasis on frequent contact surfaces including, but not limited to, door handles, public restrooms, stair handrails, and seating areas.

Public Access Points: Upgrades to public access points are being implemented. There will be a barrier between the public and public servants with glass or Plexiglas where social distancing is not feasible or may have limited compliance. At this point in time, the City will continue to restrict public access to employee areas of municipal facilities.

Should a resident request interaction with an employee, employees will make themselves available following proper safety protocol. Virtual meetings (video communication, phone call, email) are still the preferred method, but accommodations will be made to meet in person if needed, adhering to safe distancing guidelines.

Public Re-Opening Timeline and Protocols

Courts: Reopening of the City court and scheduled sessions will be in accordance with the guidelines and expectations set by the NYS Unified Court System. The City was notified on May 26, 20 that the Courts would be re-opening in a limited capacity on May 27, 2020. We will continue to keep this updated when the City is notified by the Unified Court System of a re-opening time line.

City Hall: City Hall never closed or stopped operating. It was however, operating with reduced staff. The glass-enclosed window in the front entrance of our Municipal Building has remained open during regular hours for in-person service, with changes in process to minimize the need for direct contact. The lower-level municipal Operation (Building and Finance) were closed to the Public and will gradually re-open to the public with a date to be determined.

This re-opening will be effective in fighting the spread. As the facility opens back up to the public, residents and employees are encourage and expected to follow social distancing and other health and hygiene procedures that are outlined above. The public is still encouraged to only visit City Hall if absolutely necessary and to use electronic and remote communication if possible.

Morning Temperature/Wellness Checks:

- Employees who are physically coming into work will need to self-check their temperature each morning beginning June 1, 2020 as COVID-19 poses a direct threat to the health and safety of the



City's workforce and citizens and ongoing community transmission is present. This includes employees who primarily work outdoors.

- Non-essential Employees who have not been at work, will need to have their temperature taken once upon the first day of returning to work.
- As conveyed in previous guidance, employees exhibiting at least two of the following symptoms should not report to work or should leave once symptoms begin to occur:
 - Fever (measured or subjective)
 - Cough
 - Shortness of breath
 - Chills
 - Rigors (bouts of shivering or shaking, accompanied by a feeling of coldness, e.g., “chills”)
 - Myalgia (muscle aches or pains)
 - Headache
 - Sore throat
 - New olfactory and taste disorder(s) such as loss of the senses of smell and taste
- If an employee's temperature reads 100.4 Fahrenheit or above, they are required to stay at home or go home. In this instance, the employee should notify their supervisor. The employee will be unable to return to work until they have been fever-free for 72 hours (3 days) without the use of fever-reducing medications and have been cleared by their doctor per the attached New York State Department of Health Protocols for Essential Personnel to Return to Work Following COVID-19 Exposure or Infection.
- Temperature Check Stations will be placed at a single location beginning June 1 in each of the City facilities where employees can self-check each morning. Employees will take their temperature and then clean the thermometer with the sanitizing wipes located nearby if they haven't already done so at their home.
- Employees will also need to continue to self-monitor symptoms of COVID-19 and communicate to their supervisor if they are exhibiting any symptoms.

Personal Protective Equipment (PPE) & Masks:

- The Governor issued Executive Order 202.17 dated April 15, 2020, Effective at 8 p.m. on Friday, April 17, 2020 any individual who is over age two and able to medically tolerate a face-covering shall be required to cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance.
- Employees will not be required to wear masks if they are able to socially distance (within their own office alone for example) but will be required when they are in communal areas and not able to distance given their job functions. This includes employees who primarily work outdoors.
- The City is requiring employees to wear face masks when maintaining safe distancing (6 feet) is not possible effective June 1, 2020 as COVID-19 poses a direct threat to the health and safety of the City's workforce and citizens and ongoing community transmission is present. This includes both employees in the office and in the field per the Governor's orders.



- Absent safety or documented medical concerns, employees will not be permitted to work on-site without a mask or face covering and may be subject to discipline. As a reminder, a mask or face covering is not necessarily meant to protect the wearer from others. Rather, the intention is to prevent a possibly asymptomatic person from unknowingly transmitting the virus to others.
- The City will provide every employee the proper allotment of masks based on anticipated usage. Alternatively, employees will be allowed to wear their own masks or face covering provided that any imagery is appropriate and professional and meets CDC guidelines:
 - Must fit snugly but comfortably against the side of the face;
 - Must be secured with ties or ear loops;
 - Must include multiple layers of fabric;
 - Must allow for breathing without restriction;
 - Must be able to be laundered and machine dried, at least once a day, without damage or change to shape.

Department Specific Procedures

All employees and residents should follow and adhere to the expectations outlined above in terms of social distancing, sanitation, and personal hygiene. Below are additional procedures, notes, and expectations, for each respective department outlined by the New York Municipal Insurance Reciprocal (NYMIR).

- **DPW/Highway/Streets:**
 - Working outdoors and maintaining six feet distance, does not require a mask, but one is still encouraged for those that would like to wear one. With closer contact, or working indoors, masks are recommended for all.
 - **Drivers/Laborers:**
 - One person per vehicle when possible. If more than one person is in a vehicle, masks should be worn.
 - The City will make available hand sanitizer and wipes in the vehicle if requested.
 - Clean and sanitize the cabin as often as possible.
- **Water Filtration:**
 - Follow all protocols set by the State
 - Wear a mask when working within six feet of others
- **Waste Water Plant:**
 - Operators and workers should consider work clothes during work that stay on-site.
 - Clothing should be changed daily during work and then changed back into personal clothes when leaving.
 - Do not drive the same vehicle at work as you do to go home, unless the vehicle has been sanitized before going home.
 - Disposable Tyvek suites will be made available upon request.
- **Playgrounds and Outdoor Recreational Leagues:**
 - Stay tuned in to the State and Federal Departments of Public Health for guidance on this topic.



- **Recreation and Pools:**
 - Stay tuned in to the State and Federal Departments of Public Health for guidance on this topic.
 - Pools and Summer Camps will be canceled for the summer.
 - Alternative programs are being developed by staff.
- **Municipal Offices:**
 - Follow the general guidelines outlined above.
 - Consider establishing alternating workdays or shifts that reduce the total number of employees in a facility at a given time.
- **Code Enforcement:**
 - Use face masks when within 6 feet of others.
 - One person per vehicle when possible. If more than one person is in a vehicle masks should be worn.
 - Keep hand sanitizer and wipes in the vehicle cab.
 - Clean and sanitize the vehicle cab as often as possible.
- **Police Department:**
 - Follow procedures and practices put in place by the Chief of Police.
 - Essential personnel have been working through this pandemic. Consider not sharing common spaces when possible, and other general office guidelines above.
 - As non-essential personnel come back, they should follow the general and Office provisions above.
- **Fire Department:**
 - Follow procedures put in place by the Fire Chief.
- **Other Departments:**
 - Should use their discretion, implementing as many of these guidelines as appropriate, with manager review and approval.
 - If appropriate, facilities will place physical markers on the floors to promote social distancing – please do not do this on your own as there are concerns that adhesives could damage the flooring. Please work with Facilities to optimize flow in your office.
 - Employees are encouraged to not solely rely on cleaning staff for the cleaning of high-touch surfaces – cleaning supplies can be provided.
 - Vehicular occupancy should be one person or as low as possible. If there is more than one person in a vehicle, people should maximize spacing as much as possible and wear masks. Most importantly, if more than one person is in a vehicle, ensure the vehicle’s heating/AC system is not recirculating air. The vehicle should be placed in the setting to draw outside air. Open windows would be ideal.
 - The City is working to place hand sanitizer dispensers at the entrances to buildings.

Should you have any questions about the re-opening plan outlined, any of the protocols or procedures explained, or need to report any information regarding the COVID-19 Pandemic and potential exposure, please contact the City Administrator.



Additional Resources and References:

- New York Forward: <https://forward.ny.gov/>
- New York State Department of Health: <https://www.health.ny.gov/>
- Dutchess County Government: <https://www.dutchessny.gov/>
- Dutchess County Behavioral & Community Health:
<https://www.dutchessny.gov/Departments/DBCH/dbch.htm>
- Dutchess County COVID-19 Data Dashboard:
<https://www.dutchessny.gov/Departments/DBCH/2019-Novel-Coronavirus.htm>
- Dutchess County Business Notification: <https://dutchessbnn.com/>
- Dutchess Responds: <https://www.dutchessny.gov/Departments/DBCH/Dutchess-Responds-COVID-19.htm>



City of Beacon
COVID-19 Blue Print For
Re-Opening Procedures and Recovery Guidance

EMPLOYEE RETURN TO WORK QUESTIONNAIRE

Ask employees initially returning to work:

1. Have you been infected with the virus in the past 14 days? Yes ☐ No ☐
2. Have you had a fever in the past 14 days? Yes ☐ No ☐
3. Has anyone in your home had the virus within the past 14 days Yes ☐ No ☐
4. Have you traveled anywhere considered to be a COVID-19 hotspot? Yes ☐ No ☐

If any of the above answers are “yes” the employee should be sent home immediately until all answers are “no.”

This questionnaire will be returned to the City Administrator’s Office.

Date

Signature



APPENDIX F

Guidance on Use of COVID-19 Sick Leave

On March 18, 2020, New York State enacted legislation authorizing sick leave for employees' subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19. The law provides paid and unpaid sick leave with access to expanded paid family leave and temporary disability depending on the size of the employer. All employees, regardless of the size of their employer, are entitled to job protection upon return from leave.

This document supplements prior guidance on the application of COVID-19 sick leave. All prior guidance remains in effect.

1. An employee who returns to work following a period of mandatory quarantine or isolation does not need to be tested before returning to work, except for nursing home staff. However, an employee who subsequently receives a positive diagnostic test result for COVID-19 must not report to work. The employee shall be deemed to be subject to a mandatory order of isolation from the Department of Health and shall be entitled to sick leave as required by New York's COVID-19 sick leave law, whether or not the employee already has received sick leave as required by the law for the first period of quarantine or isolation. However, the employee must submit documentation from a licensed medical provider or testing facility attesting that the employee has tested positive for COVID-19. The employee does not need to submit documentation of a positive result if the employee's employer gave the employee the test for COVID-19 that showed the positive result.
2. An employee who is subject to an order of quarantine or isolation but continues to test positive for COVID-19 after the end of such quarantine or isolation period must not report to work. Please note that an employee is not recommended to be tested to discontinue isolation or quarantine. The employee shall be deemed to be subject to a second mandatory order of isolation from the Department of Health and shall be entitled to sick leave as required by New York's COVID-19 sick leave law for the second period of isolation. However, the employee must submit documentation from a licensed medical provider or testing facility attesting that the employee has received a positive diagnostic test for COVID-19 after completing the initial period of isolation. The employee does not need to submit documentation of a positive result if the employee's employer gave the employee the test for COVID-19 that showed the positive result.
3. If an employer mandates that an employee who is not otherwise subject to a mandatory or precautionary order of quarantine or isolation to remain out of work due to exposure or potential exposure to COVID-19, regardless of whether such exposure or potential exposure was in the workplace, the employer shall continue to pay the employee at the



employee's regular rate of pay until such time as the employer permits the employee to return to work or the employee becomes subject to a mandatory or precautionary order of quarantine or isolation, at which time the employee shall receive sick leave as required by New York's COVID-19 sick leave law, in accordance with this guidance, for the period of time the employee is subject to such mandatory or precautionary order of quarantine or isolation.

4. In no event shall an employee qualify for sick leave under New York's COVID-19 sick leave law for more than three orders of quarantine or isolation. The second and third orders must be based on a positive COVID-19 test in accordance with paragraphs 1 and 2.

For additional information about COVID-19, please visit the New York State Department of Health's coronavirus website at **coronavirus.health.ny.gov** home. For additional information about New York's COVID-19 sick leave law, please visit **ny.gov/COVIDpaysickleave**.



City of Beacon City Council Agenda
03/15/2021

Title:

Resolution Appointing Wastewater Treatment Plant Operator - Type A Plant

ATTACHMENTS

[Resolution Appointing Wastewater Treatment Plant Operator - Type A Plant](#)

CITY OF BEACON
CITY COUNCIL

Resolution No. _____ of 2021

RESOLUTION APPOINTING
WASTEWATER TREATMENT PLANT OPERATOR – TYPE A PLANT

WHEREAS, the City Administrator has recommended that Mr. Raynor Lundy be appointed as Wastewater Treatment Plant Operator – Type A Plant in the City of Beacon Water and Sewer Department; and

WHEREAS, based on the recommendation of the City Administrator, the Mayor has appointed Mr. Lundy to the position of Wastewater Treatment Plant Operator – Type A Plant in the City's Water and Sewer Department; and

WHEREAS, the City Council wishes to approve the Mayor's appointment of Mr. Lundy to the position of Wastewater Treatment Plant Operator – Type A Plant in the City's Water and Sewer Department; and

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council approves the Mayor's permanent appointment of Raynor Lundy to the position of Wastewater Treatment Plant Operator – Type A Plant in the City of Beacon Water and Sewer Department effective as of April 5, 2021.

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

Resolution No. _____ of 2021			Date: <u>March 15, 2021</u>				
☐ 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					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
03/15/2021

Title:

Resolution Ratifying the Memorandum of Agreement Between the CSEA and the City of
Beacon_3.15.2021

ATTACHMENTS

[Resolution Ratifying the Memorandum of Agreement Between the CSEA and the City of Beacon](#)

[CSEA MOA](#)

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2021

**RESOLUTION RATIFYING THE MEMORANDUM OF AGREEMENT
BETWEEN THE CSEA AND THE CITY OF BEACON**

WHEREAS, negotiations have been ongoing between the Bargaining Team for the City of Beacon (the “City”) and the Bargaining Team for the City of Beacon Unit, Dutchess County Local 814, Civil Service Employees Association, Inc., Local 1000, American Federation of State, County and Municipal Employees Union, AFL-CIO (the “CSEA”) for a successor to the January 1, 2016 – December 31, 2019 Agreement between the parties; and

WHEREAS, those negotiations have resulted in a tentative agreement contained in a Memorandum of Agreement dated February 2021 which has been ratified by the membership of the CSEA; and

WHEREAS, the City Council of the City of Beacon has reviewed the terms of the Memorandum of Agreement and finds that a settlement consistent with the terms contained therein is in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves and ratifies the terms of the aforementioned Memorandum of Agreement and hereby authorizes the Mayor or the City Administrator to execute a Collective Bargaining Agreement consistent with the terms thereof.

Resolution No. _____ of 2021			Date: <u>March 15, 2021</u>				
☐ 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					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF BEACON AND CITY OF BEACON UNIT,
DUTCHESS COUNTY LOCAL 814, CIVIL SERVICE EMPLOYEES
ASSOCIATION, INC., LOCAL 1000, AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES UNION, AFL-CIO**

IT IS HEREBY AGREED, by and between the bargaining team for the City of Beacon, Dutchess County, New York (the "City") and the bargaining team for the City of Beacon Unit, Dutchess County Local 814, Civil Service Employees Association, Inc., Local 1000, American Federation of State, County and Municipal Employees Union, AFL-CIO ("CSEA"), that the following shall continue the new terms and conditions of the successor agreement to the Collective Bargaining Agreement covering the period of January 1, 2020 through December 31, 2020.

1. Article III

SECTION 1 – Wage Adjustments

Add:

A 2% wage increase in 2020, retroactive to January 1, 2020.

To be paid no later than 30 days from the date of ratification of both parties.

2. Article VIII

SECTION 2 – Health Insurance

Revise to provide:

All Employees hired on or after January 1, 1993 shall pay twenty per cent (20%) of the family health plan premium; add or individual (All employees hired on or after January 1, 1993 shall pay twenty per cent (20%) of the family or individual health plan premium.).

3. Article VII

SECTION 1 – Personal Leave

Add:

Employees in 1st year of employment shall receive prorated number of personal days.

4. Article VIII

SECTION 6 – Dental Plan

Add:

The City shall create a subcommittee with at least one CSEA bargaining unit member and one CSEA staff representative to review current health and dental package offered by the City.

5. Article II

SECTION 5 – Sewage Treatment Plant Personnel

Amend to provide the following:

“On Saturday and Sunday only, shift one (1) shall be an eight (8) hour consecutive workday which may commence between the hours of 6:00 a.m. to 8:00 a.m. at the discretion of the Employer; and shift 2 shall be an eight (8) hour consecutive workday which may commence from 10:00 a.m. to 12:00 p.m. at the discretion of the employer.” There shall be no 3 pm - 11 pm shift on Saturday or Sunday.

Effective six (6) months from signing MOA.

⁶ Article II

³ SECTION 3 – Water and Sewer Department Personnel
~~SECTION 5 – Sewage Treatment Plant Personnel~~

Delete last paragraph and any reference in the CBA to “Water Meter Reader.”

7. Article III

SECTION 3 – Overtime

C. Part-Time Employees:

Amend last sentence to provide:

Part-time employees shall not receive any health benefits.

8. Article III

SECTION 4 – Allowances

D. Clothing Allowance:

Amend to provide: An employee shall receive clothing allowance payment in one lump sum at the end of the year, on a pro-rated basis.

Delete all references to “Parking Enforcement Officer.”

Add: The City shall continue to furnish Police Assistants with a uniform (shirt, pants, belt).

9. Article V

SECTION 5 – Holiday Occurring on Pass Day

Delete and provide that:

All holiday time earned on a pass day shall be paid out in the payroll following the pass day.

10. Article VII

SECTION 6 – Volunteer Fire/Rescue Duty Leave

Revise to provide:

b. at the request of the City of Beacon Firefighter Officer in Charge or the Fire Chief

11. Article III

Add:

SECTION 10 – Payroll Payments

All payroll payments shall be made via direct deposit only.

12. Article IX

SECTION 1 – Seniority

C. Overtime (Scheduled and Unscheduled):

Amend to provide that holdover overtime shall not be distributed on a rotational basis.

13. Article VII

SECTION 3 – Sick Leave

Add: New Section H

The City agrees to use a standard beneficiary form for all employees.

14. Article VII

Add:

SECTION 12: If the City Administrator decides to close City Hall due to inclement weather, employees who are scheduled to work but not required to report to work due to the closure will not suffer any loss of pay or leave accruals. Employees. Language needs to be agreed upon.

15. Article VII

SECTION 3 – Sick Leave

F: New Sub-Section - v

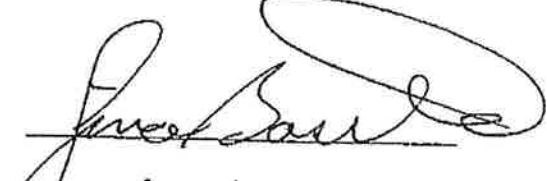
Unit employees designated for snow removal will not be penalized with respect to the time and attendance incentive for using accruals immediately after working for 8 hours or more for snow removal.

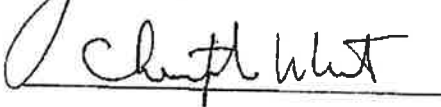
All other terms of the 2016-2019 Agreement not expressly modified above shall remain unchanged in the new Agreement.

This Memorandum of Agreement is subject to ratification and approval by the members of the CSEA and by the City Council of the City of Beacon.

Dated: February 17, 2021

FOR THE CITY OF BEACON

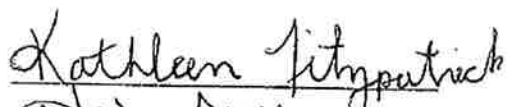
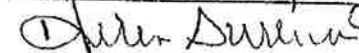




**FOR THE CIVIL SERVICE
EMPLOYEES ASSOCIATION, INC.**





City of Beacon City Council Agenda
03/15/2021

Title:

City Council Meeting Minutes March 1, 2021

ATTACHMENTS

[City Council Meeting Minutes March 1, 2021.docx](#)

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council. Due to COVID-19 the City Council Meeting was held through video conference. The public was able to attend through video or telephone and were made aware via the City of Beacon website, cityofbeacon.org. Please note that the video recording of this meeting is available at <https://vimeo.com/518405787>. Please take further notice that in accordance with New York State Governor Andrew Cuomo's Executive Order 202.1 the full transcript of this meeting is available upon request at City Hall Suite 1, 1 Municipal Plaza, Beacon NY 12508, or by calling 845 838 5010, or by emailing cityofbeacon@cityofbeacon.org.

Councilmembers Present

Amber Grant, At Large
George Mansfield, At Large
Terry Nelson, Ward One
Air Rhodes, Ward Two
Jodi McCredo, Ward Three
Dan Aymar-Blair, Ward Four
Lee Kyriacou, Mayor

Councilmembers Absent**Also Present:**

Chris White, City Administrator
Nick Ward-Willis, City Attorney

Public Hearing:

Proposed Local Law to Create Chapter 223, Section 25.1 of the Code of the City of Beacon
Regarding Scenic Viewsheds

- Motion to open the Public Hearing by Councilmember Grant
- Second by Councilmember Aymar-Blair
- Motion passes 7 – 0

- Motion to adjourn to March 15, 2021 by Councilmember Rhodes
- Second by Councilmember McCredo
- Motion passes 7 – 0

Local Laws and Resolutions:

1. Resolution Appointing Eric Schmidt as Fire Lieutenant in the Beacon Fire Department

- Motion to pass the Resolution by Councilmember McCredo
 - Second by Councilmember Grant
 - Motion passes 7 – 0
2. Resolution Appointing Michael Merritt as Fire Lieutenant in the Beacon Fire Department
- Motion to pass the Resolution by Councilmember Nelson
 - Second by Councilmember McCredo
 - Motion passes 7 – 0
3. Resolution Granting a Special Permit for 416-420 Main Street Parcel ID Nos. 6054-29-056780 and 6054-29-056774
- Motion to Amend by striking the following sentence on page 6: “Without this public Central Green Space, it is likely this project would not have been approved.”
 - Motion by Councilmember Air Rhodes
 - Second by Councilmember Aymar-Blair
 - Motion passes 7 – 0
- Motion to pass the Resolution by Councilmember Mansfield
 - Second by Councilmember Aymar-Blair
 - Motion passes 7 – 0

Local Laws and Resolutions - Consent Agenda:

1. Resolution Approving a License Agreement Between the City of Beacon and Things You Love Events LLC
 2. Resolution Adopting the City of Beacon Social Media Policy
 3. Resolution Approving City of Beacon Volunteer Members Who Qualify for LOSAP Contribution For 2020
- Consent agenda motion to approve by Amber Grant
 - Second by Jodi McCredo

- 7 -0

Approval of Minutes

City Council Meeting Minutes February 16, 2021

- Motion to Approve the Minutes by Councilmember Nelson
- Second by Councilmember Rhodes
- Motion passes 7 - 0

Adjournment

- Motion to adjourn the meeting by Councilmember McCredo
- Second by Councilmember Grant
- Motion passes 7 - 0