



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

Mayor Lee Kyriacou
Councilmember Amber Grant, At Large
Councilmember Paloma Wake, At Large
Councilmember Molly Rhodes, Ward 1
Councilmember Jeff Domanski, Ward 2
Councilmember Pam Wetherbee, Ward 3
Councilmember George Mansfield, Ward 4
City Administrator Chris White

**May 12, 2025
7:00 PM
City Council Agenda**

Roll Call

Workshop Agenda Items

1. [Proposed Local Law Concerning the Drought Emergency Plan](#)
2. [Proposed Local Law Concerning Loitering](#)
3. [Proposed Amendments to the 2025 Budget](#)

Announcement of Next Meeting: May 19, 2025 at 7:00 p.m.

Executive Session Items

1. [Executive Session: Real Property](#)

City of Beacon City Council Agenda
05/12/2025

Title:

Proposed Local Law Concerning the Drought Emergency Plan

ATTACHMENTS

Keane & Beane, P.C. Memorandum Regarding the Proposed Local Law Concerning the Drought
Emergency Plan

Proposed Local Law Concerning the Drought Emergency Plan

MEMORANDUM

TO: Mayor Lee Kyriacou
Members of the Beacon City Council

FROM: Keane & Beane, P.C.

RE: Preposed Local Law to Amend Chapter 24 Concerning the City's
Drought Emergency Plan

DATE: May 6, 2025

Recent years have seen increases in drought conditions in the State of New York, Dutchess County and the City of Beacon (the "City"), with 2024 being a particularly dry year. In 2024, the City saw the enactment of several burn bans and a drought emergency declaration. The City acquires its potable water from three (3) reservoirs and three (3) water wells, which except for one (1) well, are all owned and operated by the City. Hence, to safeguard the general welfare, health, and safety of residents and businesses, Chapter 24 of the Beacon City Code, entitled "Drought Emergency Plan," sets forth three (3) stages of drought emergencies for when the City's reservoirs and/or water wells reach critical thresholds and accordingly provides restrictions on water usage which escalate with the drought's severity.

Specifically, drought emergencies can develop on short notice and between City Council meetings. Thus, the current requirement that the City's Drought Emergency Plan be implemented upon the City Council's adoption of a resolution can cause delay with the Plan's enactment and implementation. This delay can potentially result in the loss of additional, and significant, amounts of water from the City's water sources before the next City Council meeting. As such, the proposed Local Law aims to alleviate this delay by streamlining the City's ability to effectively and readily respond to drought emergencies and hazardous dry conditions.

We have prepared the attached Local Law which, if adopted, provides the Mayor, upon the advice of the Superintendent of Water and Sewers, with the necessary authority to order and implement the Drought Emergency Plan set forth in Chapter 24 of the Beacon City Code. There are no changes currently proposed to Chapter 24's restrictions on water use during a drought emergency. However, additional edits have been proposed such as: (i) adding a "purpose" statement, (ii) setting forth methods for the City Administrator to publicize when the Drought Emergency Plan is implemented, (iii) authorizing the City Administrator to grant variances from the Plan, and (iv) clarifying that Building Inspector, Deputy Building Inspector, Code Enforcement

Officer(s), and sworn members of the Beacon Police Department are authorized to issue appearance tickets to persons or entities which violate Chapter 24.

Should there be any questions, please do not hesitate to contact our office. Thank you.

cc: Chris White, City Administrator
Ed Balicki, Superintendent of Water and Sewers

LOCAL LAW NO. ____ OF 2025

CITY COUNCIL
CITY OF BEACON

A LOCAL LAW AMENDING CHAPTER 24 OF THE BEACON CITY CODE
CONCERNING THE DROUGHT EMERGENCY PLAN

A LOCAL LAW to amend Chapter 24 of the Beacon concerning the procedures for the implementation of the City of Beacon Drought Emergency Plan.

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

Section 1. Chapter 24 of the Beacon City Code entitled “Drought Emergency Plan” is hereby amended as follows:

§ 24-1 Purpose; findings~~Restrictions on water use.~~

A. Purpose. The purpose of this Chapter is to set forth procedures and guidelines in the event of a drought emergency to protect the health, safety and welfare of residents and businesses in the City of Beacon should the City’s potable water reservoirs reach certain capacities. These procedures, and thresholds set forth below, are not intended, nor shall they be construed, as limiting the powers reserved to the Mayor, City Council, or Department Heads under applicable local, state, and federal laws, rules or regulations to take such actions necessary to safeguard the general welfare, health, and safety of the residents and businesses of the City of Beacon resulting from drought conditions.

B. Findings. The City Council of the City of Beacon hereby finds that dDue to a significant shortfall of precipitation, a major water leak event, a water system failure, or excessive water consumption beyond the capacity of the City’s water system, etc., and ~~as a result of the above unless consumption of water in the City of Beacon water system is substantially reduced~~ that the City’s water system will be unable to supply sufficient potable water to meet the ~~basic~~ needs of the citizens of the City of Beacon, ~~and the Mayor of the City of Beacon has, in light of these conditions, found the City of Beacon water system to be in a state of water emergency, the Mayor must accordingly exercise~~shall have the authority to mandate such measures as are necessary to reduce consumption of water with the City of Beacon water system to a level sufficient to preserve an adequate supply of water to meet the City's basic water needs.

§ 24-2 Restrictions on water use.

Upon the Mayor ordering the implementation restrictions on water use pursuant to this Chapter, the City Administrator shall announce such restrictions at the soonest available City Council meeting, on the City's website, provide notice to local news outlets, and give notice in such other manner(s) as deemed advisable. The restrictions on water usage ordered by the Mayor pursuant to this Chapter shall take effect on such date and time set forth in the order and shall remain in place until otherwise terminated by the Mayor with the advice of the Superintendent of Water and Sewers. The Mayor, with the advice of the Superintendent of Water and Sewers and upon a finding ~~that an imminent peril to the public health and safety exists that the City's reservoirs have reached the capacities set forth below~~, may ~~adopt order~~ the following regulations be implemented as emergency measures to prevent the waste of water:

A. Stage I: 60% of reservoir capacity.

(1) No person or entity shall cause, permit or allow:

- (a) The continuing leak or waste from any water pipe, valve, faucet, conduit, equipment, facility, or device connected to the City of Beacon water system, or which utilizes City of Beacon water, on or in any premises owned, leased, managed, operated, or controlled by such person or entity.
- (b) The washing of any vehicle by means of a hose, fire hydrant, or other active source connection to the City of Beacon water system, except a commercial vehicle washing operation if equipment has been installed and is utilized so that at least 50% of the water used is recirculated by means of a system approved by the Department, or high-pressure restrictor hoses may be used in a coin-operated car wash.
- (c) The washing of any street, sidewalk, driveway, outdoor area, outdoor steps, building exterior, or other structures by means of a hose, fire hydrant, or other active source connected to the City of Beacon water system or which utilizes City of Beacon water.
- (d) The use of water from any source for any ornamental purpose, including but not limited to use in fountains, artificial waterfalls, reflecting pools, lakes and ponds.
- (e) The use of water from the City of Beacon water system to water any lawn, golf course, ornamental shrub, plant, or tree, except that:

[1] City of Beacon water may be used to water any lawn, tree, shrub, garden or golf course, greens and tees only from 7:00 p.m. to 8:00 p.m. and 10:00 p.m. to 11:00 p.m.

- [2] City of Beacon water may be used at any time to irrigate, from a hand-held container, vegetables or fruits for human consumption.
- [3] Plant nurseries and other commercial users engaged in the business of growing, distributing, or selling plants may use such water on their business premises for watering ornamental shrubs, plants, or trees, provided that each user reduces its use of water by 15% or such other percentages as may (hereafter) be prescribed for nonresidential water users.
- (f) The opening or use of any fire hydrant, or of the water there from, for any purpose other than fire protection except in accordance with a permit obtained from the Water Department and only for the period of and the purpose authorized by such permit and in strict adherence to all terms and conditions set forth therein.
- (g) The operation of an air-conditioning system utilizing water from the City of Beacon water system in a cooling tower, unless within 30 days from the effective date of this chapter a separate meter is installed to continuously measure the flow of water to the cooling tower or the water is recirculated.
- (h) The operation of any air-conditioning system in excess of two tons of rated capacity or greater or any refrigeration unit rated at 10 horsepower or greater using water from the City of Beacon water system unless such air-conditioning system or refrigeration unit is equipped with a water recirculating device approved by the Department.
- (i) The use of water from the City of Beacon water system to fill or maintain the water level in any swimming pool, except that, provided the pool is operated with recirculating equipment, City water may be used to fill the pool once during each calendar year and thereafter may be used as necessary to maintain the water level in such pool.
- (2) Each nonresidential user of water from the City of Beacon water system shall prepare and retain a water consumption reduction plan enabling it to reduce its use of water in stages of 15%, 20% and 25% based upon its water consumption during the calendar year. Such plans shall be designed to achieve and maintain a reduction of 15%, 20% or 25% immediately upon the declaration of a Stage I, Stage II or Stage III emergency, respectively. Each such user shall promptly implement the first phase of its plan during Stage I and shall reduce its consumption by 15%. On and after 30 days from the effective date of this chapter, each such user shall have its water consumption reduction plan

available at all times for inspecting and copying by employees of the Department.

- B. Stage II: 40% of reservoir capacity or one well out of service. If at any time the ~~Water~~ Superintendent of Water and Sewers determines that the measures set forth under Stage I of this chapter have not resulted in a sufficient level of conservation in light of existing water supply conditions, a Stage II drought emergency shall be declared. Upon declaration of a Stage II emergency, in addition to those measures set forth herein above, and in place of Subsection A(1)(e)[1] and [2] and (i) under Stage I:

(1) No person or entity shall cause, permit, or allow:

- (a) The use of water from the City of Beacon water system to fill or maintain the water level in any swimming pool.
- (b) The use of water from the City of Beacon water system to water any lawn, golf course, ornamental shrub, or plant, except that City of Beacon water may be used to irrigate with a hand-held container vegetables or fruits grown for human consumption.

(2) Each nonresidential City of Beacon water system water user shall fully implement its Stage II water consumption plan and shall immediately reduce use of water by no less than 20%.

- C. Stage III: 20% of reservoir capacity. If, after the imposition of the measures set forth in Stage II of this section, the ~~Water~~ Superintendent of Water and Sewers finds that water consumption must be further reduced, a Stage III emergency shall be declared and, in addition to the measures set forth hereinabove.

- (1) All nonresidential users of water from the City of Beacon water system shall reduce their consumption by no less than 25%.
- (2) All users, both residential and nonresidential, shall install water-flow-restricting devices on all shower heads.
- (3) All air-conditioning systems utilizing water from the City of Beacon water system shall be operated only in accordance with hourly restrictions established by the ~~Water~~ Superintendent of Water and Sewers.

§ 24-~~32~~ Penalties for offenses; termination of service.

- A. Violations of this chapter shall be punishable by the general penalty provisions of § 1-3A of the Beacon Code. The Building Inspector, Deputy Building Inspector, Code Enforcement Officer(s), and all sworn members of the Beacon Police Department are hereby expressly authorized to issue appearance tickets to any person or entity for any violation(s) of this Chapter.

- B. In addition to any penalties which may be imposed by the Beacon Code, where a leak and/or waste notice has been served in accordance with City regulations and the condition to which such notice relates has not been corrected, a penalty of up to \$50 per day may be imposed by the ~~Water~~ Superintendent of Water and Sewers and added to the water rents re-levied on the tax rolls.
- C. Water service may be terminated for violations of any provision of this chapter or for any waste of water.

§ 24-~~43~~ **Variance.**

- A. Upon the application of any person or entity, the City ~~Council~~ Administrator, with the advice and consent of the Superintendent of Water and Sewers, may, ~~at its~~ in their discretion, grant a variance relieving such person or entity from compliance with any of the requirements of this chapter if such person or entity demonstrates to ~~the satisfaction of the City Council~~ that:
- (1) Undue hardship would otherwise result.
 - (2) There are no possible alternatives.
 - (3) The applicant has taken and will take all possible measures to conserve water, with a complete description of such measures and the water savings to be effective.
 - (4) Such a variance is not inconsistent with the purpose of this chapter.
- B. In connection with any variance which may be granted, the City ~~Council~~ Administrator shall impose such terms and conditions as ~~it~~ deems appropriate.

~~§ 24-4~~ **Implementation:**

~~This chapter may be placed in effect by resolution of the City Council and remain in effect until modified or until the drought emergency has been declared terminated.~~

Section 2. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 24 of the Beacon City Code 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 local law 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
05/12/2025

Title:

Proposed Local Law Concerning Loitering

ATTACHMENTS

Keane & Beane, P.C. Memorandum Regarding the Proposed Local Law Concerning Loitering

Proposed Local Law Concerning Loitering

MEMORANDUM

TO: Mayor Lee Kyriacou
Members of the Beacon City Council

FROM: Keane & Beane, P.C.

RE: Proposed Local Law to Amend Chapter 145 Concerning
Loitering – Marijuana

DATE: May 6, 2025

The State of New York legalized the possession and recreational sale and use of cannabis for adults over the age of 21 and also determined that adults may use cannabis in most public places where it is also legal to use tobacco products. As such, the possession and use of cannabis is largely preempted under New York State Law, meaning municipalities may not adopt more stringent laws concerning the lawful sale, use, and possession of cannabis than what is set forth under State law.

Section 145-3(C) currently provides “a person is guilty of loitering when he or she loiters or remains in a public place for the purpose of possessing or using marijuana or a controlled substance.” Therefore, the proposed local law amends Chapter 145 of the City Code to bring the City’s loitering law in conformance with State law concerning the consumption of cannabis in public places.

Note the City can regulate the use of cannabis in City owned buildings and public parks and this amendment does not change Section 155-4 of the City Code which provides:

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.

Please do not hesitate to contact our office with any questions or concerns. Thank you.

cc: Chris White, City Administrator

LOCAL LAW NO. __ OF 2025

CITY OF BEACON
CITY COUNCIL

A LOCAL LAW TO AMEND CHAPTER 145 OF THE BEACON CITY CODE
CONCERNING LOITERING

A LOCAL LAW to amend Chapter 145 of the Beacon City Code to conform with State law regarding the possession of cannabis in public places.

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

Section 1. Chapter 145 of the Code of the City of Beacon, entitled “Loitering,” is hereby amended as follows:

§ 145-1 **Legislative findings and intent.**

~~The Council finds that the~~ General City Law Section 20(37) ~~has recently been amended by adding a new provision which~~ allows cities to adopt anti-loitering laws and ordinances. The Council ~~further~~ finds that "quality of life" issues are of paramount importance to citizens of Beacon ~~and, affecting not only their physical well-being and safety, but their very sense of urban self.~~ Persons engaged in unlawful conduct in public places harass and unduly interfere with the lawful use and enjoyment of such public places thereby constituting a danger to the public health and safety. The Council therefore finds it appropriate for the protection of the public safety and welfare to enact legislation to ensure that public safety is not jeopardized by acts of loitering when they are committed for the purpose of intimidation, coercion, harassment, menacing or assaultive conduct in violation of applicable state law. In addition, the City of Beacon ~~has recognizes that unlawful identified a significant~~ trade in controlled substances ~~and marijuana on the streets of~~ the City of Beacon ~~with the resulting increases increase in crimes, related to such street trade thereby posing a danger health, safety, and welfare of the community.~~ The purpose of the following provisions of this chapter is to add to the crime-fighting abilities of the City of Beacon Police Department by prohibiting loitering for the specific illegal purposes of unlawfully possessing or using ~~marijuana or~~ a controlled substance.

§ 145-2 **Definitions.**

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

CONTROLLED SUBSTANCES

~~The unlawful possession or use of any~~ Any substance listed in Schedule I, II, III, IV or V of § 3306 of the Public Health Law ~~other than marijuana.~~

MARIJUANA

~~Marijuana or concentrated cannabis, as those terms are defined in § 3302 of the Public Health Law.~~

...

§ 145-3 Loitering prohibited.

...

- C. Loitering for the purpose of using or possessing ~~marijuana or~~ a controlled substance prohibited. A person is guilty of loitering when he or she loiters or remains in a public place for the purpose of unlawfully possessing or using ~~marijuana or~~ a controlled substance.
- D. Guidelines for law enforcement. In order to make an arrest of a person under the section pertaining to ~~the unlawful possession or use of~~ possessing marijuana or a controlled substance, a police officer or other person must have observed conduct of the subject individually or in conjunction with another which would reasonably lead a police officer to the conclusion that the subject is present for the purpose of unlawfully using or possessing ~~marijuana or~~ a controlled substance.

Section 2. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 145 of the Beacon City Code 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 City 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 Charter affected thereby.

Section 4. Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to

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

Section 5. Effective Date.

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

City of Beacon City Council Agenda
05/12/2025

Title:

Proposed Amendments to the 2025 Budget

ATTACHMENTS

[5.19.25 Meeting Council Budget Amendments.pdf](#)

City of Beacon
Council Budget Amendments
May 19, 2025 Meeting

1. Amend the 2025 General Fund Highway Budget for the accumulated and unused time payout for one employee retirement. Below is the proposed budget amendment:

TRANSFER TO:

A -05-5110-190000-	SEVERANCE/RETIREMENT PAY	<u>\$ 75,409</u>
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TRANSFER FROM:

A -01-1990-400004-	CONTINGENCY-RETIREMENT	<u>\$ 75,409</u>
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2. Amend the 2025 General, Water and Sewer Fund Budgets for the cost-of-living increases in the CSEA Collective Bargaining Agreement (and Administration staff), which was not approved until after the 2025 Budget presentation. Amounts were accounted for in the contingency lines and will be transferred accordingly. Below is the proposed budget amendment:

TRANSFER TO:

APPROPRIATE SALARY AND PAYROLL TAX LINES	<u>\$ 198,240</u>
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TRANSFER FROM:

A -01-1990-400001-	CONTINGENCY FUND	<u>\$ 198,240</u>
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TRANSFER TO:

APPROPRIATE SALARY AND PAYROLL TAX LINES	<u>\$ 50,364</u>
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TRANSFER FROM:

F -01-1990-400001-	CONTINGENCY FUND	<u>\$ 50,364</u>
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TRANSFER TO:

APPROPRIATE SALARY AND PAYROLL TAX LINES	<u>\$ 39,863</u>
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TRANSFER FROM:

G -01-1990-400001-	CONTINGENCY FUND	<u>\$ 39,863</u>
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Respectfully submitted,
Susan K. Tucker CPA

City of Beacon City Council Agenda
05/12/2025

Title:

Executive Session: Real Property

ATTACHMENTS