



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

**August 2, 2021
7:00 PM
City Council Agenda**

Call to Order

Pledge of Allegiance

Roll Call

Public Comment

Community Segment

[Spirit of Beacon Day 2021 Discussion with Organizers Gwenno James and Karen James](#)

Public Hearings:

1. [Proposed Local Law to Create Chapter 155, Article III of the Code of the City of Beacon to Prohibit Smoking in City Parks](#)

Reports: Mayor, City Council, and City Administrator

Local Laws and Resolutions:

1. [Resolution Adopting a Proposed Local Law to Amend Chapter 211, Article II, Section 10, Subsection B of the Code of the City of Beacon Regarding Vehicles and Traffic](#)
2. [A Resolution to Designate 246 Main Street as a Historic Landmark](#)
3. [A Resolution to Dedicate 250 Main Street as a Historic Landmark](#)
4. [A Resolution to Dedicate 257 Main Street as a Historic Landmark](#)
5. [A Resolution to Designate 274 Main Street as a Historic Landmark](#)
6. [A Resolution to Designate 284 Main Street as a Historic Landmark](#)
7. [A Resolution to Designate 288 Main Street as a Historic Landmark](#)
8. [A Resolution to Designate 291 Main Street as a Historic Landmark](#)
9. [A Resolution to Designate 372 Main Street as a Historic Landmark](#)
10. [A Resolution to Designate 378-382 Main Street as a Historic Landmark](#)

11. Resolution Regarding Tax Certiorari Settlement Mtr. Of DMS Consolidators, Ltd. V. City of Beacon, et al. (Sup. Ct. Dutchess County. Index No. 52281/2020) Settlement of 2020 Tax Certiorari Proceeding
12. Resolution Creating a Community Facilities Grant Program
13. Resolution Authorizing the City Administrator to Sign a License Agreement (Contract No. 2021 - 023) with 344 Main Holding, LLC
14. Resolution Awarding a Contract (Contract No. 2021-024) to Carey & Walsh, Inc. for the Purchase and Installation of a Trane Heating Ventilation Air and Conditioning (HVAC) Chiller 5
15. Resolution Authorizing the City Administrator to Sign a License Agreement (Contract No. 2021-025) with Mecca On Hudson-New York, LLC for Food Service Operations at Pete and Toshi Seeger Riverfront Park
16. Resolution Authorizing the City Administrator to Sign a Contract (Contract No. 2021-026) with Friends of Beacon Dog Park, Inc. for Dog Park Operation Services
17. Resolution Authorizing the Appointment of Gregg Hetcher to the Position of Motor Equipment Operator

Approval of Minutes

City Council Meeting Minutes July 6, 2021

2nd Opportunity for Public Comments:

Executive Session

Personnel, Contract, and Litigation

Adjournment:

City of Beacon City Council Agenda
08/02/2021

Title:

Spirit of Beacon Day 2021 Discussion with Organizers Gwenno James and Karen James

ATTACHMENTS

City of Beacon City Council Agenda
08/02/2021

Title:

Proposed Local Law to Create Chapter 155, Article III of the Code of the City of Beacon to Prohibit Smoking in City Parks

ATTACHMENTS

Proposed Local Law to Create Chapter 155, Article III of the Code of the City of Beacon to Prohibit Smoking in City Parks

LOCAL LAW NO. ____ OF 2021

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO CREATE
CHAPTER 155, ARTICLE III OF THE CODE OF THE CITY OF BEACON

A LOCAL LAW to create Chapter 155, Article III of the Code of the City of Beacon to prohibit smoking in City parks.

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

Section 1. Chapter 155, Article III of the Code of the City of Beacon entitled “Rules and Regulations” is hereby created as follows:

ARTICLE III RULES AND REGULATIONS

155-3 Definitions.

As used in this article, the following terms shall have the meanings indicated:

PARKS

The grounds, buildings thereon, waters therein and any other property necessary for the operation thereof and constituting a part thereof, which are now or hereafter will be maintained, operated and controlled by the City of Beacon for public park purposes.

SMOKING

The burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, cannabis, cannabinoid hemp or other product, including the use of an electronic smoking device that creates an aerosol or vapor.

155-4 Prohibited activities.

- A. No person in a park shall smoke or carry a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco, cannabis, cannabinoid hemp or other product, and/or the use of an electronic smoking device that creates an aerosol or vapor, shall not be permitted.

- B. No person shall dispose of any smoking materials, including, but not limited to, cigarette or cigar butts and filters, in any place other than a receptacle designated for the deposit of such items.

§ 155-5 Enforcement.

The City of Beacon Police Department shall be charged with enforcement of this article and shall have the power and authority to issue summonses and tickets for violations thereof.

§ 155-6 Penalties for offenses.

A violation of the provisions of this article shall be subject to a fine of up to \$ 100 per violation.

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

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

Section 4. Severability. The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. Effective Date

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

City of Beacon City Council Agenda

08/02/2021

Title:

Resolution Adopting a Proposed Local Law to Amend Chapter 211, Article II, Section 10, Subsection B of the Code of the City of Beacon Regarding Vehicles and Traffic

ATTACHMENTS

Resolution Adopting a Proposed Local Law to Amend Chapter 211, Article II, Section 10, Subsection B of the Code of the City of Beacon Regarding Vehicles and Traffic

Proposed Local Law to Amend Chapter 211, Article II, Section 10, Subsection B of the Code of the City of Beacon Regarding Vehicles and Traffic



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. __ OF 2021

**RESOLUTION ADOPTING A PROPOSED LOCAL LAW TO AMEND CHAPTER 211,
ARTICLE II, SECTION 10, SUBSECTION B OF THE CODE OF THE CITY OF BEACON
REGARDING VEHICLES AND TRAFFIC**

BE IT RESOLVED, that the City of Beacon City Council hereby adopts a proposed Local Law to Amend Chapter 211, Article II, Section 10, Subsection B of the Code of the City of Beacon regarding vehicles and traffic.

Resolution No. __ of 2021			Date: <u>August 2, 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 COUNCIL
CITY OF BEACON

LOCAL LAW TO AMEND CHAPTER 211, ARTICLE II, SECTION 10,
SUBSECTION B OF THE CODE OF THE CITY OF BEACON

A LOCAL LAW to amend
Chapter 211, Article II,
Section 10, Subsection B of
the Code of the City of
Beacon concerning stops
signs.

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

Section 1. Chapter 211, Article II, Section 10, Subsection B of the Code of the City of Beacon is hereby amended to install stop signs on Main Street and Matteawan Road as follows:

§ 211-10. Stop intersections.

...

B. Schedule VII: Stop intersections. In accordance with the provisions of Subsection A, described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

Stop Sign on	Direction of Travel	At intersection of
<u>Ackerman Street</u>	<u>Southeast</u>	<u>Main Street</u>
<u>Herbert Street</u>	<u>Southeast</u>	<u>Main Street</u>
<u>North Street</u>	<u>Southeast</u>	<u>Main Street</u>
<u>Schenck Avenue</u>	<u>Southwest</u>	<u>Main Street</u>
<u>South Street</u>	<u>Southeast</u>	<u>Main Street</u>
<u>Veterans Place</u>	<u>Southeast</u>	<u>Main Street</u>
<u>Willow Street</u>	<u>Southwest</u>	<u>Main Street</u>
<u>Matteawan Road</u>	<u>Both</u>	<u>Beacon High School Athletic Wing entrance/exit</u>

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 211 of the Code of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. 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.

If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm,

partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective date.

This chapter shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.

City of Beacon City Council Agenda
08/02/2021

Title:

A Resolution to Designate 246 Main Street as a Historic Landmark

ATTACHMENTS

[A Resolution to Designate 246 Main Street as a Historic Landmark](#)

RESOLUTION

CITY COUNCIL BEACON, NEW YORK

A RESOLUTION TO DESIGNATE 246 MAIN STREET AS A HISTORIC LANDMARK

Parcel ID#: 5954-28-877907

WHEREAS, Chapter 134 of the Code of the City of Beacon (the “City Code”) allows the City Council of the City of Beacon to designate a landmark, site, structure or property with special historical, architectural, cultural, or aesthetic value as a historic landmark; and

WHEREAS, § 134-4 of the City Code provides that any landmark, site, structure or property may be nominated for historic designation by the City Council, the Planning Board, a historic preservation committee, or upon petition of the owner of the property for which historic designation is requested; and

WHEREAS, the City Council has acted upon its own initiative to propose the historic designation of the property located at 246 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 5954-28-877907 (the “Property”); and

WHEREAS, the nomination included a New York State Office of Parks, Recreation and Historic Preservation Historic Resource Inventory Form, a copy of which is on file in the Office of the City Clerk and is available for review; and

WHEREAS, the City Council discussed the proposed historic designation of the Property and reviewed and discussed the Historic Resource Inventory Form for the Property at the April 12, 2021, June 14, 2021 and June 28, 2021 City Council Workshop Meetings; and

WHEREAS, the proposed action is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR § 617.4(c)(38), and accordingly, no further environmental review is required; and

WHEREAS, on May 3, 2021, the City Council adopted a resolution setting a public hearing on June 7, 2021 to receive comments on the proposed historic property designation for the Property; and

WHEREAS, on May 8, 2021, notice of the public hearing was published in the Poughkeepsie Journal; and

WHEREAS, on May 13, 2021, the City mailed notice of the proposed designation to the property owner by certified mail, such notice described the property proposed for designation and announced the City Council public hearing date; and

WHEREAS, on June 7, 2021 the City Council opened a duly noticed public hearing on the proposed historic designation of the Property, at which time all those interested were given an opportunity to be heard; and

WHEREAS, the public hearing was closed on June 7, 2021; and

WHEREAS, due to public health and safety concerns related to the current COVID-19 pandemic, all public hearings on the proposed historic designation of the Property were duly noticed in accordance with notice requirements of the Zoning Code of the City of Beacon, and held by videoconference in accordance with the Governor's Executive Orders which suspend the "in-person" requirements of the NYS Open Meetings Law and provide alternative means by which to conduct public meetings and hearings remotely; and

WHEREAS, the City Council received a letter from the property owner, J & J 246 LLC (Harvey Kaplan & Richard Kaplan), objecting to the proposed landmark designation at 246 Main Street; and

WHEREAS, the City Council discussed and considered the property owner's objections and further reviewed the architectural characteristics of the building and the special character and historic value of the Property; and

WHEREAS, pursuant to § 134-4.G of the City Code, a super majority vote of five (5) Council members is necessary to designate the Property as a new historic landmark because the property owner has objected to such designation; and

WHEREAS, the City Council has considered the factors listed in § 134-4B of the City Code and all testimony and evidence presented during the public hearing, including the property owner's objections.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Beacon hereby makes the following findings pursuant to § 134-4 of the City Code:

1. The Property has distinguishing architectural characteristics of a period, style, method of construction, indigenous materials or craftsmanship. This 3-story, 5-bay brick building has a large and distinctively detailed projecting front cornice with paired brackets and small diamond-shaped cut-outs, representative of the 19th-century Italianate style applied to commercial architecture. The side bays on the front façade are slightly recessed with corbeled brick under the cornice. The windows have arched brick lintels and stone sills with paired windows in the central bay. There is a simple secondary cornice over the storefronts and a central doorway for upper floor access. The two storefronts have double doors, but the windows and surrounds appear to be more modern replacements. The building maintains its original historic character, as compared to an early 1900s postcard view, in particular retaining both its decorative cornices. It is an excellent example of its commercial Main Street architectural type and Italianate bracketed storefront style in the City.

2. The Property has a special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the community. There is no building at this site on the 1884 Sanborn Map, but the building is shown on the 1889 version, listed as a candy manufacturer on the west side and saloon on the east side. On the 1919 and 1927 Sanborn maps and on an early 1900s postcard view it was labeled Bennett Hotel. The existing one-story addition to the rear was constructed between 1912 and 1919. This central Main Street commercial building from the late 1800s, as Fishkill Landing and Matteawan were beginning to extend along the new connecting street, is an important remaining artifact of Beacon's cultural, economic, and social heritage. The building's historical significance is further established by its early use as a hotel building in Beacon.

BE IT FUTHER RESOLVED, in accordance with the provisions of Chapter 134 of the City Code, the City Council hereby designates the Property located at 246 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 5954-28-877907 as a historic landmark.

Resolution No. ____ of 2021			Date: <u>August 2, 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 City Council Agenda
08/02/2021

Title:

A Resolution to Dedicate 250 Main Street as a Historic Landmark

ATTACHMENTS

[A Resolution to Dedicate 250 Main Street as Historic Landmark](#)

RESOLUTION

CITY COUNCIL
BEACON, NEW YORK

A RESOLUTION TO DESIGNATE 250 MAIN STREET AS A HISTORIC
LANDMARK

Parcel ID#: 5954-28-883903

WHEREAS, Chapter 134 of the Code of the City of Beacon (the “City Code”) allows the City Council of the City of Beacon to designate a landmark, site, structure or property with special historical, architectural, cultural, or aesthetic value as a historic landmark; and

WHEREAS, § 134-4 of the City Code provides that any landmark, site, structure or property may be nominated for historic designation by the City Council, the Planning Board, a historic preservation committee, or upon petition of the owner of the property for which historic designation is requested; and

WHEREAS, the City Council has acted upon its own initiative to propose the historic designation of the property located at 250 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 5954-28-883903 (the “Property”); and

WHEREAS, the nomination included a New York State Office of Parks, Recreation and Historic Preservation Historic Resource Inventory Form, a copy of which is on file in the Office of the City Clerk and is available for review; and

WHEREAS, the City Council discussed the proposed historic designation of the Property and reviewed and discussed the Historic Resource Inventory Form for the Property at the April 12, 2021, June 14, 2021 and June 28, 2021 City Council Workshop Meetings; and

WHEREAS, the proposed action is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR § 617.4(c)(38), and accordingly, no further environmental review is required; and

WHEREAS, on May 3, 2021, the City Council adopted a resolution setting a public hearing on June 7, 2021 to receive comments on the proposed historic property designation for the Property; and

WHEREAS, on May 8, 2021, notice of the public hearing was published in the Poughkeepsie Journal; and

WHEREAS, on May 13, 2021, the City mailed notice of the proposed designation to the property owner by certified mail, such notice described the property proposed for designation and announced the City Council public hearing date; and

WHEREAS, on June 7, 2021 the City Council opened a duly noticed public hearing on the proposed historic designation of the Property, at which time all those interested were given an opportunity to be heard; and

WHEREAS, the public hearing was closed on June 7, 2021; and

WHEREAS, due to public health and safety concerns related to the current COVID-19 pandemic, all public hearings on the proposed historic designation of the Property were duly noticed in accordance with notice requirements of the Zoning Code of the City of Beacon, and held by videoconference in accordance with the Governor's Executive Orders which suspend the "in-person" requirements of the NYS Open Meetings Law and provide alternative means by which to conduct public meetings and hearings remotely; and

WHEREAS, the City Council received a letter from the property owner, Fa Tuan Ni, objecting to the proposed landmark designation at 250 main Street; and

WHEREAS, the City Council discussed and considered the property owner's objection and further reviewed the architectural characteristics of the building and the special character and historic value of the Property; and

WHEREAS, pursuant to § 134-4.G of the City Code, a super majority vote of five (5) Council members is necessary to designate the Property as a new historic landmark because the property owner has objected to such designation; and

WHEREAS, the City Council has considered the factors listed in § 134-4B of the City Code and all testimony and evidence presented during the public hearing, including the property owner's objection.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Beacon hereby makes the following findings pursuant to § 134-4 of the City Code:

1. The Property has distinguishing architectural characteristics of a period, style, method of construction, indigenous materials or craftsmanship. This 3-story, 3-bay brick building has a distinctive projecting cornice with regular modillions and a wide board underneath, representative of the 19th-century Italianate style applied to commercial architecture. The windows have arched brick lintels and stone sills. There is a simple secondary cornice over the storefront with corner blocks. The storefront surrounds and the door to the upper floors appear original, but the storefront window and door are more modern replacements. There is a rear porch on the upper levels, one-story rear addition, and a more modern garage towards the rear of the lot. Although three windows and a former doorway have been bricked-up on the west side of the building, the structure retains its original overall character, in particular its decorative cornices, and is one of the more intact examples of its commercial Main Street architectural type and Italianate storefront style in the City.

2. The Property has a special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the community. There is no structure at this site on the 1904 Sanborn Map, but the building with a 3-level rear porch is shown on the 1912 version, listed as a haberdasher. The one-story rear addition dates from after 1927. This central Main Street commercial building from the early 1900s, just as the two villages were being merged into the City of Beacon, is an important remaining artifact of Beacon's cultural, economic, and social heritage.

BE IT FUTHER RESOLVED, in accordance with the provisions of Chapter 134 of the City Code, the City Council hereby designates the Property located at 250 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID # 5954-28-883903 as a historic landmark.

Resolution No. ____ of 2021			Date: <u>August 2, 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 City Council Agenda
08/02/2021

Title:

A Resolution to Dedicate 257 Main Street as a Historic Landmark

ATTACHMENTS

[A Resolution to Dedicate 257 Main Street as Historic Landmark](#)

RESOLUTION

CITY COUNCIL
BEACON, NEW YORK

A RESOLUTION TO DESIGNATE 257 MAIN STREET AS A HISTORIC
LANDMARK

Parcel ID#: 5954-27-865897

WHEREAS, Chapter 134 of the Code of the City of Beacon (the “City Code”) allows the City Council of the City of Beacon to designate a landmark, site, structure or property with special historical, architectural, cultural, or aesthetic value as a historic landmark; and

WHEREAS, § 134-4 of the City Code provides that any landmark, site, structure or property may be nominated for historic designation by the City Council, the Planning Board, a historic preservation committee, or upon petition of the owner of the property for which historic designation is requested; and

WHEREAS, the City Council has acted upon its own initiative to propose the historic designation of the property located at 257 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 5954-27-865897 (the “Property”); and

WHEREAS, the nomination included a New York State Office of Parks, Recreation and Historic Preservation Historic Resource Inventory Form, a copy of which is on file in the Office of the City Clerk and is available for review; and

WHEREAS, the City Council discussed the proposed historic designation of the Property and reviewed and discussed the Historic Resource Inventory Form for the Property at the April 12, 2021, June 14, 2021 and June 28, 2021 City Council Workshop Meetings; and

WHEREAS, the proposed action is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR § 617.4(c)(38), and accordingly, no further environmental review is required; and

WHEREAS, on May 3, 2021, the City Council adopted a resolution setting a public hearing on June 7, 2021 to receive comments on the proposed historic property designation for the Property; and

WHEREAS, on May 8, 2021, notice of the public hearing was published in the Poughkeepsie Journal; and

WHEREAS, on May 13, 2021, the City mailed notice of the proposed designation to the property owner by certified mail, such notice described the property proposed for designation and announced the City Council public hearing date; and

WHEREAS, on June 7, 2021 the City Council opened a duly noticed public hearing on the proposed historic designation of the Property, at which time all those interested were given an opportunity to be heard; and

WHEREAS, the public hearing was closed on June 7, 2021; and

WHEREAS, due to public health and safety concerns related to the current COVID-19 pandemic, all public hearings on the proposed historic designation of the Property were duly noticed in accordance with notice requirements of the Zoning Code of the City of Beacon, and held by videoconference in accordance with the Governor's Executive Orders which suspend the "in-person" requirements of the NYS Open Meetings Law and provide alternative means by which to conduct public meetings and hearings remotely; and

WHEREAS, the City Council received a letter from the property owner, 26 East Main Street, LLC (Vincent Satriano), objecting to the proposed landmark designation at 257 Main Street; and

WHEREAS, the City Council discussed and considered the property owner's objections and further reviewed the architectural characteristics of the building and the special character and historic value of the Property; and

WHEREAS, pursuant to § 134-4.G of the City Code, a super majority vote of five (5) Council members is necessary to designate the Property as a new historic landmark because the property owner has objected to such designation; and

WHEREAS, the City Council has considered the factors listed in § 134-4B of the City Code and all testimony and evidence presented during the public hearing, including the property owner's objections.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Beacon hereby makes the following findings pursuant to § 134-4 of the City Code:

1. The Property has distinguishing architectural characteristics of a period, style, method of construction, indigenous materials or craftsmanship. This 2-story painted brick building is good example of a restrained Romanesque Revival style applied to a commercial storefront structure. It has a projecting cornice formed by a regular pattern of corbeled brick. The structure is divided into three sections by projecting piers with originally six storefronts and three separate doors to the upper floor. The tall, narrow second-floor windows are set in six groups of three with broad arching brick lintels, a drip band above, and stone sills below. There is a secondary cornice over the central section of the facade. The central storefront has been modernized, but the outer storefronts maintain their original form. The building retains its 1890s historic character and distinctive architectural details, particularly the brick decorative elements. It is an excellent example of a commercial Main Street architectural type with Romanesque Revival elements.

2. The Property has a special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the community. There is no building at this site on the 1889 Sanborn Map, but the 2-story building is shown on the 1896 version with multiple businesses, including a barber, grocery, and candy store. On the 1912 Sanborn map a club is listed on the second floor with a pool hall, cobbler, and sewing machine shop on the first floor. This commercial Main Street building from the late 1800s is an important remaining artifact of Beacon's cultural, economic, and social history, providing a wide variety of businesses and services over its more than 120-year existence.

BE IT FUTHER RESOLVED, in accordance with the provisions of Chapter 134 of the City Code, the City Council hereby designates the Property located at 257 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 5954-27-865897 as a historic landmark.

Resolution No. ____ of 2021			Date: <u>August 2, 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 City Council Agenda
08/02/2021

Title:

A Resolution to Designate 274 Main Street as a Historic Landmark

ATTACHMENTS

[A Resolution to Designate 274 Main Street as Historic Landmark](#)

RESOLUTION

CITY COUNCIL BEACON, NEW YORK

A RESOLUTION TO DESIGNATE 274 MAIN STREET AS A HISTORIC LANDMARK

Parcel ID#: 5954-28-903888

WHEREAS, Chapter 134 of the Code of the City of Beacon (the “City Code”) allows the City Council of the City of Beacon to designate a landmark, site, structure or property with special historical, architectural, cultural, or aesthetic value as a historic landmark; and

WHEREAS, § 134-4 of the City Code provides that any landmark, site, structure or property may be nominated for historic designation by the City Council, the Planning Board, a historic preservation committee, or upon petition of the owner of the property for which historic designation is requested; and

WHEREAS, the City Council has acted upon its own initiative to propose the historic designation of the property located at 274 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 5954-28-903888 (the “Property”); and

WHEREAS, the nomination included a New York State Office of Parks, Recreation and Historic Preservation Historic Resource Inventory Form, a copy of which is on file in the Office of the City Clerk and is available for review; and

WHEREAS, the City Council discussed the proposed historic designation of the Property and reviewed and discussed the Historic Resource Inventory Form for the Property at the April 12, 2021, June 14, 2021 and June 28, 2021 City Council Workshop Meetings; and

WHEREAS, the proposed action is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR § 617.4(c)(38), and accordingly, no further environmental review is required; and

WHEREAS, on May 3, 2021, the City Council adopted a resolution setting a public hearing on June 7, 2021 to receive comments on the proposed historic property designation for the Property; and

WHEREAS, on May 8, 2021, notice of the public hearing was published in the Poughkeepsie Journal; and

WHEREAS, on May 13, 2021, the City mailed notice of the proposed designation to the property owner by certified mail, such notice described the property proposed for designation and announced the City Council public hearing date; and

WHEREAS, on June 7, 2021 the City Council opened a duly noticed public hearing on the proposed historic designation of the Property, at which time all those interested were given an opportunity to be heard; and

WHEREAS, the public hearing was closed on June 7, 2021; and

WHEREAS, due to public health and safety concerns related to the current COVID-19 pandemic, all public hearings on the proposed historic designation of the Property were duly noticed in accordance with notice requirements of the Zoning Code of the City of Beacon, and held by videoconference in accordance with the Governor's Executive Orders which suspend the "in-person" requirements of the NYS Open Meetings Law and provide alternative means by which to conduct public meetings and hearings remotely; and

WHEREAS, the City Council received a letter from the property owners, Tina and Michael Pomarico, objecting to the proposed landmark designation at 274 Main Street; and

WHEREAS, the City Council discussed and considered the property owners' objections and further reviewed the architectural characterizes of the building and the special character and historic value of the Property; and

WHEREAS, pursuant to § 134-4.G of the City Code, a super majority vote of five (5) Council members is necessary to designate the Property as a new historic landmark because the property owner has objected to such designation; and

WHEREAS, the City Council has considered the factors listed in § 134-4B of the City Code and all testimony and evidence presented during the public hearing, including the property owners' objections.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Beacon hereby makes the following findings pursuant to § 134-4 of the City Code:

1. The Property has distinguishing architectural characteristics of a period, style, method of construction, indigenous materials or craftsmanship. This 3-story, 3-bay brick building has a distinctive overhanging cornice with paired brackets at the corners, an arching frieze board, and attached scrollwork in between the brackets. The windows have stone lintels and sills. An east-side bay window on the upper two floors, which is original to the building, appears to have been refaced with modern materials. There is a non-contributing cement block, one-story rear addition. Although the storefront and overhanging roof are more modern replacements, the building retains most of its historic character, in particular its decorative cornice and upper floor forms. The building is a good example of its commercial Main Street architectural type and the Italianate bracketed storefront style in the City.
2. The Property has a special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the community. There

is no building at this site on the 1889 Sanborn Map, but this 3-story building with a bay window on the east side and 3-level rear porch is shown on the 1896 version, listed as a liquor store. This commercial Main Street building from the late 1800s, just as the two villages were beginning to extend along the new connecting street, is an important remaining artifact of Beacon's cultural, economic, and social history.

BE IT FUTHER RESOLVED, in accordance with the provisions of Chapter 134 of the City Code, the City Council hereby designates the Property located at 274 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 5954-28-903888 as a historic landmark.

Resolution No. ____ of 2021			Date: <u>August 2, 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 City Council Agenda
08/02/2021

Title:

A Resolution to Designate 284 Main Street as a Historic Landmark

ATTACHMENTS

[A Resolution to Designate 284 Main Street as a Historic Landmark](#)

RESOLUTION

CITY COUNCIL BEACON, NEW YORK

A RESOLUTION TO DESIGNATE 284 MAIN STREET AS A HISTORIC LANDMARK

Parcel ID#: 5954-28-921882

WHEREAS, Chapter 134 of the Code of the City of Beacon (the “City Code”) allows the City Council of the City of Beacon to designate a landmark, site, structure or property with special historical, architectural, cultural, or aesthetic value as a historic landmark; and

WHEREAS, § 134-4 of the City Code provides that any landmark, site, structure or property may be nominated for historic designation by the City Council, the Planning Board, a historic preservation committee, or upon petition of the owner of the property for which historic designation is requested; and

WHEREAS, the City Council has acted upon its own initiative to propose the historic designation of the property located at 284 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 5954-28-921882 (the “Property”); and

WHEREAS, the nomination included a New York State Office of Parks, Recreation and Historic Preservation Historic Resource Inventory Form, a copy of which is on file in the Office of the City Clerk and is available for review; and

WHEREAS, the City Council discussed the proposed historic designation of the Property and reviewed and discussed the Historic Resource Inventory Form for the Property at the April 12, 2021, June 14, 2021 and June 28, 2021 City Council Workshop Meetings; and

WHEREAS, the proposed action is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR § 617.4(c)(38), and accordingly, no further environmental review is required; and

WHEREAS, on May 3, 2021, the City Council adopted a resolution setting a public hearing on June 7, 2021 to receive comments on the proposed historic property designation for the Property; and

WHEREAS, on May 8, 2021, notice of the public hearing was published in the Poughkeepsie Journal; and

WHEREAS, on May 13, 2021, the City mailed notice of the proposed designation to the property owner by certified mail, such notice described the property proposed for designation and announced the City Council public hearing date; and

WHEREAS, on June 7, 2021 the City Council opened a duly noticed public hearing on the proposed historic designation of the Property, at which time all those interested were given an opportunity to be heard; and

WHEREAS, the public hearing was closed on June 7, 2021; and

WHEREAS, due to public health and safety concerns related to the current COVID-19 pandemic, all public hearings on the proposed historic designation of the Property were duly noticed in accordance with notice requirements of the Zoning Code of the City of Beacon, and held by videoconference in accordance with the Governor's Executive Orders which suspend the "in-person" requirements of the NYS Open Meetings Law and provide alternative means by which to conduct public meetings and hearings remotely; and

WHEREAS, the City Council has considered the factors listed in § 134-4B of the City Code and all testimony and evidence presented during the public hearing.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Beacon hereby makes the following findings pursuant to § 134-4 of the City Code:

1. The Property has distinguishing architectural characteristics of a period, style, method of construction, indigenous materials or craftsmanship. This 3-story, 4-bay painted brick building with four end-wall brick chimneys has a distinctive front overhanging cornice, including regularly spaced modillions and a wide frieze board with moldings. The south windows have stone lintels and sills and the west side windows are wood framed with central keys above. The west side also features a very unusual recessed window well on the two upper floors with a rounded arch above. Although the first floor and front storefront have been covered over with a modern stucco pattern and corner pilasters, the building still retains most of its original character, in particular its decorative cornice, and is one of the more intact examples of its commercial Main Street architectural type and Italianate style in the City.
2. The Property has a special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the community. There is no building at this site on the 1912 Sanborn Map, but this 3-story building with recessed side window wells is shown on the 1919 version, listed as dwellings. This commercial Main Street building from the early 1900s, just as the two villages were being merged into the City of Beacon, is an important remaining artifact of Beacon's cultural, economic, and social history.

BE IT FUTHER RESOLVED, in accordance with the provisions of Chapter 134 of the City Code, the City Council hereby designates the Property located at 284 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 5954-28-921882 as a historic landmark.

Resolution No. ____ of 2021			Date: <u>August 2, 2021</u>				
☐ Amendments ☐ Not on roll call.			☐ On roll call			☐ 2/3 Required ☐ 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
08/02/2021

Title:

A Resolution to Designate 288 Main Street as a Historic Landmark

ATTACHMENTS

[A Resolution to Designate 288 Main Street as a Historic Landmark](#)

RESOLUTION

CITY COUNCIL
BEACON, NEW YORK

A RESOLUTION TO DESIGNATE 288 MAIN STREET AS A HISTORIC
LANDMARK

Parcel ID#: 5954-36-923874

WHEREAS, Chapter 134 of the Code of the City of Beacon (the “City Code”) allows the City Council of the City of Beacon to designate a landmark, site, structure or property with special historical, architectural, cultural, or aesthetic value as a historic landmark; and

WHEREAS, § 134-4 of the City Code provides that any landmark, site, structure or property may be nominated for historic designation by the City Council, the Planning Board, a historic preservation committee, or upon petition of the owner of the property for which historic designation is requested; and

WHEREAS, the City Council has acted upon its own initiative to propose the historic designation of the property located at 288 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 5954-36-923874 (the “Property”); and

WHEREAS, the nomination included a New York State Office of Parks, Recreation and Historic Preservation Historic Resource Inventory Form, a copy of which is on file in the Office of the City Clerk and is available for review; and

WHEREAS, the City Council discussed the proposed historic designation of the Property and reviewed and discussed the Historic Resource Inventory Form for the Property at the April 12, 2021, June 14, 2021 and June 28, 2021 City Council Workshop Meetings; and

WHEREAS, the proposed action is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR § 617.4(c)(38), and accordingly, no further environmental review is required; and

WHEREAS, on May 3, 2021, the City Council adopted a resolution setting a public hearing on June 7, 2021 to receive comments on the proposed historic property designation for the Property; and

WHEREAS, on May 8, 2021, notice of the public hearing was published in the Poughkeepsie Journal; and

WHEREAS, on May 13, 2021, the City mailed notice of the proposed designation to the property owner by certified mail, such notice described the property proposed for designation and announced the City Council public hearing date; and

WHEREAS, on June 7, 2021 the City Council opened a duly noticed public hearing on the proposed historic designation of the Property, at which time all those interested were given an opportunity to be heard; and

WHEREAS, the public hearing was closed on June 7, 2021; and

WHEREAS, due to public health and safety concerns related to the current COVID-19 pandemic, all public hearings on the proposed historic designation of the Property were duly noticed in accordance with notice requirements of the Zoning Code of the City of Beacon, and held by videoconference in accordance with the Governor's Executive Orders which suspend the "in-person" requirements of the NYS Open Meetings Law and provide alternative means by which to conduct public meetings and hearings remotely; and

WHEREAS, the City Council has considered the factors listed in § 134-4B of the City Code and all testimony and evidence presented during the public hearing.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Beacon hereby makes the following findings pursuant to § 134-4 of the City Code:

1. The Property has distinguishing architectural characteristics of a period, style, method of construction, indigenous materials or craftsmanship. This 1½-story brick building with a 2-story rear section has bold Art Deco elements, added in the 1930s well after the original construction date when it was converted into a movie theater. The original brickwork features six pilasters across the front and distinctive rectangular brick patterns made from stacked and soldiered brick. The unusual stylized Deco features include a shaped parapet cornice, a second level central panel, and an applied band above the first floor with dropped geometric shapes. Although the south side windows and doors appear to be more modern replacements, the building retains its 1930s movie house character, in particular its Art Deco decorative features. It is a unique architectural type on Beacon's Main Street and deserves historic recognition.
2. The Property has a special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the community. There were ruins of livery buildings destroyed by fire at this site on the 1912 Sanborn Map, but a brick building with the current configuration is shown on the 1919 and 1927 versions, listed as a garage. The White Garage was converted to the Roosevelt Theater movie house in 1934 with a taller rear addition. Although the marquee sign is now gone, this movie house building from the 1930s, one of two identifiable theater buildings on Main Street, is an important remaining artifact of Beacon's cultural, economic, and social history.

BE IT FUTHER RESOLVED, in accordance with the provisions of Chapter 134 of the City Code, the City Council hereby designates the Property located at 288 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 5954-36-923874 as a historic landmark.

Resolution No. ____ of 2021			Date: <u>August 2, 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 City Council Agenda
08/02/2021

Title:

A Resolution to Designate 291 Main Street as a Historic Landmark

ATTACHMENTS

[A Resolution to Designate 291 Main Street as a Historic Landmark](#)

RESOLUTION

CITY COUNCIL BEACON, NEW YORK

A RESOLUTION TO DESIGNATE 291 MAIN STREET AS A HISTORIC LANDMARK

Parcel ID#: 5954-36-893875

WHEREAS, Chapter 134 of the Code of the City of Beacon (the “City Code”) allows the City Council of the City of Beacon to designate a landmark, site, structure or property with special historical, architectural, cultural, or aesthetic value as a historic landmark; and

WHEREAS, § 134-4 of the City Code provides that any landmark, site, structure or property may be nominated for historic designation by the City Council, the Planning Board, a historic preservation committee, or upon petition of the owner of the property for which historic designation is requested; and

WHEREAS, the City Council has acted upon its own initiative to propose the historic designation of the property located at 291 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 5954-36-893875 (the “Property”); and

WHEREAS, the nomination included a New York State Office of Parks, Recreation and Historic Preservation Historic Resource Inventory Form, a copy of which is on file in the Office of the City Clerk and is available for review; and

WHEREAS, the City Council discussed the proposed historic designation of the Property and reviewed and discussed the Historic Resource Inventory Form for the Property at the April 12, 2021, June 14, 2021 and June 28, 2021 City Council Workshop Meetings; and

WHEREAS, the proposed action is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR § 617.4(c)(38), and accordingly, no further environmental review is required; and

WHEREAS, on May 3, 2021, the City Council adopted a resolution setting a public hearing on June 7, 2021 to receive comments on the proposed historic property designation for the Property; and

WHEREAS, on May 8, 2021, notice of the public hearing was published in the Poughkeepsie Journal; and

WHEREAS, on May 13, 2021, the City mailed notice of the proposed designation to the property owner by certified mail, such notice described the property proposed for designation and announced the City Council public hearing date; and

WHEREAS, on June 7, 2021 the City Council opened a duly noticed public hearing on the proposed historic designation of the Property, at which time all those interested were given an opportunity to be heard; and

WHEREAS, the public hearing was closed on June 7, 2021; and

WHEREAS, due to public health and safety concerns related to the current COVID-19 pandemic, all public hearings on the proposed historic designation of the Property were duly noticed in accordance with notice requirements of the Zoning Code of the City of Beacon, and held by videoconference in accordance with the Governor's Executive Orders which suspend the "in-person" requirements of the NYS Open Meetings Law and provide alternative means by which to conduct public meetings and hearings remotely; and

WHEREAS, the City Council received a letter from the property owner, Telephone Building Beacon, LLC, objecting to the proposed landmark designation at 291 Main Street; and

WHEREAS, the City Council discussed and considered the property owner's objection and further reviewed the architectural characteristics of the building and the special character and historic value of the Property; and

WHEREAS, pursuant to § 134-4.G of the City Code, a super majority vote of five (5) Council members is necessary to designate the Property as a new historic landmark because the property owner has objected to such designation; and

WHEREAS, the City Council has considered the factors listed in § 134-4B of the City Code and all testimony and evidence presented during the public hearing, including the property owner's objections.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Beacon hereby makes the following findings pursuant to § 134-4 of the City Code:

1. The Property has distinguishing architectural characteristics of a period, style, method of construction, indigenous materials or craftsmanship. This is a 2½-story, 3-bay building, featuring a raised a half story on a stone base with brick above. The brick is a very unusual Flemish bond with red stretchers and a mix of darker and lighter headers. The broad overhanging cornice has regularly spaced modillions, a smaller dentil course below, and a wide frieze board with moldings and a central "Telephone Building" sign. This distinctively wide cornice in a Neoclassical style extends across the north, east, and west elevations. The Main Street facade is divided by four large-scale pilasters with decorative stone capitals and bases. The windows have brick lintels (arched on the first floor and rear) with a large central stone key and stone sills. The only significant exterior change from the 1907 building is one additional second-story window on the eastern elevation, but it matches the original windows. The building retains its original historic character, as compared to an early 1900s postcard view, as well as its distinctive architectural details, including the wide decorative cornice, façade pilasters with capitals,

and noteworthy brick color pattern. It is a high-quality example of commercial Main Street architecture with Neoclassical elements.

2. The Property has a special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the community. This building is first shown on the 1912 Sanborn Map, labeled the Telephone Building. The Hudson River Telephone Company opened for business in October of 1907 with an electric generator in the basement, switchboard operations above, and phone booths on the first floor for transient users. This commercial Main Street building from the early 1900s is an important remaining artifact of Beacon's cultural, economic, and social history, especially because of its unique early communications function.

BE IT FUTHER RESOLVED, in accordance with the provisions of Chapter 134 of the City Code, the City Council hereby designates the Property located at 291 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 5954-36-893875 as a historic landmark.

Resolution No. ____ of 2021			Date: <u>August 2, 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
08/02/2021

Title:

A Resolution to Designate 372 Main Street as a Historic Landmark

ATTACHMENTS

[A Resolution to Designate 372 Main Street as a Historic Landmark](#)

RESOLUTION

CITY COUNCIL BEACON, NEW YORK

A RESOLUTION TO DESIGNATE 372 MAIN STREET AS A HISTORIC LANDMARK

Parcel ID#: 6054-29-018818

WHEREAS, Chapter 134 of the Code of the City of Beacon (the “City Code”) allows the City Council of the City of Beacon to designate a landmark, site, structure or property with special historical, architectural, cultural, or aesthetic value as a historic landmark; and

WHEREAS, § 134-4 of the City Code provides that any landmark, site, structure or property may be nominated for historic designation by the City Council, the Planning Board, a historic preservation committee, or upon petition of the owner of the property for which historic designation is requested; and

WHEREAS, the City Council has acted upon its own initiative to propose the historic designation of the property located at 372 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 6054-29-018818 (the “Property”); and

WHEREAS, the nomination included a New York State Office of Parks, Recreation and Historic Preservation Historic Resource Inventory Form, a copy of which is on file in the Office of the City Clerk and is available for review; and

WHEREAS, the City Council discussed the proposed historic designation of the Property and reviewed and discussed the Historic Resource Inventory Form for the Property at the April 12, 2021, June 14, 2021 and June 28, 2021 City Council Workshop Meetings; and

WHEREAS, the proposed action is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR § 617.4(c)(38), and accordingly, no further environmental review is required; and

WHEREAS, on May 3, 2021, the City Council adopted a resolution setting a public hearing on June 7, 2021 to receive comments on the proposed historic property designation for the Property; and

WHEREAS, on May 8, 2021, notice of the public hearing was published in the Poughkeepsie Journal; and

WHEREAS, on May 13, 2021, the City mailed notice of the proposed designation to the property owner by certified mail, such notice described the property proposed for designation and announced the City Council public hearing date; and

WHEREAS, on June 7, 2021 the City Council opened a duly noticed public hearing on the proposed historic designation of the Property, at which time all those interested were given an opportunity to be heard; and

WHEREAS, the public hearing was closed on June 7, 2021; and

WHEREAS, due to public health and safety concerns related to the current COVID-19 pandemic, all public hearings on the proposed historic designation of the Property were duly noticed in accordance with notice requirements of the Zoning Code of the City of Beacon, and held by videoconference in accordance with the Governor's Executive Orders which suspend the "in-person" requirements of the NYS Open Meetings Law and provide alternative means by which to conduct public meetings and hearings remotely; and

WHEREAS, the City Council received a letter from Rebecca A. Valk, Esq., from Cuddy & Feder, LLP, on behalf of the property owner, The Salvation Army, objecting to the proposed landmark designation at 372 Main Street; and

WHEREAS, the City Council discussed and considered the property owner's objections and further reviewed the architectural characteristics of the building and the special character and historic value of the Property; and

WHEREAS, pursuant to § 134-4.G of the City Code, a super majority vote of five (5) Council members is necessary to designate the Property as a new historic landmark because the property owner has objected to such designation; and

WHEREAS, the City Council has considered the factors listed in § 134-4B of the City Code and all testimony and evidence presented during the public hearing, including the property owner's objections.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Beacon hereby makes the following findings pursuant to § 134-4 of the City Code:

1. The Property has distinguishing architectural characteristics of a period, style, method of construction, indigenous materials or craftsmanship. This brick, gable-roofed church with a central bell tower was erected in 1854 and partially rebuilt in 1911. The square brick corbelling under the eaves was influenced by the mid-19th-century Romanesque Revival style and the early 20th-century bell tower has distinguishing Gothic Revival details. Even the pre-1911 building had a pointed arch front doorway and windows, creating an unusual mix of Romanesque and Gothic Revival styles. Although the church is modest in scale, the bell tower has distinctive brick work and architectural detailing, such as corbelled brick courses and a crenellated top. The building is further distinguished by being one of only two church structures that face onto Main Street, and it is the earliest example by 16 years. Together with the adjacent building at 378-382 Main Street and 403 Main Street, this building reinforces the Upper Main Street Historic District across Fishkill Avenue.

2. The Property has a special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the community. The 1st Baptist Church is shown on the 1858 map of Matteawan, located along what is labeled the New Road, before Main Street was officially named and well before Matteawan was incorporated as a village in 1886. As one of the earliest remaining religious structures in Matteawan and the first built on the new Main Street, with over 160 years of service to the community, it possesses special historic value as part of the cultural and social history of the City.

BE IT FUTHER RESOLVED, in accordance with the provisions of Chapter 134 of the City Code, the City Council hereby designates the Property located at 372 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 6054-29-018818 as a historic landmark.

Resolution No. ____ of 2021			Date: <u>August 2, 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 City Council Agenda
08/02/2021

Title:

A Resolution to Designate 378-382 Main Street as a Historic Landmark

ATTACHMENTS

[A Resolution to Designate 378-382 Main Street as a Historic Landmark](#)

RESOLUTION

CITY COUNCIL BEACON, NEW YORK

A RESOLUTION TO DESIGNATE 378-382 MAIN STREET AS A HISTORIC LANDMARK

Parcel ID#: 6054-29-020808

WHEREAS, Chapter 134 of the Code of the City of Beacon (the “City Code”) allows the City Council of the City of Beacon to designate a landmark, site, structure or property with special historical, architectural, cultural, or aesthetic value as a historic landmark; and

WHEREAS, § 134-4 of the City Code provides that any landmark, site, structure or property may be nominated for historic designation by the City Council, the Planning Board, a historic preservation committee, or upon petition of the owner of the property for which historic designation is requested; and

WHEREAS, the City Council has acted upon its own initiative to propose the historic designation of the property located at 378-382 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 6054-29-020808 (the “Property”); and

WHEREAS, the nomination included a New York State Office of Parks, Recreation and Historic Preservation Historic Resource Inventory Form, a copy of which is on file in the Office of the City Clerk and is available for review; and

WHEREAS, the City Council discussed the proposed historic designation of the Property and reviewed and discussed the Historic Resource Inventory Form for the Property at the April 12, 2021, June 14, 2021 and June 28, 2021 City Council Workshop Meetings; and

WHEREAS, the proposed action is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR § 617.4(c)(38), and accordingly, no further environmental review is required; and

WHEREAS, on May 3, 2021, the City Council adopted a resolution setting a public hearing on June 7, 2021 to receive comments on the proposed historic property designation for the Property; and

WHEREAS, on May 8, 2021, notice of the public hearing was published in the Poughkeepsie Journal; and

WHEREAS, on May 13, 2021, the City mailed notice of the proposed designation to the property owner by certified mail, such notice described the property proposed for designation and announced the City Council public hearing date; and

WHEREAS, on June 7, 2021 the City Council opened a duly noticed public hearing on the proposed historic designation of the Property, at which time all those interested were given an opportunity to be heard; and

WHEREAS, the public hearing was closed on June 7, 2021; and

WHEREAS, due to public health and safety concerns related to the current COVID-19 pandemic, all public hearings on the proposed historic designation of the Property were duly noticed in accordance with notice requirements of the Zoning Code of the City of Beacon, and held by videoconference in accordance with the Governor's Executive Orders which suspend the "in-person" requirements of the NYS Open Meetings Law and provide alternative means by which to conduct public meetings and hearings remotely; and

WHEREAS, the City Council received a letter from the property owners, Ed Benavente and Betsy Swanson, objecting to the proposed landmark designation at 378-382 Main Street; and

WHEREAS, the City Council discussed and considered the property owners' objections and further reviewing the architectural characteristics of the building and the special character and historic value of the Property; and

WHEREAS, pursuant to § 134-4.G of the City Code, a super majority vote of five (5) Council members is necessary to designate the Property as a new historic landmark because the property owner has objected to such designation; and

WHEREAS, the City Council has considered the factors listed in § 134-4B of the City Code and all testimony and evidence presented during the public hearing, including the property owners' objections.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Beacon hereby makes the following findings pursuant to § 134-4 of the City Code:

1. The Property has distinguishing architectural characteristics of a period, style, method of construction, indigenous materials or craftsmanship. This 3-story brick building is 7 bays wide with two brick wings extending to the rear, an indication of its original, larger-scale manufacturing use. It has an unusually large overhanging cornice with six regularly spaced brackets, a broad frieze board, and a rounded raised panel pattern between the brackets, representative of the 19th century Italianate style applied to commercial architecture. The arched and corbelled brick window lintels are also distinguishing architectural features. The first-floor storefronts appear to be compatible replacements, but the building retains its original overall character and remains an excellent example of its commercial Main Street architectural type and Italianate bracketed style in the City. Together with the adjacent church at 372 Main Street and 403 Main Street, this building reinforces the Upper Main Street Historic District across Fishkill Avenue.

2. The Property has a special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the community. Smaller buildings appear at this location on the 1867 and 1876 Atlas maps, labeled as the Matteawan Carriage Factory. By 1884, the Sanborn Map shows the current frontage 3-story building with rear wings, identified as the W. H. Jackson Carriage and Sleigh Manufacturer. In 1912 the building complex is listed as the H. D. Jackson Carriage Works and in 1927 as the H. D. Jackson Carriage and Auto Works. It possesses special historic and aesthetic value as part of the cultural and economic history of the City, in particular because of its early manufacturing and showroom use on Main Street and as an example of the transition from horse-drawn transportation to motorized vehicles.

BE IT FUTHER RESOLVED, in accordance with the provisions of Chapter 134 of the City Code, the City Council hereby designates the Property located at 378-382 Main Street, known and designated on the tax map of the City of Beacon as Parcel ID# 6054-29-020808 as a historic landmark.

Resolution No. ____ of 2021			Date: <u>August 2, 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
08/02/2021

Title:

Resolution Regarding Tax Certiorari Settlement Mtr. Of DMS Consolidators, Ltd. V. City of Beacon, et al. (Sup. Ct. Dutchess County. Index No. 52281/2020) Settlement of 2020 Tax Certiorari Proceeding

ATTACHMENTS

Resolution Regarding Tax Certiorari Settlement Mtr. Of DMS Consolidators, Ltd. V. City of Beacon, et al. (Sup. Ct. Dutchess County. Index No. 52281/2020) Settlement of 2020 Tax Certiorari Proceeding



**RESOLUTION RE: TAX CERTIORARI SETTLEMENT -
Mtr. of DMS Consolidators, Ltd. v. City of Beacon, et al.
(Sup. Ct. Dutchess Cty. Index No. 52281/2020) -
SETTLEMENT OF 2020 TAX CERTIORARI PROCEEDING**

WHEREAS, a tax certiorari proceeding entitled *Mtr. of DMS Consolidators, Ltd. v. City of Beacon, et al.*, (Sup. Ct. Dutchess Cty. Index No. 52281/20, *et seq.*), is pending before the Supreme Court, Dutchess County (Hon. James V. Brands, J.S.C., presiding); and

WHEREAS, this proceeding involves the 2020 real property assessment of a non-homestead tax parcel located at 30 Beekman Street, which was designated as Parcel No. 5954-26-660924 on the City of Beacon 2020 Assessment Roll; and

WHEREAS, a settlement has been reached by and between Petitioner DMS Consolidators, Ltd. and the City of Beacon providing for a voluntary disposition of this proceeding; and

WHEREAS, the City of Beacon has obtained the advice and assistance of its counsel, Keane & Beane, P.C., with respect to the terms of settlement and duly considered same; and

WHEREAS, under the settlement terms, the City will be liable for an estimated City tax refund equaling Four Thousand Five Hundred Ninety-Five and 80/100 (\$4,595.80) Dollars;

NOW, THEREFORE, BE IT RESOLVED that the City Council accepts the settlement of this proceeding so that the following adjustment is made to the 2020 assessment of the aforementioned tax parcel:

Assessment		Revised	
<u>Year</u>	<u>Assessment</u>	<u>Assessment</u>	<u>Reduction</u>
2020	\$8,000,000	\$7,600,000	\$400,000

BE IT FURTHER RESOLVED, that counsel for the City of Beacon, Keane & Beane, P.C., together with the City Administration, is hereby authorized to undertake such actions as are necessary to confirm and effectuate this settlement, including execution of the Consent Judgment incorporating the settlement terms.

Resolution No. ____ of 2021			Date: <u>August 2, 2021</u>				
☐ Amendments			☐ 2/3 Required				
☐ Not on roll call.			☐ On roll call				
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
08/02/2021

Title:

Resolution Creating a Community Facilities Grant Program

ATTACHMENTS

[Resolution Creating a Community Facilities Grant Program](#)

[City of Beacon Community Facilities Grant Program Amended Guidelines](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2021

RESOLUTION CREATING A COMMUNITY FACILITIES GRANT PROGRAM

WHEREAS, the City of Beacon has funding available from an Urban Development Action Grant (“UDAG”) Program; and

WHEREAS, the Mayor and City Council wish to make the UDAG funding available, through an application process, to non-profit organizations that serve a public purpose and are open and available to the public with facilities located in the City of Beacon for capital improvements, and to owners of businesses in Historic District Landmark Overlay (HDLO) Zone on Main Street for façade improvements.

NOW, THEREFOR BE IT RESOLVED, that the City Council of the City of Beacon hereby creates a Community Facilities Grant Program as detailed in the amended Guidelines attached.

Resolution No. ____ of 2021			Date: <u>August 2, 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
COMMUNITY FACILITIES GRANT PROGRAM
DRAFT GUIDELINES- REVISED JULY 1, 2021**

<u>Grant Amount:</u>	\$10,000-\$50,000 per Application
<u>Application Deadline:</u>	Rolling Application Process
<u>Eligibility:</u>	Non-profit organizations with facilities located in City of Beacon. Building owners on Main Street in the HDLO District
<u>Eligible Uses:</u>	Capital improvements to community facility structures that serve a public purpose and are open and available to the public for those purposes. Funding for construction only. Engineering, planning, and design are not eligible. Façade improvements for Main Street Businesses in HDLO list. Preferred uses include: • Façade improvements and capital improvements to historic structures (including on Main Street for HDLO properties) • ADA accessibility improvements (e.g., entrances, restrooms) • Upgrades that create or enhance public access or public use • Signage and interpretation
<u>Ineligible Facilities:</u>	Properties owned by New York State or public agencies Facilities restricted in use for a limited membership and not generally open to the public without membership or fee School District properties Non-profit housing facilities Facilities owned by religious or faith-based organizations, unless property or distinct part of property is dedicated primarily to a public benefit
<u>Application Process:</u>	Eligible applicants should send a letter of interest with a concise description of the proposed project, requested funding amount, anticipated public benefit, and primary contact with any plans, photos, and/or budgets. Projects with matching funds from other public and private grants will be given preference. All grant recipients must sign a statement of non-discrimination to be eligible for City funding. The City reserves the right to reject applications for any reason or to work with applicants to revise proposals to maximize public benefit. All applications are subject to City Council approval Requests should be sent to: cwhite@beaconny.gov

City of Beacon City Council Agenda
08/02/2021

Title:

Resolution Authorizing the City Administrator to Sign a License Agreement (Contract No. 2021 - 023) with 344 Main Holding, LLC

ATTACHMENTS

Resolution Authorizing the City Administrator to Sign a License Agreement (Contract No. 2021 - 023) with 344 Main Holding, LLC

Proposed License Agreement (Contract No. 2021-023) with 344 Main Holding, LLC



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2021

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO SIGN A LICENSE AGREEMENT (CONTRACT NO. 2021 – 023) WITH 344 MAIN HOLDING, LLC

WHEREAS, 344 Main Holding, LLC is the owner of the real property located at 344 Main Street, Beacon, New York, known and designated as Parcel ID. 5954-36-987833 (the “Property”) developed with a mixed-use building with 8,063 square feet of commercial use and twenty-four (24) residential units for Property; and

WHEREAS, 344 Main Holding, LLC is required to provide twenty-four (24) off-street parking spaces for the twenty-four (24) dwelling units on the Property; and

WHEREAS, 344 Main Holding, LLC previously leased twenty-four (24) off-street parking spaces from O’Donnell Construction Corp. at 364 Main Street known and designated as Parcel ID. 6054-29-006819; and

WHEREAS, the City has been advised that O’Donnell Construction Corp. has terminated its lease agreement concerning the off-street parking space with 344 Main Holding, LLC; and

WHEREAS, 344 Main Holding, LLC wishes to use twenty-four (24) parking spaces in the City of Beacon municipal parking lot located on Eliza Street for overnight parking by the residential tenants of the building; and

WHEREAS, the City has determined there is not a present public need for the use of the twenty-four (24) spaces at the Eliza Street parking lot during overnight hours.

THEREFORE BE IT RESOLVED that the City of Beacon City Council hereby authorizes the City Administrator to enter into the attached License Agreement (Contract No. 2021 – 023) with 344 Main Holding Company, LLC for the use of no more than twenty-four (24) parking spaces in the City of Beacon municipal parking lot located on Eliza Street, subject to review and approval by the City Attorney as to form and substance.

Resolution No. ____ of 2021			Date: <u>August 2, 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					

LICENSE AGREEMENT

LICENSE AGREEMENT (this “Agreement”) entered into this _____ day of _____, 2021 by and between **THE CITY OF BEACON**, a New York municipal corporation, with offices located at One Municipal Plaza, Beacon, NY 12508 (hereinafter “Licensor”), and **344 MAIN HOLDING LLC**, a corporation organized pursuant to the laws of the State of New York, with its principal place of business located at 147 Union Street, Suite 101, Poughkeepsie, NY 12601 (hereinafter “Licensee”). Licensor and Licensee are each a “Party” to this Agreement and are collectively referred to herein as the “Parties”.

WITNESSETH:

WHEREAS, Licensor is the owner of certain real property located on Eliza Street in the City of Beacon, County of Dutchess and State of New York designated on the County Tax Map as No. 977854 (hereinafter the “Licensor’s Property”); and

WHEREAS, Licensor’s Property is improved with a municipal parking lot; and

WHEREAS, Licensee is the owner of certain real property located at 344 Main Street in the City of Beacon, County of Dutchess and State of New York, and designated on the County Tax Map as No. 987833 (hereinafter the “Licensee’s Property”); and

WHEREAS, Licensee’s Property is a mixed-use commercial and residential building; and

WHEREAS, the Licensee’s Property has insufficient on-site space to accommodate the number of off-street parking spaces required under the City Code and its Site Plan Approval; and

WHEREAS, Licensee wishes to license parking spaces on Licensor’s Property for overnight parking by residential tenants of the building on Licensee’s Property; and

WHEREAS, Licensor is willing to license the required parking spaces on Licensor’s Property to Licensee for overnight parking for the residential tenants on Licensee’s Property, subject to certain terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the Parties agree as follows:

The foregoing recitals are hereby incorporated in the terms of this Agreement.

1. This Agreement shall remain in effect for five (5) years unless terminated pursuant to the terms herein.

2. Subject to the terms of this Agreement, Licensors hereby grants to Licensee a revocable license for Licensee's use of up to twenty-four (24) parking spaces on Licensors's Property. The specific parking spaces shall be selected by Licensors annually in consultation with Licensee.
3. The sole and express purpose of the Agreement is to allow residential tenants of Licensee's Property to park overnight on Licensors's Property.
4. Licensee shall pay Licensors a monthly license fee of \$50 per parking space, which fee shall be paid in advance in equal quarterly installments on the 1st of January, April, July and October of each year starting from the date of execution of this Agreement. Licensee shall be solely responsible for collection from the residents of 344 Main Street and payment of the license fee, regardless of how the license fee funds are obtained.
5. Licensee shall, subject to the City's approval, provide residential tenants of Licensee's Property with permits, which shall not exceed twenty-four (24) in number, signifying permission to park overnight on Licensors's Property.
6. Licensors may terminate this Agreement, with respect to individual parking spaces or in its entirety, upon three (3) months written notice to Licensee upon determination by Licensors that there is a public need for the parking spaces. Licensee may terminate this Agreement, with respect to individual spaces or in its entirety, upon thirty (30) days written notice to Licensors if Licensee first secures suitable alternative parking to serve Licensee's Property. There shall be a pro-ration of the annual license fee to Licensee in the event this Agreement is terminated pursuant to this paragraph.
7. Except as expressly stated herein, this Agreement shall not convey any right, privilege or title to Licensors's Property, and Licensee hereby waives, relinquishes, releases and disclaims any right, title or interest in and to any portion of the Licensors Property which Licensee might otherwise assert, whether by adverse possession, prescriptive rights or otherwise.
8. Licensee and its Tenants shall comply with all City laws, rules and regulations concerning parking and the Eliza Street Parking Lot. Vehicles may not be parked in a space for more than 24 consecutive hours and must be moved within 24 hours of cessation of snow or ice fall. The City will consult with Licensee before adopting any rules and regulations specific to the overnight parking at the Licensors's Property.

9. Licensee agrees that Licensee shall: (i) not dump garbage or toxic, unsightly or offensive materials on the Licensor's Property, (ii) not use pesticides, herbicides or other chemical treatments for land, vegetation or animals on the Licensor's Property, and (iii) not alter the improvements on Licensor's Property, unless permitted by Licensor's prior written approval.
10. Licensee shall defend, indemnify and hold Licensor harmless from any and all lawsuits, proceedings, claims, losses, judgments, injuries, costs or expenses, including reasonable attorneys' fees, which arise from use of Licensor's Property by Licensee and Licensee's agents, employees, assigns, invitees and tenants.
11. Licensees shall ensure that all vehicles permitted to park on the Licensor's Property under this Agreement have current NYS Registrations and Inspections and maintained in good working order. Vehicles that are not operable, leaking oil or other automotive fluids, or otherwise creating a nuisance or public hazard may be removed by the City without prior notice.
12. The license granted hereunder may not be assigned without Licensor's prior written authorization and a signed writing by the proposed assignee committing to be bound by this Agreement. Nor can any parking space be subleased or assigned.
13. This Agreement contains the entire agreement between the Parties regarding the subject matter hereof, and shall not be amended or modified, except in a writing, signed by all Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date and year first above written.

The City of Beacon, Licensor

By: _____

Name: Christopher White

Title: City Administrator

Date: _____

344 Main Holding LLC, Licensee

By: _____

Name: Bernard Cohn

Title: _____

Date: _____

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

On the _____ day of _____, 2021, before me, the undersigned, personally appeared **CHRISTOPHER WHITE**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

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

On the _____ day of _____, 2021, before me, the undersigned, personally appeared **BERNARD COHN**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

City of Beacon City Council Agenda
08/02/2021

Title:

Resolution Awarding a Contract (Contract No. 2021-024) to Carey & Walsh, Inc. for the Purchase and Installation of a Trane Heating Ventilation Air and Conditioning (HVAC) Chiller

ATTACHMENTS

Memorandum from the Superintendent of Streets Regarding the City Hall HVAC Chiller

Resolution Awarding a Contract (Contract No. 2021-024) to Carey & Walsh, Inc. for the Purchase and Installation of a Trane Heating Ventilation Air and Conditioning (HVAC) Chiller

Memorandum

TO: City Administrator Chris White

FROM: Michael Manzi

RE: Municipal Center Purchase of Trane HVAC Chiller & Installation
Bid Award Recommendation

DATE: July 14, 2021

We went out to bid for the purchase and installation of a new Trane HVAC system for the Municipal Center (Bid # B08-2021). A total of two (2) bid proposals were submitted and opened on Wednesday, July 14, 2021 with the following results:

Carey & Walsh	\$ 126,275.00
Clean Air Quality Service	\$ 174,609.00

After careful review of the two proposals, I recommend we award the bid to the lowest bidder, Carey & Walsh, for the amount of \$126,275.00. If you have any questions, feel free to contact me. Thank you.





**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. __ OF 2021

**RESOLUTION AWARDING A CONTRACT (CONTRACT NO. 2021-024) TO CAREY &
WALSH, INC. FOR THE PURCHASE AND INSTALLATION OF A TRANE HEATING
VENTILATION AIR AND CONDITIONING (HVAC) CHILLER**

WEREAS, the City of Beacon City Hall HVAC chiller was installed when City Hall was erected in 1996 and has reached the end of its useful life; and

WHEREAS, the City of Beacon issued a Request For Proposals for the purchase and installation of a Trane HVAC chiller, and received two responses on July 14, 2021; and

WHEREAS, after reviewing both responses, the Superintendent of Streets recommended awarding the contract to Carey & Walsh, Inc., a firm that submitted the lowest responsible bid in the amount of \$126,275.

NOW, THEREFORE, BE IT RESOLVED, that the City of Beacon City Council hereby awards a contract (Contract No. 2021-024) in the amount of \$126,275 to Carey and Walsh, Inc. for the purchase and installation of a Trane HVAC chiller at City Hall.

Resolution No. __ of 2021			Date: <u>August 2, 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
08/02/2021

Title:

Resolution Authorizing the City Administrator to Sign a License Agreement (Contract No. 2021-025) with Mecca On Hudson-New York, LLC for Food Service Operations at Pete and Toshi Seeger Riverfront Park

ATTACHMENTS

Resolution Authorizing the City Administrator to Sign a License Agreement (Contract No. 2021-025) with Mecca On Hudson-New York, LLC for Food Concession Operations at Pete and Toshi Seeger Riverfront Park

Food Truck License Agreement (Contract No. 2021-025) Between the City of Beacon and Mecca On Hudson, LLC



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. __ OF 2021

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO SIGN A LICENSE
AGREEMENT (CONTRACT NO. 2021 – 025) WITH MECCA ON HUDSON-NEW YORK,
LLC FOR FOOD CONCESSION OPERATIONS**

WHEREAS, the City of Beacon issued a request for proposals for food truck vending services at Pete and Toshi Seeger Riverfront Park on June 14, 2021, the deadline for proposals was June 25, 2021; and

WHEREAS, the City received one proposal in response to the RFP for food truck vending services; and

WHEREAS, after a thorough vetting process, the City Administrator decided that the respondent, Mecca On Hudson-New York LLC, doing business as “The Number SEVEN Sandwich Hub” was a responsible vendor; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Beacon City Council hereby authorizes the City Administrator to sign a License Agreement (Contract No. 2021 – 025) with Mecca On Hudson-New York, LLC for food service operations at Pete and Toshi Seeger Riverfront Park.

Resolution No. __ of 2021			Date: <u>August 2, 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 Food Service Operations License Agreement

This Agreement made as of the ____ day of August, 2021, by and between the City of Beacon (the “City”), a New York municipal corporation with offices at 1 Municipal Plaza, Beacon, New York 12508 (“City”), and Mecca On Hudson-New York LLC, doing business as The Number SEVEN Sandwich Hub (“Licensee”), a New York limited liability company with offices at 259 Fishkill Avenue, Beacon, NY 12509.

WHEREAS, the City desires to bring food truck vending services to the riverfront near the Peter and Toshi Seeger Riverfront Park (“Riverfront Park”) located at 123 Red Flynn Drive; and

WHEREAS, Licensee seeks to bring it’s self-contained, prepared eco-friendly food truck business to the public, and visitors of the Riverfront Park- by providing a healthy, fiscally responsible made to order diverse menu, in which attendees can enjoy conjunction with the amenities offered at the Riverfront Park; and

WHEREAS, this Agreement sets forth the rights and obligations of the City and Licensee in connection with the operation of the food truck vending services at the Riverfront Park.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, it is agreed as follows:

1. **Grant of License**. The City hereby grants Licensee a license to operate a food truck at the location and times specified below (the “License”).

2. **Term of License**. Subject to the terms of this Agreement, the term of the License shall commence upon the date of execution of this Agreement by the parties hereto and continue until October 31, 2021. This Agreement may be renewed for two (2) additional years, in one (1) year intervals should the City Administrator, in its sole discretion, and after seeking input from appropriate departments heads, such as DPW and the Police, agree it is appropriate to extend this agreement and upon such additional terms as the City Administrator deems necessary. In such case, no further resolution from the City Council is required.

3. **Location**. Licensee shall operate its food truck and provide food vending services in the Pete and Toshi Seeger Riverfront Park at 2 Red Flynn Dr, Beacon, NY 12508, Thursday-Sunday, during the months of April through October, from 10:30 am to sundown. The Licensed Area shall be selected in cooperation with and subject to the approval of the City. The City shall designate and mark out the space for the food truck. The City may, at any time, move the location of the food truck in the Riverfront Park.

4. **Operation of Food Truck**.

(a) Licensee agrees to use the Licensed Area for the sole purpose of provided for the sale of food products.

(b) Alcoholic beverages shall NOT be sold or served on City property.

(c) Licensee shall comply with and/or exceed all applicable health codes and the highest standards for best practices for neatness, cleanliness and sanitation. Licensee shall fully comply with all applicable federal, state and local laws and regulation.

(d) An approved fire extinguisher and first aid kit must be in the truck at all times.

(e) No food or beverages in glass bottles or other glass containers may be sold or given away by Licensee.

(f) Licensee may not provide live music. All must from the food truck must comply with the Chapter 149 of the Code of the City of Beacon.

(g) Licensee shall be responsible for the collection and payment of all applicable sales tax.

(h) Licensee shall not park secondary vehicles on City property.

(i) Licensee shall leave its location on City property in as good of condition as when Licensee arrived.

(j) Licensee is responsible for trash removal, cleaning and any and all repairs associated therewith as set forth in Paragraph 7 below.

5. **Cancellations.** The City reserves the right to suspend this License when a hurricane, or other severe weather event renders the Licensed Area unsafe or unsuitable for use by Licensee and the City cannot make the Licensed Area safe or the City needs the Licensed Area for a public purpose. The City shall incur no liability to the Licensee, its agents, vendors, invitees or employees, by exercising its right pursuant to this paragraph.

6. **License Fee.** A fee of \$150.00 for the year shall be paid on March 1st each year.

7. **Personnel and Equipment.**

(b) Licensee shall be required to provide their own means of trash removal and shall not use any City receptacles for disposal of garbage or recyclables generated from their food operation. Licensee shall maintain trash barrels distributed throughout the Licensed Area during the operation of the its food service operations. All trash barrels shall be maintained by Licensee and emptied and removed at the end of each day.

(c) Licensee acknowledges and represents that all personal property and equipment used for and in connection with the food service operation is owned or leased by Licensee. Licensee shall defend, indemnify and hold the City harmless against any and all claims or causes of action made by any person or entity, arising out of, or resulting from the use of or rights to such personal property or equipment.

(d) The food truck and all furniture, equipment and other items used by Licensee shall be cleared from the riverfront each evening at the conclusion of the hours of operation. No items shall be permitted to be stored at the site.

8. **Insurance.**

(a) Throughout the term of this Agreement, Licensee shall obtain and maintain, at Licensee's sole cost and expense, and keep in force for the benefit of Licensee the following insurance policies:

- (i) General Liability Insurance, with limits of no less than \$1,000,000 each occurrence and \$2,000,000 annual aggregate limits for Bodily Injury and Property Damage. The insurance policy shall be written on a primary and non-contributing coverage basis, including any self-insured retentions. To the extent permitted by New York law, all rights of subrogation or similar rights against the City, and its assigns, officers, employees, representatives and agents associated therewith shall be waived. The City and its agents, officers, volunteers, directors and employees associated therewith, shall be named as additional insureds and included in a waiver of subrogation endorsement.
- (ii) Worker's Compensation and Employer's Liability. In compliance with the Worker's Compensation Law of the State of New York. Policy shall include all employees, volunteers, owners/partners and provide statutory Workers Compensation limits.
- (iii) Automobile Liability, for all owned, scheduled, hired and non-owned vehicles with a combined single limit of liability of not less than \$1,000,000. This insurance shall include coverage for bodily injury and property damage. The insurance policy shall be written on a primary and non-contributing coverage basis, including any self-insured retentions. To the extent permitted by New York law, all rights of subrogation or similar rights against the City, and its assigns, officers, employees, representatives and agents associated therewith shall be waived. The City and its assigns, officers, employees, representatives and agents shall be named as additional insureds and included in a waiver of subrogation endorsement.

(b) All policies of insurance referred to above shall be underwritten by companies authorized to do business in the State of New York with an AM. Best financial strength rating of A- or better. In the alternative, the policies of insurance referred to above may be underwritten by Non-Admitted companies with an AM. Best financial strength rating of A+ or higher.

(c) Certificates shall provide that thirty (30) days written notice, by registered mail with return receipt requested, prior to cancellation or expiration be given to the City.

(d) Policies that lapse and/or expire during term of work shall be recertified and received by the City of Beacon no less than thirty (30) days prior to expiration or cancellation.

(e) Licensee shall furnish to the City of Beacon Certificates of Insurance as evidence of coverage prior to commencement of any food service operations. Such Certificates

shall name the City and its officers, officials, employees and agents associated therewith, as Additional Insureds on the Commercial General Liability Policy and Automobile Liability Policy.

9. **Indemnification.** Licensee shall defend, indemnify, protect, and hold harmless the City, and its elected officials, officers, employees, agents associated therewith from and against any and all claims, actions, suits, damages, liabilities, costs, and expenses, including, without limitation, reasonable attorneys' fees and disbursements, that: (i) arise from or are in any way connected this Agreement or any of Licensee's activities on the Licensed Area; (ii) arise from or are in any way connected with any act or omission of Licensee or Licensee's invitees; (iii) result from any default of this Agreement or any provision hereof by Licensee; (iv) result from the presence of Licensee's property or equipment or the equipment or property of Licensee's invitees' on the Licensed Areas; or (v) result from injury to any person or property or loss of life sustained in or about the Licensed Area caused by or arising out of Licensee or Licensee's acts or omissions, all regardless of whether such claims are asserted or incurred before, during, or after the term of this Agreement. Licensee's obligations under this paragraph shall survive the revocation or termination of this Agreement.

10. **Waiver of Responsibility.** Licensee waives, all claims for loss or damage, economic or otherwise, to persons or property sustained by Licensee or any person claiming by, through or under Licensee resulting from any accident or occurrence in, on or about the Licensed Area, or any part of the Licensed Area, including, without limitation, claims for loss, theft or damage, resulting from any cause whatsoever, except for willful misconduct of the City. To the maximum extent permitted by law, Licensee shall use and occupy the Licensed Area and such other portions of the Licensed Area pursuant to this Agreement, at Licensee's own risk.

11. **Conduct.** Licensee and their employees and vendors will at all times conduct business in a courteous and hospitable manner during operation.

12. **Modifications and Notices.**

(a) Any modifications to this Agreement are required to be in writing and executed by both parties. This Agreement contains the entire understanding between the parties.

(b) The emergency contact for Licensee is: Raymond Muhammad, (914) 804-4565, ohhsixmecca@gmail.com.

(c) Wherever in this Agreement notices are required to be delivered by one party to the other, then the same shall be in writing by email and first-class mail or personal delivery to the addresses set forth above.

13. **Agreement Non-assignable.** The License granted hereunder and this Agreement, and the obligations and privileges conferred on Licensee in this Agreement are not assignable Licensee without the City's prior written consent.

14. **Authorities.** Licensee will secure all necessary permits, licenses and certificates from the appropriate regulatory agencies, including the City and the Dutchess County Department of Health, if any are required, and shall maintain compliance with all local, federal and state laws ("Government Approvals"). Licensee will furnish all necessary documentation to the City, upon

request, demonstrating compliance by it or its vendors with Government Approvals. Licensee will keep accurate records of its enforcement of the Rules and Regulations and acknowledges the right of the City to review its records for purposes of assuring continued compliance with Government Approvals, the Rules and Regulations, and the terms of this Agreement. All such records shall be made available for review by the City upon the City's request upon reasonable notice.

15. **Maintenance.** Licensee will keep the License Area in a clean and orderly condition at all times and will leave the License Area in broom clean condition.

16. **Relocation.** The City shall have the right to relocate the Market upon thirty (30) days written notice to Licensee if the City require use of the Licensed Area for other public purposes on a long-term or permanent basis. The City shall work with Licensee

17. **Termination.** Either party, without cause, may terminate this Agreement on thirty (30) days written notice.

18. **Vacation of Premises.** Upon termination of this Agreement, Licensee shall promptly (i) refrain from accessing and/or using the Licensed Area, and (ii) return the Licensed Area to its original condition prior to this Agreement. Licensee shall repair any damage to the Licensed Area caused by its use thereof.

19. **Breach of Agreement.**

(a) In the event that Licensee fails to pay any fees due the City under this Agreement or otherwise breaches any of the terms of this Agreement, then the City shall notify Licensee of notice of breach of agreement. Failure to rectify the noticed breach of agreement after fifteen (15) businesses day could result in the City's termination of this Agreement following the 15-day period if not rectified. The parties acknowledge that this Agreement is not a lease agreement and that the relationship between the parties is not a landlord/tenant relationship. The parties acknowledge that this Agreement is a license agreement between the parties which may be terminated pursuant to the terms herein.

(b) Further, upon such a breach and written notice as specified above, the City may, without further notice, peaceably re-enter the Licensed Area and dispossess Licensee and remove its effects and hold the Licensed Area as if this Agreement had not been made. If Licensee shall default prior to the commencement of any renewal of this Agreement, the City may cancel and terminate such renewal immediately by written notice.

20. **Governing Law:** This Agreement shall be governed and construed in accordance with the laws of New York State and shall not be modified, altered, or amended except in writing as agreed to by the parties hereto.

21. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be an original, but all of which shall constitute one and the same Agreement.

IN WITNESS WHEREOF, the parties have duly executed this Agreement the day and year first above written.

Mecca On Hudson-New York LLC

CITY OF BEACON

Signature: _____

Signature: _____

Name:

Name: Christopher White

Title:

Title: City Administrator

Date: _____

Date: _____

ACKNOWLEDGEMENTS

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

On the ____ day of _____, in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

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

On the ____ day of _____, in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared **Christopher White**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signatures on the instrument, the individual, and the person upon behalf of which the individual acted, executed the instrument.

Notary Public

City of Beacon City Council Agenda
08/02/2021

Title:

Resolution Authorizing the City Administrator to Sign a Contract (Contract No. 2021-026) with Friends of Beacon Dog Park, Inc. for Dog Park Operation Services

ATTACHMENTS

Resolution Authorizing the City Administrator to Sign a Contract (Contract No. 2021-026) with Friends of Beacon Dog Park, Inc. for Dog Park Operation Services

Proposed Contract (Contract No. 2021-026) with Friends of Beacon Dog Park, Inc.



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. __ OF 2021

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO SIGN A CONTRACT
(CONTRACT No. 2021-026) WITH FRIENDS OF BEACON DOG PARK, INC. FOR DOG
PARK OPERATION SERVICES**

WHEREAS, the City of Beacon City Council has determined that the continuation of the Friends of Beacon Dog Park (FBDP) would benefit the citizens of Beacon and wishes to allow FBDP to continue its use of the Property solely for the purposes of the Friends of Beacon Dog Park.

NOW, THEREFORE, BE IT RESOLVED, that the City of Beacon City Council hereby authorizes the City Administrator to sign a contract (Contract No. 2021-026) with the Friends of Beacon Dog Park, Inc. for dog park operation services.

Resolution No. __ of 2021			Date: <u>August 2, 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							

BEACON DOG PARK AGREEMENT

THIS AGREEMENT is made this ____ day of August, 2021 by and between the City of Beacon, a municipal corporation with office at 1 Municipal Plaza, Beacon, New York 12508, hereinafter referred to as the “CITY” and between Friends of Beacon Dog Park, Inc., an entity licensed in the State of New York to do business as a Domestic Not-For-Profit Corporation, with an address at 20 South Chestnut Street, Beacon, New York, 12508, hereinafter referred to as “FBDP”, and

WHEREAS FBDP has requested that the CITY continue to allow FBDP to use certain City owned park property located in Memorial Park, Beacon, New York (the “Property”), which property is more particularly described in the site plan attached hereto as Exhibit “A”, for the purposes of a dog park to be known as the “Friends of Beacon Dog Park”; and

WHEREAS the City has determined that the continuation of the Friends of Beacon Dog Park would benefit the citizens of Beacon and has agreed to allow FBDP to continue its use of the Property solely for the purposes of the Friends of Beacon Dog Park; and

WHEREAS the operation and maintenance of the dog park will be financed entirely by FBDP and the City has no obligation to contribute or provide funding for the operation or maintenance of the Friends of Beacon Dog Park; and

WHEREAS the Friends of Beacon Dog Park consists of an area for large dogs and an area for small dogs which is fully enclosed by fences completely within the area shown on Exhibit “A” (the “Site Plan”).

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, it is agreed as follows:

1. That for and in consideration of the continuation of the Friends of Beacon Dog Park on the Property in the area shown on the Site Plan, the CITY shall allow the Property to continue to be used solely for the purposes of the Friends of Beacon Dog Park for an initial term of five (5) years from the date of this Agreement.

2. The terms of this Agreement may be extended for additional five-year term(s) upon the consent of both parties to this Agreement. FBDP shall provide the CITY sixty (60) days notice prior to the termination date of this Agreement in the event it wants to extend the term of the Agreement for an additional five (5) years. FBDP shall also provide the CITY sixty (60) days notice prior to the termination date of this Agreement in the event any further extensions of the term of this Agreement are requested. Upon FBDP’s submission to the City Administrator of a request for an extension of this Agreement, this Agreement shall continue until terminated. In such case, no further resolution from the City Council is required.

3. FBDP hereby agrees to be solely responsible for the operation and maintenance of the Friends of Beacon Dog Park at all times and acknowledges that the CITY has no obligation to contribute any financing, funding, services or support to FBDP or the Friends of Beacon Dog Park, at any time. In the event the CITY incurs expenses related to the operation or maintenance of the Friends of Beacon Dog Park at any time, FBDP shall reimburse the CITY for such expenses within thirty (30) days of the submission of an invoice.

4. The large dog enclosure shall not exceed 30,000 square feet and shall be fully enclosed by at least a four (4') foot high fence and the small dog area shall not exceed 15,000 square feet and shall be fully enclosed by at least a four (4') foot high fence. Both enclosures shall include a double gated entrance area where leashes can be removed and shall be contained entirely within the area shown on the Site Plan.

5. FBDP shall require all persons using the Friends of Beacon Dog Park to apply for and obtain a membership from FBDP, which membership shall require that all dogs using the Friends of Beacon Dog Park are:

- Properly licensed in their respective municipality;
- Have current rabies vaccinations;
- Not aggressive or dangerous.

6. FBDP shall post and maintain Rules and Regulations with respect to the use of the Friends of Beacon Dog Park in a conspicuous area near the entrance to both the large and small dog enclosures, in a form substantially similar to Exhibit "B" attached hereto.

7. FBDP shall be solely responsible for the enforcement of the Friends of Beacon Dog Park Rules and Regulations. However, the CITY shall also have the right, but not the obligation, to enforce the Friends of Beacon Dog Park Rules and Regulations, to the extent the City determines that such enforcement is appropriate.

8. All dogs using the Friends of Beacon Dog Park shall remain on leash at all times except when within either the large or small dog enclosures. All persons wishing to use the Friends of Beacon Dog Park with dogs shall access the park through the Fishkill Avenue entrance to Memorial Park as shown on the Site Plan. Dogs shall be prohibited from using Memorial Park other than to access and use the Friends of Beacon Dog Park.

9. FBDP agrees to indemnify and hold harmless the CITY, its elected officials, officers, representatives, agents and employees from and against any and all claims, suits, liens, judgments, damages, losses and expenses, including reasonable legal fees and all court costs and liability (including statutory liability) arising in whole or in part and in any manner from injury and/or death of person or damage to or loss of any property resulting from the acts, omissions, breach or default of FBDP, its officers, directors, agents, members, employees, volunteers and subcontractors, in connection with the use, maintenance or operation of the Friends of Beacon Dog Park. FBDP further agrees to defend and bear all costs of defending any actions or proceedings brought against the CITY, its elected officials, officers, representatives, agents and employees, arising out of or relating to the use, maintenance and operation of the Friends of Beacon Dog Park by any person or entity.

10. FBDP hereby expressly permits the CITY to pursue and assert claims against FBDP for indemnity, contribution and common law negligence arising out of claims for damages for death, personal injury and property damage arising out of the use, operation or maintenance of the Friends of Beacon Dog Park. In the event any claim or suit is brought against the CITY

within the scope of this Agreement, FBBDP shall pay for legal counsel chosen by the CITY to defend against same. The assumption of indemnity, liability and loss hereunder shall survive the termination of this Agreement.

11. FBBDP shall, prior to the commencement of this Agreement and until the termination of this Agreement, maintain General Liability insurance in the amount of \$1,000,000 for each occurrence and \$2,000,000 aggregate for the protection of FBBDP and the CITY and name the CITY as an additional insured. Such General Liability Insurance shall specifically state that it pertains to a dog park and that dog bites are covered. FBBDP shall provide the CITY with an Additional Insured Endorsement to accompany the Certificate of Insurance prior to commencement of this Agreement. To the extent the CITY determines that such insurance is inadequate, it may require the FBBDP to obtain additional insurance at its own cost. All required insurance shall be provided by a carrier admitted and licensed in the State of New York and approved by the CITY's broker and shall remain in effect at all times the Friends of Beacon Dog Park remains in operation and for at least ninety (90) days after termination of this Agreement. FBBDP shall notify the CITY within two (2) business days in the event the required insurance coverage is discontinued or not in effect any reason.

12. The CITY shall have the unilateral right to immediately terminate this Agreement, end the use of the Property as a dog park and restore the Property to the original condition that existed prior to its use as a dog park, in the event:

A. FBBDP fails to operate and maintain the Friends of Beacon Dog Park in a manner that is acceptable to the CITY. Such operation and maintenance shall include, but not be limited to ensuring that:

- No vicious or dangerous dogs use the Friends of Beacon Dog Park;
- All dogs remain leashed at all times except when located within the large or small dog enclosures;
- All persons using the Friends of Beacon Dog Park properly dispose of any waste from dogs using the Friends of Beacon Dog Park;
- The area located within the small and large dog enclosures, as well as all areas located within three feet of any fencing are properly mowed; and
- Any person using the Friends of Beacon Dog Park has obtained a membership from FBBDP.

B. FBBDP fails to enforce the Friends of Beacon Dog Park Rules and Regulations in a manner acceptable to the City.

C. The required insurance coverage is not continually maintained for any reason.

D. There is a substantial violation of any provision of this Agreement.

13. Notwithstanding the foregoing, the CITY, without prejudice to any other right or remedy it may have, may, for any reason whatsoever, by giving thirty (30) days notice to FBBDP,

terminate this Agreement and the right to use the Property for the purposes of a dog park and restore the Property to the original condition that existed prior to its use as a dog park, at its own cost. When reasonable, the CITY may, in its sole discretion, provide FBDP an opportunity to remedy specific concerns before terminating this Agreement.

14. FBDP shall also have the right to terminate this Agreement and discontinue the operation of the Friends of Beacon Dog Park upon providing thirty (30) days notice to the City. In the event FBDP terminates this Agreement, at the CITY's sole discretion, FBDP shall either be required to restore the Property to the original condition that existed prior to the use of the Property as a dog park or relinquish the responsibility for the operation and maintenance of the Friends of Beacon Dog Park to the City. To the extent FBDP fails or refuses to perform any such restoration if required, it shall be responsible for reimbursing the CITY for the full cost of restoring the Property to the original condition that existed prior to the use of the Property as a dog park.

15. FBDP has previously placed an amount of three thousand dollars (\$3,000.00) in an interest-bearing escrow account held by the CITY, which escrow fund may be used in the event this Agreement is terminated pursuant to either paragraph 12 or 14 above, and the Property is required to be restored to the original condition that existed prior to its use as a dog park. The escrow fund may also be used in the event FBDP fails to reimburse the CITY for any other costs directly incurred by the CITY relating to the operation or maintenance of the Friends of Beacon Dog Park within the time period set forth in paragraph 3 above. Any portion of the escrow funds remaining after the termination of this Agreement shall be returned to the FBDP after the Property is fully restored and all other CITY expenses are reimbursed.

16. This Agreement shall be governed by the substantive laws of the State of New York and no rules pertaining to conflict of laws shall apply. This Agreement, and the exhibits attached hereto, constitute the entire agreement of the parties with respect to the subject matter hereof, superseding all previous representations, understandings, proposals or agreements (oral and written) with respect to such subject matter. Any and all disputes arising out of or related to this Agreement shall be resolved in the Supreme Court of the State of New York, venued in Dutchess County, New York.

17. This Agreement may not be altered, amended or modified except by a written instrument, signed by authorized representatives of each party. If either party fails to enforce this Agreement or to insist on performance of any of its terms at any time, that failure is not a waiver of either party's right to later enforce that term or the Agreement. The Agreement and all of its terms shall remain in full force and effect. If any provision of this Agreement shall be held to be invalid, illegal or unenforceable, in whole or in part, such provisions shall be modified to the minimum extent necessary to make it legal, valid and enforceable, and the remaining provisions shall not in any way be affected or impaired.

18. Neither the CITY nor FBDP shall assign or transfer its interest or obligations under this Agreement to any third party, without the written consent of the other.

19. Unless otherwise specified, any and all notices required by this Agreement shall

be in writing and forwarded by facsimile or overnight mail:

If to the CITY:

City Administrator
City of Beacon
1 Municipal Center
Beacon, NY 12508
845-838-5009
cwhite@beaconny.gov

With a copy to:

Nicholas Ward- Willis, Esq.
Keane & Beane, P.C.
445 Hamilton Avenue, 15th Floor
White Plains, NY 10601
(914) 946-4777
NWard-Willis@kblaw.com

If to FBDP:

Gina Wiseman
Friends of Beacon Dog Park
24 Bannerman View Drive
Newburgh, NY 12550
914-588-7000
gina.wiseman@verizon.net

With a copy to:

Dominique Manpel, Esq.
155 Main Street
Beacon NY 12508
Facsimile: (845) 831-9507

The date of receipt of all notices shall be the date of written confirmation of the successful completion of the facsimile transmission or the confirmed date of delivery by the overnight delivery service.

20. FBDP acknowledges it has carefully and fully read this Agreement and understands all of its rights and obligations. In executing this Agreement, FBDP acknowledges that it has had the opportunity to consult with an attorney and FBDP's decisions and actions are entirely voluntary and free from any mental, physical, or economic duress.

IN WITNESS WHEREOF, the parties to these presents have executed this Agreement as of the date set forth above, in four counterparts, each of which shall be deemed an original, in the year and day first above mentioned.

FRIENDS OF BEACON DOG PARK INC.

CITY OF BEACON

Signature: _____

Signature: _____

Name: Gina Wiseman

Name: Christopher White

Title: President

Title: City Administrator

Date: _____

Date: _____

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

On the __ day of _____ in the year 2021 before me, the undersigned, personally appeared Christopher White, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Signature and Office of individual taking
acknowledgement

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

On the __ day of _____ in the year 2021 before me, the undersigned, personally appeared Gina Wiseman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his capacity as a Director of Friends of Beacon Dog Park, Inc., and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Signature and Office of individual taking
acknowledgement

City of Beacon City Council Agenda
08/02/2021

Title:

Resolution Authorizing the Appointment of Gregg Hetcher to the Position of Motor Equipment Operator

ATTACHMENTS

Memorandum from the Superintendent of Streets Regarding an Open Motor Equipment Operator Position

Resolution Authorizing the Appointment of Gregg Hetcher to the Position of Motor Equipment Operator

Memorandum

Highway Department



To: Chris White
Gina Basile

From: Michael Manzi

Re: Motor Equipment Operator Vacancy

Date: July 30, 2021

Please be advised that on June 14, 2021 interviews were conducted to fill one Motor Equipment Operator (M.E.O) position in the Highway Department. The interviews were conducted with myself, Dave Way and Gina Basile present. Based on the interviews, it was our determination to move forward with the hiring of the following individual to fill the position.

Gregg Hetcher

Thank you,
Mike Manzi



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. __ OF 2021

**RESOLUTION APPROVING THE APPOINTMENT OF GREGG HETCHER TO THE
POSITION OF MOTOR EQUIPMENT OPERATOR**

WHEREAS, there is currently a vacancy for the position of Motor Equipment Operator in the City of Beacon Highway Department; and

WHEREAS, after an application and interview process, the Superintendent of Streets has recommended appointing Gregg Hetcher, a qualified candidate for the position.

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the appointment of Gregg Hetcher to the position of Motor Equipment Operator with a start date of August 16, 2021.

Resolution No. ____ of 2021			Date: <u>August 2, 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
08/02/2021

Title:

City Council Meeting Minutes July 6, 2021

ATTACHMENTS

[City Council Meeting Minutes July 6, 2021](#)

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 and in the Courtroom at 1 Municipal Plaza, Beacon NY 12508. The public was able to attend in-person or through video or telephone and were made aware via the City of Beacon website, beaconny.gov. The video recording of this meeting can be found at [Beacon Council Meeting 7-6-21 on Vimeo](#). Please take 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@beaconny.gov.

Councilmembers Present

Amber Grant, At Large
Air Rhodes, Ward Two
Jodi McCredo, Ward Three
Lee Kyriacou, Mayor

Councilmembers Absent

Councilmember George Mansfield, At Large
Councilmember Terry Nelson, Ward One
Councilmember Dan Aymar-Blair, Ward Four

Also Present:

Nick Ward-Willis, City Attorney

Public Hearing:

Proposed Local Law to Amend Chapter 211, Article II, Section 10, Subsection B of the Code of the City of Beacon Regarding Vehicles and Traffic

- Motion to open the Public Hearing by Councilmember Rhodes
- Second by Councilmember McCredo
- Motion passes 4 – 0

- Motion to close the Public Hearing by Councilmember Rhodes
- Second by Councilmember McCredo
- Motion passes 4 - 0

Reports: City Council and City Administrator**Local Laws and Resolutions**

1. Resolution Appointing Chief Wastewater Treatment Plant Operator on a Provisional Basis
 - Motion to pass the resolution by Councilmember Grant
 - Second by Councilmember McCredo
 - Motion passes 4 - 0

2. Resolution Appointing Jeanmarie Joseph to the Position of Senior Typist
 - Motion to pass the resolution by Councilmember Grant
 - Second by Councilmember Rhodes
 - Motion passes 4 - 0
3. Resolution Appointing Sean Detoro to the Position of Maintenance Carpenter
 - Motion to pass the resolution by Councilmember McCredo
 - Second by Councilmember Grant
 - Motion passes 4 – 0
4. Resolution Appointing Carinda Swann to the Conservation Advisory Committee
 - Motion to pass the resolution by Councilmember Rhodes
 - Second by Councilmember McCredo
 - Motion passes 4 - 0
5. Resolution Setting a Public Hearing on August 2, 2021 to Receive Comments on a Proposed Local Law to Create Chapter 155, Article III of the Code of the City of Beacon to Prohibit Smoking in City Parks
 - Motion to pass the resolution by Councilmember Rhodes
 - Second by Councilmember McCredo
 - Motion passes 4 - 0
6. Resolution Releasing Maintenance Bonds for Riding Ridge Trail and Fairways Lane
 - Motion to pass the resolution by Councilmember Grant
 - Second by Councilmember Rhodes
 - Motion passes 4 - 0
7. Resolution Authorizing the City Administrator to Sign a License Agreement with 344 Holding, LLC

- Motion by Councilmember McCredo to table and reschedule the following resolutions for August 2nd: 7; 9; 10; 11; 13; 14; 15; 16; 19; 20
- Second by Councilmember Rhodes
- Motion passes 4 – 0

8. A Resolution to Designate 232 Main Street as a Historic Landmark

- Motion to pass the resolution by Councilmember Grant
- Second by Councilmember Rhodes
- Motion passes 4 - 0

9. A Resolution to Designate 246 Main Street as a Historic Landmark

10. A Resolution to Dedicate 250 Main Street as a Historic Landmark

11. A Resolution to Dedicate 257 Main Street as a Historic Landmark

12. A Resolution to Dedicate 269 Main Street as a Historic Landmark

- Motion to pass the resolution by Councilmember Grant
- Second by Councilmember McCredo
- Motion passes 4 – 0

13. A Resolution to Designate 274 Main Street as a Historic Landmark

14. A Resolution to Designate 284 Main Street as a Historic Landmark

15. A Resolution to Designate 288 Main Street as a Historic Landmark

16. A Resolution to Designate 291 Main Street as a Historic Landmark

17. A Resolution to Designate 314 Main Street as a Historic Landmark

- Motion to pass the resolution by Councilmember McCredo
- Second by Councilmember Grant
- Motion passes 4 – 0

18. A Resolution to Designate 315 Main Street as a Historic Landmark

- Motion to pass the resolution by Councilmember McCredo
- Second by Mayor Kyriacou
- Motion passes 4 – 0

19. A Resolution to Designate 372 Main Street as a Historic Landmark

20. A Resolution to Designate 378-382 Main Street as a Historic Landmark

21. A Resolution to Designate 403 Main Street as a Historic Landmark

- Motion to pass the resolution by Councilmember McCredo
- Second by Councilmember Grant
- Motion passes 4 – 0

22. A Resolution to Designate 1158 North Avenue as a Historic Landmark

- Motion to pass the resolution by Councilmember McCredo
- Second by Councilmember Grant
- Motion passes 4 – 0

Approval of Minutes

City Council Meeting Minutes June 21, 2021

- Motion to approve the Minutes by Councilmember Grant
- Second by Councilmember McCredo
- Motion passes 4 – 0

Councilmember Rhodes noted that their absence was not recorded on the City Council Meeting Minutes of June 21, 2021. The Minutes will be updated accordingly.

Executive Session

- Motion to enter Executive Session for Personnel, Litigation, and Real Property by Councilmember McCredo
- Second by Councilmember Rhodes
- Motion passes 4 – 0

Adjournment

- Motion to exit Executive Session and Adjourn the City Council Meeting by Councilmember Grant
- Second by Councilmember McCredo
- Motion passes 4 – 0

City of Beacon City Council Agenda
08/02/2021

Title:

Personnel, Contract, and Litigation

ATTACHMENTS