



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 Dan Aymar-Blair, Ward 4
City Administrator Chris White

**June 17, 2024
7:00 PM
City Council Agenda**

Call to Order

Pledge of Allegiance

Roll Call

Public Comment

Public Hearings

Public Hearing on the 2025-2029 Capital Program

Public Hearing for Proposed Local Law No. 2 of 2024 Concerning Fire Hydrants

Public Hearing on a Proposed Local Law No. 4 of 2024 Concerning Towing

Public Hearing on a Proposed Local Law Concerning Parking Requirements (to be adjourned to July 15, 2024)

Reports: Mayor, City Council, and City Administrator

Local Laws and Resolutions

1. Resolution No. 58 - Adopting Local Law No. 3 of 2024 Concerning Fire Hydrants
2. Resolution No. 59 - Amending the Schedule of Fees Concerning Fire Hydrants
3. Resolution No. 60 - Adopting Local Law No. 4 of 2024 Concerning Towing
4. Resolution No. 61 - Replacement of Mt. Beacon Water Tank SEQRA Determination
5. Resolution No. 62 - Authorizing an Easement with NYS Office of Parks, Recreation, and Historic Preservation for the Replacement of Mt. Beacon Water Tank
6. Resolution No. 63 - Authorizing the Implementation and Funding of Costs of the Reconstruction of Teller Avenue

Approval of Minutes

1. June 3, 2024 Minutes

Public Comment - Second Opportunity

Announcement of Next Meeting: July 1, 2024 at 7:00 p.m.

Adjournment

City of Beacon City Council Agenda
06/17/2024

Title:

Public Hearing on the 2025-2029 Capital Program

ATTACHMENTS

[Draft 2025-2029 Capital Program](#)

[Draft 2025 Capital Financing Plan](#)

CITY OF BEACON

CAPITAL PROGRAM

2025-2029



CITY OF BEACON

CAPITAL PROGRAM 2025-2029 (DRAFT)

	DESCRIPTION OF ITEMS	2025	2026	2027	2028	2029
GENERAL FUND						
FIRE DEPARTMENT						
	Ladder Truck	1,741,450				
	Firefighter Personal Protective Equipment	19,150	19,530	19,920	20,320	20,730
	Self-Contained Breathing Apparatus (SCBA)	69,640				54,000
	Ford Interceptor (Hybrid)		71,450			
	Ford Interceptor (Hybrid)			73,600		
	Ford F-150 (Electric)			84,340		
	Self-Contained Breathing Apparatus Cylinders				20,000	6,800
ROAD RECONSTRUCTION						
	Mill & Pave Streets/Install ADA Curb Ramps	600,000	500,000	500,000	500,000	500,000
	Mill & Pave Fishkill Ave (Blackburn to Prospect)	320,000				
CITY BUILDINGS & LOTS						
	Mill and Pave Van Nydek Parking Lot	50,000				
SIDEWALKS						
	Sidewalk Improvements	250,000	250,000	250,000	250,000	250,000
STORMWATER SYSTEM						
	Repair Stormwater Main on Depuyster Ave. (Hiddenbrook to Violet Dr.)	30,000				

CITY OF BEACON

CAPITAL PROGRAM 2025-2029 (DRAFT)

	DESCRIPTION OF ITEMS	2025	2026	2027	2028	2029
HIGHWAY DEPARTMENT						
	Dump Truck/Plow/Sander	375,000				
	Salt Brine Maker - Advantage	125,000				
	Large Tractor with Roadside Mower/Closed Cab	200,000				
	Skidsteer		140,000			
	2026 Bucket Truck		175,000			
	Front End Loader - John Deere		273,000			
	Dump Truck/Plow/Sander		340,000			
	Backhoe - John Deere			180,000		
	1-Ton Dump Truck with Plow			93,640		
	1-Ton Dump Truck with Plow			93,640		
	Street Sweeper				393,750	
	Dump Truck/Plow/Sander				393,750	
	2027 Track Loader				350,000	
	Debris Bucket				30,000	
PARKS & RECREATION DEPARTMENT						
	South Avenue Park Rehabilitation (Increase)	575,750				
	Memorial Park Parking Lot Paving	50,000				
	Memorial Park - Basketball Court Resurfacing		105,000			
	Riverfront Park- Court & Parking Reconstruction			1,575,000		
	Memorial Park- Hilltop Pavillion (Increase)			52,500		
	USC- Pool Restoration - Fiberglass			210,000		
	Memorial Park- Walkway			525,000		
	Riverfront Park & Memorial Park- Splash Pads				210,000	
	Riverfront Park & Memorial Park- Playgrounds				420,000	
	Community Center					5,250,000

CITY OF BEACON

CAPITAL PROGRAM 2025-2029 (DRAFT)

	DESCRIPTION OF ITEMS	2025	2026	2027	2028	2029
	POLICE DEPARTMENT					
	Locker Room Renovations	100,000				
	Street Camera - Main Street and 9D	9,800				
	Patrol Vehicle - Interceptor (Hybrid)	85,000				
	Unmarked Vehicle - Chevy Blazer (Electric)	67,000				
	Street Camera - Main Street and Tioronda Avenue		20,600			
	Unmarked Vehicles - Chevy Blazer (Electric)		69,000			
	Unmarked Vehicles - Chevy Blazer (Electric)		69,000			
	Patrol Vehicle - Interceptor (Hybrid)			90,120		
	Patrol Vehicle - Interceptor (Hybrid)			90,120		
	Unmarked Vehicle - Mach E (Electric)				73,100	
	Patrol Vehicle - Interceptor (Hybrid)				93,000	
	Patrol Vehicle - Interceptor (Hybrid)					95,700
	Patrol Vehicle - Interceptor (Hybrid)					95,700
	Subtotal General Fund	4,667,790	2,032,580	3,837,880	2,753,920	6,272,930

CITY OF BEACON

CAPITAL PROGRAM 2025-2029 (DRAFT)

	DESCRIPTION OF ITEMS	2025	2026	2027	2028	2029
WATER FUND						
EQUIPMENT						
	1-Ton Dump Truck with Plow	85,000				
	Vacuum Truck		600,000			
	Ford F-150		60,000			
	1-Ton Dump Truck with Plow			90,000		
	E350 Cutaway Maintenance Truck			100,000		
	Valve Truck and Pacific Valve Operator				150,000	
	1-Ton Dump Truck with Plow				90,000	
	Meter Van (Electric)					70,000
	Mini Excavator and Trailer					100,000
WATER SUPPLY						
	Well # 1 Investigation	55,000				
	Melzingah Rehabilitation (Increase)	1,000,000				
	Water Main Replacement Fishkill Ave. (Blackburn to Prospect)	1,000,000				
	Mt. Beacon Water Storage Tank- Construction		1,365,000			
WATER FILTRATION PLANT						
	High Lift Pump # 4- Engineering	50,000				
	High Lift Pump # 4- Construction		241,500			
Subtotal Water Fund		2,190,000	2,266,500	190,000	240,000	170,000

CITY OF BEACON

CAPITAL PROGRAM 2025-2029 (DRAFT)

		2025	2026	2027	2028	2029
	DESCRIPTION OF ITEMS					
	SEWER FUND					
	WASTEWATER TREATMENT PLANT					
	WWTP Administration Building Roof Replacement	500,000				
	Aeration Blower Replacement (2)	804,000				
	Hauler Digester Tank Cleaning	205,000				
	Aeration Tanks/Air System Replacement (Engineering/Construction)	89,280	2,142,720			
	Concentration Tank Refurbishing, Weir and Collection System Replacement		330,000			
	SANITARY SEWER SYSTEM					
	Monell Pump Station- Construction		400,000			
	Subtotal Sewer Fund	1,598,280	2,872,720	-	-	-
	GRAND TOTAL	8,456,070	7,171,800	4,027,880	2,993,920	6,442,930

CITY OF BEACON 2025 CAPITAL FINANCING PLAN (DRAFT)											
	RED - General Fund				FUNDING SOURCES						
	BLUE - Water Fund	TOTAL	GENERAL	GENERAL	WATER	WATER	SEWER	SEWER	STATE &	GRANT	TOTAL
	GREEN- Sewer Fund	COST	FUND BALANCE	FUND DEBT	FUND BALANCE	FUND DEBT	FUND BALANCE	FUND DEBT	FEDERAL AID	SOURCES	COST
GENERAL FUND											
FIRE DEPARTMENT											
	Ladder Truck	1,741,450		1,741,450							1,741,450
	Firefighter Personal Protective Equipment	19,150	19,150								19,150
	Self-Contained Breathing Apparatus (SCBA)	69,640	69,640								69,640
											-
ROAD RECONSTRUCTION											-
	Milling & Paving Streets/Install ADA curb ramps	600,000							600,000		600,000
	Mill & Pave Fishkill (Blackburn to Prospect)	320,000							320,000		320,000
											-
CITY BUILDING & LOTS											-
	Mill, Pave & Restripe Van Nydek Parking Lot	50,000	50,000								50,000
											-
SIDEWALKS											-
	Sidewalk Improvements	250,000	55,000						195,000		250,000
											-
STORM DRAINS											-
	Repair Storm Line Main Depuyster Ave. (Hiddenbrook to Violet Dr.)	30,000	30,000								30,000
									-		-
HIGHWAY DEPARTMENT											-
	Dump Truck/Plow/Sander	375,000		375,000							375,000
	Salt Brine Maker - Advantage	125,000		125,000							125,000
	Large Tractor with Roadside Mower/Closed Cab	200,000		200,000							200,000
											-
PARKS & RECREATION DEPARTMENT											-
	South Avenue Park Rehabilitation (Increase)	575,750	545,750							30,000	575,750
	Memorial Park Parking Lot Paving	50,000	50,000								50,000
											-
POLICE DEPARTMENT											-
	Locker Room Renovations	100,000	100,000								100,000
	Street Camera - Main Street and 9D	9,800	-							9,800	9,800
	Patrol Vehicle - Interceptor (Hybrid)	85,000	85,000								85,000
	Unmarked Vehicle - Chevy Blazer (Electric)	67,000	67,000								67,000
Subtotal General Fund		4,667,790	1,071,540	2,441,450	-	-	-	-	1,115,000	39,800	4,667,790

CITY OF BEACON 2025 CAPITAL FINANCING PLAN (DRAFT)											
	RED - General Fund	FUNDING SOURCES									
	BLUE - Water Fund	TOTAL	GENERAL	GENERAL	WATER	WATER	SEWER	SEWER	STATE &	GRANT	TOTAL
	GREEN- Sewer Fund	COST	FUND BALANCE	FUND DEBT	FUND BALANCE	FUND DEBT	FUND BALANCE	FUND DEBT	FEDERAL AID	SOURCES	COST
WATER FUND											
	1-Ton Dump Truck with Plow	85,000			85,000						85,000
	Well # 1 Investigation	55,000			55,000						55,000
	Melzingah Rehabilitation (Increase)	1,000,000			1,000,000						1,000,000
	Water Main Replacement Fishkill Ave. (Blackburn to Prospect)	1,000,000				1,000,000					1,000,000
	High Lift Pump # 4- Engineering	50,000			50,000						50,000
Subtotal Water Fund		2,190,000	-	-	1,190,000	1,000,000	-	-	-	-	2,190,000
SEWER FUND											
	WWTP Administration Building Roof Replacement	500,000						500,000			500,000
	Aeration Blower Replacement (2)	804,000						804,000			804,000
	Aeration Tanks Repair/Air System Upgrade Engineering	89,280					89,280				89,280
	Hauler Digester Tank Cleaning	205,000					205,000				205,000
Subtotal Sewer Fund		1,598,280	-	-	-	-	294,280	1,304,000		-	1,598,280
											-
GRAND TOTAL		8,456,070	1,071,540	2,441,450	1,190,000	1,000,000	294,280	1,304,000	1,115,000	39,800	8,456,070

City of Beacon City Council Agenda
06/17/2024

Title:

Public Hearing for Proposed Local Law No. 2 of 2024 Concerning Fire Hydrants

ATTACHMENTS

[Proposed Local Law No. 2 of 2024 Concerning Fire Hydrants](#)

LOCAL LAW NO. 3 OF 2024

CITY COUNCIL
CITY OF BEACON

A LOCAL LAW AMENDING CHAPTER 219 OF THE BEACON CITY CODE
CONCERNING FIRE HYDRANTS

A LOCAL LAW to amend
Beacon City Code, Chapter
219, Article IV, concerning
Fire Hydrants.

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

Section 1. Chapter 219 of the Code of the City of Beacon, Article VI entitled “Fire Hydrants”, is hereby amended as follows:

§ 219-23 **Permit required to open; exceptions.**

No person shall open, interfere with or draw water from any fire hydrant in the City without first obtaining a written permit from the ~~Administrator~~ Superintendent of Water and Sewers authorizing such use ~~therefor~~, except that fire hydrants may be opened by or on the order of any member of a Fire Department within the City in case of fire or other emergency for the purpose of attaching thereto fire hose and equipment.

§ 219-24 **Use regulations; Penalties.**

A. The following regulations shall govern the use of any fire hydrant in the City:

1. Whenever a fire hydrant is to be opened and used by any non-City entity, a written permit from the Superintendent of Water and Sewers shall be first acquired, ~~notification of such fact shall first be given the City.~~
2. A permit to open, interfere with, or draw water from any fire hydrant shall only be issued under special circumstances as determined by the Superintendent of Water and Sewers in its sole discretion, such as when a property is under construction and sufficient water is not yet available on site or to gather engineering data, such as, but not limited to, flow data and line pressures.
3. No permit to open, interfere with, or draw water from any fire hydrant may be issued unless the applicant has first paid the permit fee set forth in the City Schedule of Fees. If the permit is issued for the use of a public hydrant the permittee shall also pay a monthly rental fee as set forth in the City Schedule of Fees.

4. No permit shall be issued between November 15 and March 15, nor shall any permittee be allowed to open or draw water from any fire hydrant during this time.
5. All permits issued herein shall expire no later than November 15 or within 180 calendar days of issuance, whichever occurs first.
6. Prior to the opening or drawing any water from a fire hydrant, a permittee shall:
 - i. Install a water meter and back flow device approved by the Superintendent of Water and Sewers.
 - ii. Establish a water account with the City of Beacon to pay for the water usage from such fire hydrant.
7. The permittee shall be solely responsible for paying for water drawn from any fire hydrant based upon the usage thereof.
8. No tools or implements shall be used to open fire hydrants except such ~~as are furnished by the City or by the Fire Department~~ tools that are approved for the operation of fire hydrants. No use of pipe wrenches, pump pliers or channel locks is permitted.
9. Swimming pools and other bodies of water shall not be filled from fire hydrants.
10. The permittee shall be responsible for any damage to public fire hydrants and/or property caused by the use of any fire hydrant.
11. In addition to the use regulations set forth herein, the Superintendent of Water and Sewers may prescribe such reasonable conditions and restrictions upon the permittee.

- B. ~~No tools or implements shall be used to open hydrants except such as are furnished by the City or by the Fire Department.~~ Penalties. Any person, entity, or permittee who violates any provision of this Article shall be subject to a fine pursuant to § 1-3.A of the Code.

§ 219-24.1 Private Fire Hydrants.

All privately owned fire hydrants in the City of Beacon shall be operated and maintained in compliance with the following standards and specifications. Privately owned fire hydrants shall mean any fire hydrant within the City which is owned or controlled by a person, partnership, corporation, or entity other than a federal, state, county or local government.

A. New installations of privately owned fire hydrants after the filing of this local law shall conform to the following standards in addition to any other requirements set forth herein.

1. Prior to the installation of any new private fire hydrant a permit shall be acquired from the City of Beacon Water Department and a fee shall be paid as set forth in the City's Schedule of Fees.
2. The City of Beacon Water Department shall oversee the installation of all new private fire hydrants, which shall conform to the applicable federal, state, and local regulations, including but not necessarily limited to the New York State Fire Prevention and Building Code and/or NFPA.
3. Privately owned fire hydrants shall be appropriately designed and specified on site plans.
4. Be breakaway style if located within 15 feet of any street or right-of-way.
5. Upon installation and prior to the flowing of any water via a newly installed private fire hydrant, the City of Beacon Water Department shall be contacted and shall inspect the private fire hydrant. No water shall be allowed to flow through any private fire hydrant without documentation by the City of Beacon Water Department of the inspection(s) and a determination that the private fire hydrant complies with all applicable standards, rules and regulations.

B. Maintenance, standards, and specifications. All private fire hydrants shall comply with the following standards and specifications, regardless of when so installed:

1. Be in compliance with the New York State Fire Code, and such other county, state, or federal laws, rules and regulations applicable to privately owned fire hydrants.
2. Be mechanically complete and in good working condition.
3. Be accessible and free of obstructions, including but not limited to, all vegetation, landscaping, snow, and other obstructions for at least three feet away from fire hydrants. Any private fire hydrant shall have a snow marker between the period of November 15 and March 15 if such hydrant is located outdoors at ground level.
4. Be free of rust and corrosion.

5. Be painted with the City of Beacon identifying colors and have flow rating bands per NFPA standards.
 6. Drain completely within 60 minutes of closing the valve(s).
 7. Have outlet caps secured.
 8. Have gaskets which do not leak when the hydrant is on.
 9. Have an operating nut which is not in worn condition and does not have rounded corners.
 10. Open in a counterclockwise direction.
 11. Be a Mueller manufactured fire hydrant, if erected subsequent to the effective date of this article.
 12. No person or entity may shut off, disconnect, remove, or disable a private fire hydrant without the prior written approval of the City of Beacon.
 13. It shall be strictly prohibited to open or draw water from a private fire hydrant, except in the case of a bona fide emergency or when performing legitimate inspections in accordance with the requirements herein, without the prior written approval of the City of Beacon Water Department.
 14. The City of Beacon shall be permitted to access and inspect all private fire hydrants as necessary and upon reasonable prior notice. In the event such property owner or person in control of a privately owned fire hydrant refuses permission, the City Attorney may seek an administrative search warrant for the purposes of City personnel to perform such inspection.
 15. Failure to meet such standards herein shall be cause to deny either a temporary or final permit by the City of Beacon, or the revocation of any existing permits.
- C. Duty to Repair. The owner of such land in which a privately owned fire hydrant is located has the affirmative duty to repair or replace any fire hydrant in accordance with the standards herein. Upon notice of required repairs by the City of Beacon, the property owner must complete such repairs and certify that the hydrant meets all required standards herein within thirty (30) calendar days of the notice. Such repairs shall be at the sole cost and expense of the owner. Failure of the City of Beacon to notify any owner of a privately owned fire hydrant that such hydrant is not in good working order shall not relieve such owner of the affirmative obligation to ensure that the hydrant is in good working order and complies with the applicable standards, regulations, and rules herein.

- D. Inspections. All privately owned fire hydrants shall be inspected annually at the owner's expense, in accordance with the applicable local, state, and federal laws, rules and regulations. Any person or entity who owns or controls a private fire hydrant in the City of Beacon shall have the affirmative obligation, without request from the City, to cause such inspections to be made. Any such person or entity who owns, controls, operates, or maintains any private fire hydrant shall submit a copy of the report generated from its annual fire hydrant testing performed pursuant to the New York State Fire Code and NFPA to the Building Inspector of the City of Beacon. The report shall include, but not be limited to, the water pressure level coming out of each hydrant as measured by pounds per square inch (psi) and a calculation of the number of gallons of water per minute from each hydrant based on a reading of 20 psi of flowing pressure.
- E. Annual Flushing. All privately owned fire hydrants shall be flushed annually and performed in a manner to avoid soil erosion and direct the water flow into a storm drainage system. A permit shall be obtained from the Superintendent of Water and Sewers prior to the flushing of any privately owned fire hydrants. All those serviced by the water line connected to the privately owned fire hydrant shall be provided at least forty-eight hours' advance written notice of the flushing. The owner or operator of the privately owned fire hydrant shall be responsible for giving such written notice.
- F. Notifications and access. The City of Beacon Building Inspector and City of Beacon Water Department shall be contacted immediately regarding any privately owned fire hydrant that:
1. Is taken out of service for any reason; or
 2. Is found to be inoperable or fails the inspection; or
 3. Upon completion of any work performed on a private fire hydrant. Prior to placing such private fire hydrant back into service, no water shall be allowed to flow through any private fire hydrant without written documentation by the City of Beacon Water Department of an inspection certifying that the private fire hydrant complies with all applicable standards, rules, and regulations.
- G. Inspection and registration fee. Any person or entity which owns, controls, operates, or maintains a private fire hydrant, shall pay an annual fee as set forth in the City's Fee Schedule for each such fire hydrant that the person or entity is responsible for, whether located on private property or private streets.
- H. Penalties. Any person or entity who violates any provision of this Section shall be subject to a fine pursuant to § 1-3.A of the Code. Prior to commencing any enforcement action for violation of this Section, the enforcing person shall grant the property owner thirty-days' notice to comply. Each day a privately owned hydrant is

not in compliance with this Section, and each hydrant found to be in violation of this Section, shall constitute a separate offence.

A.I. More stringent rules and regulations to apply. The provisions of the New York State Fire Code, as well as any county, state, and federal laws or regulations, relating to privately owned fire hydrants shall remain in full force and effect within the City of Beacon, and shall be in addition to the provisions set forth in this Section. To the extent there is any conflict with the provisions herein and that contained in the New York State Fire Code or any county, state, or federal law or regulation, the more restrictive shall apply.

Section 2. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 219 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 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
06/17/2024

Title:

Public Hearing on a Proposed Local Law No. 4 of 2024 Concerning Towing

ATTACHMENTS

Keane & Beane P.C. Memorandum Regarding Revisions to Proposed Local Law No. 4 of 2024
Concerning Towing

Proposed Local Law No. 4 of 2024 Concerning Towing

MEMORANDUM

TO: Mayor Kyriacou
Members of the Beacon City Council

FROM: Keane & Beane, P.C.

RE: Revisions to Proposed Towing Law

DATE: May 29, 2024

In response to the comments made by the City Council at its May 28, 2024 work session, our office revised the proposed Towing Law. A summary of the revisions is as follows:

1. New definition for “parking facility” has been provided that reads as follows: “Any real property, not owned or operated by the state, a municipality or public authority, used for the parking of motor vehicles, having a parking capacity of five or more motor vehicles.”¹
2. New definition for “privately owned real property” reads: “Any real property used for private parking, which is not a parking facility.”
3. Only parking facilities must have a contract with a towing company.
4. Only parking facilities are required to have tow warning signage.²
5. Signs must now be a minimum size of twelve (12) inches by eighteen (18) inches. This is the same size as the City of Beacon uses for its parking signs.
6. Revisions to ensure that owners or operators of privately owned real property will have the proper authority to have illegally or improperly parked vehicles towed.
7. Revisions to ensure that the consumer protections are still in place if an illegally or improperly parked vehicle is towed from privately owned real property (e.g.,

¹ Pursuant to New York State General Business Law § 399-v, the City of Beacon is preempted from adopting a local law which is less stringent than this definition. The Beacon Code is currently more stringent as well as the draft reviewed by the City Council at its May 28 workshop meeting.

² General Business Law § 399-v requires all parking facilities to have signs, however, the state statute is silent on the dimensions of the sign.
5102/011/4857-1518-0995v1 5/29/24

fee cap, anti-patrolling provisions, impound lot within 10-mile radius of Beacon, etc.).

8. Revisions to ensure vehicles towed from privately owned facilities are subject to the same reporting and verification procedures as vehicles towed from parking facilities. This helps to avoid a situation where a vehicle is reported as stolen. These reporting and verification procedures are the responsibility of the towing company.
9. For avoidance of doubt, privately owned real properties are expressly exempted from the signage requirements as well as being required to have a contract with towing companies.

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

cc: Chris White, City Administrator
Sands Frost, Police Chief
Tom Figlia, Police Lieutenant (incoming Police Chief)

PROPOSED LOCAL LAW NO. 4 OF 2024

**CITY COUNCIL
CITY OF BEACON**

**A LOCAL LAW TO AMEND CHAPTER 211 OF THE BEACON CODE
CONCERNING TOWING**

A LOCAL LAW to amend Chapter 211, Article V, of the Beacon City Code concerning booting and towing of vehicles in private lots.

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

Section 1. Chapter 211 of the Beacon City Code, Article V entitled “Booting and Towing of Vehicles,” is hereby amended as follows:

ARTICLE V

~~Booting and~~ Towing of Vehicles

§ 211-35 Legislative Findings.

- A. It is hereby declared and found that the ~~booting and subsequent~~ towing of vehicles in the City of Beacon involves matters affecting the public interest and that certain improper practices related thereto should be subject to regulation for the purpose of protecting and safeguarding the public health, safety and welfare and to prevent and protect the public from fraud, abuses and unnecessary inconvenience.
- B. The City has received ongoing complaints that insufficient signage is posted in parking lots to warn the public that vehicles may be ~~booted and then~~ towed if parked improperly or illegally. Other complaints have been made concerning alleged abuses by towing company personnel. The City finds that appropriate business practices should include giving adequate warning to the general public of the consequences of parking improperly or illegally on privately owned real property, standardized penalties for violations, and giving the vehicle operators an opportunity to correct what might otherwise be an innocent mistake.
- C. The City therefore desires to regulate ~~booting services and~~ certain towing services within the City through licensing of the businesses providing such services and establishing guidelines for the property owners/operators who employ them. These regulations are hereby enacted to safeguard the public against future fraud and ~~improper booting practices~~

~~and~~ certain towing practices and to better serve the overall health, safety, welfare and good order of the City of Beacon and its inhabitants.

§ 211-36 **Definitions.**

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

BOOT

~~A device or lock which is affixed to the wheel of a motor vehicle, preventing the wheel from rotating and, thereby, immobilizing the vehicle; may also be referred to herein as a "booting device."~~

IMMOBILIZATION OR BOOTING

~~The act of affixing a boot to a motor vehicle. The use of any method, manner, mode, device or artifice, whether or not affixed to a motor vehicle, with the intent to and which has the effect of preventing either the moving of a motor vehicle by its normal mode of operation or preventing the departure of the motor vehicle from the real property on which it is then located. For purposes of this Article, the term "immobilization" shall be deemed to include the act of removing the immobilizing device or the discontinuance of the immobilization. The term "booting" shall be deemed equivalent to the term "immobilization." This term shall not apply to mechanical gates located at the entrance or exit of any lot.~~

IMPOUND LOT

A yard, garage or storage facility capable of storing motor vehicles safely and which is made secure by the installation of fences, walls and other security devices designed to protect vehicles being stored therein, subject to additional requirements set forth in § 211-40C of this ~~A~~article.

MOTOR VEHICLE

Shall be defined the same as §§ 79-2 and 145-2 of the Beacon City Code and interpreted in conformity with the New York State Vehicle and Traffic Laws.

PARKING FACILITY

~~Any real property, not owned or operated by the state, a municipality or public authority, used for the parking of motor vehicles, having a parking capacity of five or more motor vehicles.~~

PRIVATELY OWNED REAL PROPERTY

~~Any real property used for private parking, which is not a parking facility. Real property owned by an individual, firm, association, joint venture, partnership, corporation, or other legal entity whatsoever, and shall include, without limitation, the parking lots, parking areas, driveways and sidewalks of shopping centers, parking garages, apartment complexes, condominium complexes, and other land used for multifamily or~~

~~commercial purposes, but shall not include the driveways or parking areas of private homes which are not held open to the public.~~

TOW

The lawful moving of a vehicle which has been parked illegally or improperly on ~~the~~ privately owned real property ~~or a parking facility of another or which has been disabled, abandoned or improperly or illegally parked on a public street.~~

TOWING COMPANY

Any business or person lawfully engaged in the practice of towing vehicles for a fee in the City of Beacon. ~~For purposes of this article, "towing company" shall also include any business or person lawfully engaged in the practice of booting motor vehicles for a fee in the City of Beacon.~~

TOW TRUCK

A motor vehicle used for towing, usually equipped with a crane, winch, tow bar, push plate, flat bed or other device or feature used to push or pull another motor vehicle.

§ 211-37 Registration requirements.

- A. Towing company registration. No towing company shall ~~provide booting services or~~ tow a vehicle ~~from any parking facility that has been booted~~ within the City of Beacon without first applying for and receiving a license from the City ~~unless the tow is at the behest of the vehicle's owner or operator.~~

(1) Application. All towing companies wishing to provide towing services ~~from any parking facility~~ within the City of Beacon shall complete an application filed with the office of the City Clerk. Such applications shall include the following items and such other information as the City Clerk deems necessary:

- (a) The name of the towing company;
- (b) The postal and e-mail address and telephone number of the towing company's primary place of business;
- (c) The names, postal and e-mail addresses and telephone numbers of the owners, managers, and chief operating officers of the towing company;
- (d) Copies of the current licenses/identification cards of all employees of the towing company whose job it shall be to tow ~~or boot motor~~ vehicles, subject to the additional requirement that the list of employees held by the City must be kept current and up-to-date by the towing company;
- (e) Certificates of insurance naming the City of Beacon as a certificate holder entitled to notice of cancellation or nonrenewal and evidencing public liability insurance covering personal injury, property damage, fire and

theft, held by the towing company and issued by an insurance carrier licensed to do business in New York State; and

- (f) Copies of the signed contracts for towing ~~and/or booting~~ services executed between the applicant towing company and the owners/operators of any ~~parking facility privately owned real property~~ that shall receive such services, provided that the towing company is also responsible for furnishing the City with copies of all contracts for towing ~~and/or booting~~ services executed following issuance of a license pursuant to this ~~A~~article.

- (2) Acknowledgment. All applications filed with the City shall have an attached acknowledgment, signed by an owner, manager, or chief officer of the towing company, stating that the towing company understands and is in compliance with all local and state laws concerning towing ~~and booting~~ operations.

- B. Annual registration. Towing companies must register/reregister with the City of Beacon on an annual basis, and fees for towing licenses ~~and booting licenses~~ shall be assessed and paid separately in accordance with the City's fee schedule.
- C. No license granted pursuant to this ~~A~~article may be transferred to another party or individual.

§ 211-38 Fees.

- A. Towing fees. The maximum fee that can be assessed against the owner/operator of a motor vehicle for towing of the vehicle from privately owned real property ~~or parking facility is \$75 shall be established by the City Administrator in consultation with the Police Chief and published publicly on the City's fee schedule~~, plus applicable taxes. Under no circumstances shall the owner/operator of a motor vehicle be charged more than this amount.
- B. Storage fees. The maximum fee that can be assessed against the owner/operator of a motor vehicle that has been towed and stored at an impound lot ~~is shall be established by the City Administrator in consultation with the Police Chief and published publicly on the City's fee schedule~~ \$15/day. Under no circumstances shall the owner/operator of a motor vehicle be charged more than this rate.
- C. ~~Prohibition on hookup fees. A towing company may not charge the owner/operator of a motor vehicle for merely attaching a motor vehicle to a tow truck where the vehicle is not subsequently removed from the premises. This provision does not prevent a towing company from collecting a fee for attachment of a booting device as defined in Article V of this chapter.~~ Prohibition on additional fees. No mileage fees or additional fees of any type shall be charged for tows from privately owned real property or any parking facility

without the permission of the motor vehicle owner or operator except those fees expressly permitted under §§ 211-38A and B.

~~D. Booting fees. The maximum fee that can be assessed against the owner/operator of a motor vehicle for attachment/removal of a booting device is \$25, plus applicable taxes. Under no circumstances, shall the owner/operator of a motor vehicle be charged more than this amount.~~

~~E. Prohibition on double fees for booting. The fee charged for attachment and removal of a booting device to a motor vehicle is a one-time charge, and a booting company may not charge for attachment and removal of a booting device separately.~~

§ 211-39 **Grant of permission.**

A. The owner/operator of privately owned real property or a parking facility may have a motor vehicle towed from the premises ~~or booted~~ where such motor vehicle is parked improperly or illegally ~~on the premises as set forth under this Article~~ and where the applicable signage requirements of this ~~A~~article have been satisfied.

~~B. A motor vehicle improperly or illegally parked on privately owned real property and subsequently booted may be towed from the premises, subject to the provisions in § 211-40 of this article, where the owner/operator of the vehicle fails to contact the towing company responsible for the booting within 24 hours from the time when the booting device was affixed to the motor vehicle, or where the owner/operator of the vehicle refuses to pay the applicable fees.~~

~~C.B.~~ A motor vehicle is deemed to be parked improperly or illegally where it:

- (1) Obstructs access to a fire hydrant or emergency exit on the premises;
- (2) Obstructs the means of vehicular ingress and egress on the premises;
- (3) Obstructs the designated walkways on the premises or the public sidewalks abutting the premises;

(4) Is parked on privately owned real property or a parking facility without the consent of the owner/operator.

~~(4)(5)~~ Is parked in a handicapped parking space or fire or ambulance zone;

~~(5)(6)~~ Is not parked in any marked space, provided the parking area provides marked spaces for parking;

~~(6)(7)~~ Prevents removal of garbage and other wastes from the premises;

~~(7)~~(8) Is parked in a way specifically prohibited by the property owner/operator and so noticed on the warning sign posted at the entrances to the ~~privately owned real property parking facility~~; or

~~(8)~~(9) Violates a provision of Article 32 of the New York State Vehicle and Traffic Law concerning stopping, standing and parking of motor vehicles.

§ 211-40 **Limitations on towing ~~and booting~~.**

- A. No towing company employee shall tow ~~or boot~~ an unattended motor vehicle improperly or illegally parked on privately owned real property or a parking facility sooner than five minutes after the vehicle has been parked. The time when the towing company personnel arrived at the location of the improperly or illegally parked vehicle shall be recorded in the log book maintained by the towing company pursuant to § **211-43A** of this article.
- B. All requests for tows from privately owned real property or a parking facility must be made directly by the owner or operator of the property to the towing company for each specific motor vehicle to be towed.
- C. No towing company employee shall tow ~~or boot~~ a motor vehicle from privately owned real property or a parking facility where the owner or operator of the vehicle appears and offers to remove the vehicle from the place where it is improperly or illegally parked as defined under § 211-39B, provided that the motor vehicle has not been connected to the tow truck when the owner or operator of the motor vehicle appears and the towing company employee shall remove any connective or booting devices from the motor vehicle free of charge.
- D. Removal of vehicle. Except when towing a motor vehicle at the request of its owner or operator, no towing company, officer, employee, subcontractor or agent shall remove or attach a motor vehicle to its tow truck for removal from private real property or a parking facility unless, at the time the vehicle is to be removed:
- (1) For a parking facility, there is a current written agreement between the property owner and the towing company authorizing removal of illegally parked or unauthorized vehicles from its property and a copy of said agreement has been provided to the City of Beacon prior to such tow as set forth under § 211-37A(1)(f) above; and
 - (2) For towing of a motor vehicle from a parking facility or privately owned real property, there is a written authorization signed by the owner or operator of the privately owned real property or parking facility which contains the following minimum requirements:

(a) A description of the motor vehicle to be removed, including the year, make, model, color, vehicle identification number, and state license plate number;

(b) The date and time of the motor vehicle's removal;

(c) The location from which the motor vehicle is removed;

(d) The reason(s) for removing the motor vehicle; and

~~(a)~~(e) The name and signature of the owner or operator of the parking facility or privately owned real property.

B.E. Any vehicle towed without the permission of the vehicle owner from privately owned real property or a parking facility in the City of Beacon must be taken to an impound lot or other storage facility located within a ten-mile radius of Beacon City Hall, 1 Municipal Plaza, Beacon, NY 12508.

C.F. Payment of the applicable fee, pursuant to § ~~211-38A through and B~~, for towing and storage of a motor vehicle shall be paid immediately prior to return of the vehicle to its owner and a receipt memorializing the transaction shall be given to the vehicle owner and a copy thereof retained by the towing company.

D.G. The owner or operator of an impounded-towed motor vehicle shall have the right to inspect his/her/their vehicle for damage prior to payment of the prescribed fees for towing and storage of motor vehicles.

H. Nothing herein shall prevent a City official or agent of the City from having a vehicle towed immediately in the event of an emergency, or where a motor vehicle is improperly or illegal parked on public land.

E.I. ~~Where a booting company employee boots a motor vehicle on privately owned real property, the employee, or another employee of the company, must remove the boot from the vehicle within 20 minutes after being contacted by the vehicle's owner or operator.~~ Immobilization or booting of vehicles parked on privately owned property or a parking facility shall be strictly prohibited within the City of Beacon and shall be punishable in accordance with the General Penalty set forth under § 1-3 of this Code and/or suspension or revocation of its license pursuant to § 211-42 of this Article.

~~F. Payment of the applicable fee, pursuant to § 211-38D through E, for attachment and removal of the booting device shall be paid immediately prior to removal of the device and a receipt memorializing the transaction shall be given to the vehicle owner or operator and a copy thereof retained by the booting company employee.~~

§ 211-41 **Signage and notice.**

The owner/operator of ~~any parking facility privately owned real property~~ may not order a towing company to tow ~~or boot~~ a motor vehicle parked improperly or illegally ~~on the premises~~ without first complying with the posting requirements below.

A. All signs required pursuant to this section shall be commissioned, installed and maintained at the expense of the property owner/operator. All owners/operators of ~~parking facilities privately owned real property~~ subject to towing ~~or booting~~ practices have a continuing obligation to ensure that proper signage is posted ~~on the premises~~ within the parking facility.

B. Posting requirements.

(1) Sign specifications. A sign shall be posted and maintained in a conspicuous location, easily observable from motor vehicles entering ~~the parking facility upon privately owned real property~~, and shall:

(a) Be at least ~~three feet~~ twelve inches wide and ~~three feet~~ eighteen inches high; and

(b) Feature a black border with red lettering upon a white background.

(2) Warning. All signs shall feature the word "WARNING" in capital lettering, displayed prominently on the top of the sign's facade, and shall state that motor vehicles parked ~~on the premises~~ within the parking facility are subject to towing ~~and/or booting~~ and, further, that any and all fees incurred as a result are the responsibility of the vehicle owner. Such signs must also specify the areas or spaces ~~on the premises~~ where parking is restricted or prohibited, or indicate how vehicle operators can distinguish such areas or spaces from those where parking is open to the public.

(3) Towing company information. In addition to the foregoing, all required signs ~~hereunder~~ shall feature the name, address and ~~contact information~~ telephone number of the parking facility and towing company contracted to provide towing ~~and/or booting~~ services to the subject ~~privately owned real property~~ as well as the applicable fees for towing and, storage ~~and booting~~ of vehicles.

(4) Placement. All warning signs must be posted within 15 feet of each curb cut that gives vehicular access to the ~~parking facility privately owned real property~~, facing in each authorized direction of travel on the abutting public highway(s). Such sign must be posted no lower than seven feet above grade level and no higher than 10 feet above grade level.

C. The Superintendent of Highways-Streets and a representative from the Beacon Police Department shall jointly inspect the location where a warning sign is to be installed no later

than one week prior to installation, and shall advise the property owner whether the proposed signage will be sufficient and in compliance with the requirements of this section.

- (1) The inspecting agents/officials shall order that any noncompliant signage be replaced at the property owner/operator's expense.
- (2) The inspecting individuals may order that a sign be relocated or adjusted in order to comply with public safety concerns or the requirements of this article.
- (3) No vehicle may be towed from, ~~or booted on, privately owned real property a~~ parking facility until proper signage has been inspected, approved and properly installed.

~~D. Written notice of booting. A booting company shall, at the time it attaches a booting device to a motor vehicle, affix a written notice to the same motor vehicle alerting the vehicle owner/operator that a boot has been placed on the vehicle. All notices hereunder shall be brightly colored, and shall state:~~

- ~~(1) The identifying features of the motor vehicle, including the make, model and year of the vehicle, as well as the license plate number, if possible;~~
- ~~(2) The date, time and street address/parking facility where the vehicle is located;~~
- ~~(3) The name, contact information and business hours of the booting company which attached the booting device; and~~
- ~~(4) The one-time fee for attachment and removal of the device.~~

~~D. Notification to Beacon Police Department. A towing company shall alert the City of Beacon Police Department immediately before it tows or boots any motor vehicle at the request of the owner/operator of privately owned real property without the consent of the motor vehicles' owner or operator and shall inform the Police Department of the time and location of the activity as well as the make, model, year, color, vehicle identification number, and license plate number, and state of issuance of the license plate of the affected motor vehicle. Immediately upon towing the motor vehicle, the tow company shall bring it to the Beacon Police Department for confirmation that the motor vehicle towed is the same as that which was previously reported prior to bringing the motor vehicle to the tow company's lot. Upon arrival the Beacon Police Department, the tow company shall provide the Beacon Police Department with the written authorization signed by the owner or operator of the privately owned real property or parking facility.~~

~~E. Any towing company which tows a motor vehicle without the consent of the owner or operator from within the City of Beacon must be open to allow for the retrieval of such towed vehicles between 9:00 a.m. and 6:00 p.m. daily excluding federal holidays and Sundays, and if the towing company performs towing services after 6:00 p.m., until at least one hour after the latest time such company provides towing services. The towing~~

company's telephone number to call to retrieve towed vehicles shall contain a message stating the hours during which a vehicle may be retrieved, the lot location, and that payment may be made by cash or by any major credit card or debit card. The telephone number shall also contain a system that allows callers to leave a message when their call is not answered.

§ 211-42 **Denial, suspension or revocation of license.**

After a hearing held on no fewer than 14 days' notice to the licensee towing company, served either in person or by certified mail to the mailing address on the towing company license application, the Police Department may, in a writing setting forth such reasons, deny a towing ~~or booting~~ license, refuse renewal of a towing ~~or booting~~ license, or suspend or revoke a towing ~~or booting~~ license where:

- A. The towing company application does not comply with one or more of the provisions set forth in this Aarticle;
- B. The towing company made intentional misrepresentations in its towing license application;
- C. The towing company is found to have violated the provisions of this article on three occasions or more; or
- D. There have been two or more complaints against the towing company or its personnel alleging fraudulent or abusive practices which are corroborated following a reasonable investigation by the Beacon Police Department.

§ 211-43 **Recordkeeping provisions.**

- A. Log books. All towing companies operating in the City of Beacon shall maintain a log book, in either paper or digital form, in each of their trucks.

(1) Log books shall contain:

- (a) The records of all incidents where an improperly or illegally parked motor vehicle has been towed from privately owned real property or a parking facility or booted, specifying information concerning the date, time and address or location of the activities, as well as the make, make model, year, color, vehicle identification number, and license plate number, and state of issuance of the license plate of the affected motor vehicles.
- (b) Laminated/protected copies of the towing company's current towing ~~and/or booting~~ licenses; and
- (c) A schedule of all applicable fees for towing, ~~booting~~ and storage services.

(2) Completed log books must be retained by the towing company and stored for no less than three years.

- B. The Office of the City Clerk shall promulgate a system for receiving applications for towing company registration; maintaining records of applications; recording payment of application fees; and shall maintain separate lists of registered towing companies operating within the City of Beacon. The City Clerk shall furnish copies of the specified lists to the City of Beacon Police Department.
- C. The City of Beacon Police Department shall promulgate rules for approving/denying applications for licenses and for responding to and recording reports made by towing companies regarding their towing activities within the City of Beacon and public complaints concerning the same. The log book(s) required herein shall be subject to inspection by the Beacon Police Department.

§ 211-44 Penalties for offenses; enforcement.

- A. Notwithstanding any other provision in the Beacon City Code concerning penalties, violation of this Article shall constitute a violation as defined in §§ 55.10, Subdivision 3, and 80.05, Subdivision 4, of the New York State Penal Law and shall be punishable by a mandatory fine of \$100 for the first offense, \$150 for a second offense and \$250 for each and every subsequent offense, provided that a fine under this Article may not exceed \$250.
- B. 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.

§ 211-45 Exceptions.

The provisions of this Article shall not apply to (i) repossessions, (ii) tows requested by the owner or operator of the motor vehicle to be towed, and (iii) to tows and impounds made by the City of Beacon on public roadways or property. The tow company contract requirements of § 241-40D(1) and signage requirements of § 241-41A, B, and C shall not apply to tows or impounds of improperly or illegally parked motor vehicles on privately owned real property.

§ 211-46 Conflict with other laws, rules, and regulations.

In the event any of the provisions, rules, and regulations set forth in this Article are less stringent than are set forth under State or Dutchess County laws, rules or regulations with respect to tows from private real property without the consent of the owner or operator of a motor vehicle, the more stringent laws, rules, or regulations shall control.

§ 211-47 Severability.

If any provision, paragraph, word or section of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words and sections shall not be affected and shall be continued in full force and effect.

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
06/17/2024

Title:

Public Hearing on a Proposed Local Law Concerning Parking Requirements (to be adjourned to July 15, 2024)

ATTACHMENTS

City of Beacon City Council Agenda
06/17/2024

Title:

Resolution No. 58 - Adopting Local Law No. 3 of 2024 Concerning Fire Hydrants

ATTACHMENTS

[Resolution Adopting Local Law No. 3 of 2024 Concerning Fire Hydrants](#)

[Local Law No. 3 of 2024 Concerning Fire Hydrants](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 58 OF 2024

**ADOPTING LOCAL LAW NO. 3 OF 2024 TO AMEND THE BEACON CITY CODE
CONCERNING FIRE HYDRANTS**

WHEREAS, pursuant to Resolution No. 2024-046, passed on May 20, 2024, the City of Beacon City Council set a public hearing for June 3, 2024 regarding Proposed City of Beacon Local Law No. 2 of 2024 to amend the Beacon City Code, Chapter 219, Article IV, concerning Fire Hydrants; and

WHEREAS, notice for said Public Hearing was published in the Poughkeepsie Journal to provide notice for the public to attend and comment upon the proposed Local Law; and

WHEREAS, on June 3, 2024, the City Council opened and a duly noticed Public Hearing on the proposed local law, which was continued and closed on June 17, 2024, and all those in attendance wishing to be heard were given the opportunity to comment on the proposed Local Law.

NOW, THEREFORE, BE IT RESOLVED THAT that the City of Beacon City Council hereby adopts Local Law No. 3 of 2024 to amend the Beacon City Code, Chapter 219, Article IV, concerning Fire Hydrants.

Resolution No. 58 of 2024			Date: June 17, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

LOCAL LAW NO. 3 OF 2024

CITY COUNCIL
CITY OF BEACON

A LOCAL LAW AMENDING CHAPTER 219 OF THE BEACON CITY CODE
CONCERNING FIRE HYDRANTS

A LOCAL LAW to amend
Beacon City Code, Chapter
219, Article IV, concerning
Fire Hydrants.

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

Section 1. Chapter 219 of the Code of the City of Beacon, Article VI entitled “Fire Hydrants”, is hereby amended as follows:

§ 219-23 **Permit required to open; exceptions.**

No person shall open, interfere with or draw water from any fire hydrant in the City without first obtaining a written permit from the ~~Administrator~~ Superintendent of Water and Sewers authorizing such use ~~therefor~~, except that fire hydrants may be opened by or on the order of any member of a Fire Department within the City in case of fire or other emergency for the purpose of attaching thereto fire hose and equipment.

§ 219-24 **Use regulations; Penalties.**

A. The following regulations shall govern the use of any fire hydrant in the City:

1. Whenever a fire hydrant is to be opened and used by any non-City entity, a written permit from the Superintendent of Water and Sewers shall be first acquired, notification of such fact shall first be given the City.
2. A permit to open, interfere with, or draw water from any fire hydrant shall only be issued under special circumstances as determined by the Superintendent of Water and Sewers in its sole discretion, such as when a property is under construction and sufficient water is not yet available on site or to gather engineering data, such as, but not limited to, flow data and line pressures.
3. No permit to open, interfere with, or draw water from any fire hydrant may be issued unless the applicant has first paid the permit fee set forth in the City Schedule of Fees. If the permit is issued for the use of a public hydrant the permittee shall also pay a monthly rental fee as set forth in the City Schedule of Fees.

4. No permit shall be issued between November 15 and March 15, nor shall any permittee be allowed to open or draw water from any fire hydrant during this time.
5. All permits issued herein shall expire no later than November 15 or within 180 calendar days of issuance, whichever occurs first.
6. Prior to the opening or drawing any water from a fire hydrant, a permittee shall:
 - i. Install a water meter and back flow device approved by the Superintendent of Water and Sewers.
 - ii. Establish a water account with the City of Beacon to pay for the water usage from such fire hydrant.
7. The permittee shall be solely responsible for paying for water drawn from any fire hydrant based upon the usage thereof.
8. No tools or implements shall be used to open fire hydrants except such ~~as are furnished by the City or by the Fire Department~~ tools that are approved for the operation of fire hydrants. No use of pipe wrenches, pump pliers or channel locks is permitted.
9. Swimming pools and other bodies of water shall not be filled from fire hydrants.
10. The permittee shall be responsible for any damage to public fire hydrants and/or property caused by the use of any fire hydrant.
11. In addition to the use regulations set forth herein, the Superintendent of Water and Sewers may prescribe such reasonable conditions and restrictions upon the permittee.

- B. ~~No tools or implements shall be used to open hydrants except such as are furnished by the City or by the Fire Department.~~ Penalties. Any person, entity, or permittee who violates any provision of this Article shall be subject to a fine pursuant to § 1-3.A of the Code.

§ 219-24.1 Private Fire Hydrants.

All privately owned fire hydrants in the City of Beacon shall be operated and maintained in compliance with the following standards and specifications. Privately owned fire hydrants shall mean any fire hydrant within the City which is owned or controlled by a person, partnership, corporation, or entity other than a federal, state, county or local government.

A. New installations of privately owned fire hydrants after the filing of this local law shall conform to the following standards in addition to any other requirements set forth herein.

1. Prior to the installation of any new private fire hydrant a permit shall be acquired from the City of Beacon Water Department and a fee shall be paid as set forth in the City's Schedule of Fees.
2. The City of Beacon Water Department shall oversee the installation of all new private fire hydrants, which shall conform to the applicable federal, state, and local regulations, including but not necessarily limited to the New York State Fire Prevention and Building Code and/or NFPA.
3. Privately owned fire hydrants shall be appropriately designed and specified on site plans.
4. Be breakaway style if located within 15 feet of any street or right-of-way.
5. Upon installation and prior to the flowing of any water via a newly installed private fire hydrant, the City of Beacon Water Department shall be contacted and shall inspect the private fire hydrant. No water shall be allowed to flow through any private fire hydrant without documentation by the City of Beacon Water Department of the inspection(s) and a determination that the private fire hydrant complies with all applicable standards, rules and regulations.

B. Maintenance, standards, and specifications. All private fire hydrants shall comply with the following standards and specifications, regardless of when so installed:

1. Be in compliance with the New York State Fire Code, and such other county, state, or federal laws, rules and regulations applicable to privately owned fire hydrants.
2. Be mechanically complete and in good working condition.
3. Be accessible and free of obstructions, including but not limited to, all vegetation, landscaping, snow, and other obstructions for at least three feet away from fire hydrants. Any private fire hydrant shall have a snow marker between the period of November 15 and March 15 if such hydrant is located outdoors at ground level.
4. Be free of rust and corrosion.

5. Be painted with the City of Beacon identifying colors and have flow rating bands per NFPA standards.
 6. Drain completely within 60 minutes of closing the valve(s).
 7. Have outlet caps secured.
 8. Have gaskets which do not leak when the hydrant is on.
 9. Have an operating nut which is not in worn condition and does not have rounded corners.
 10. Open in a counterclockwise direction.
 11. Be a Mueller manufactured fire hydrant, if erected subsequent to the effective date of this article.
 12. No person or entity may shut off, disconnect, remove, or disable a private fire hydrant without the prior written approval of the City of Beacon.
 13. It shall be strictly prohibited to open or draw water from a private fire hydrant, except in the case of a bona fide emergency or when performing legitimate inspections in accordance with the requirements herein, without the prior written approval of the City of Beacon Water Department.
 14. The City of Beacon shall be permitted to access and inspect all private fire hydrants as necessary and upon reasonable prior notice. In the event such property owner or person in control of a privately owned fire hydrant refuses permission, the City Attorney may seek an administrative search warrant for the purposes of City personnel to perform such inspection.
 15. Failure to meet such standards herein shall be cause to deny either a temporary or final permit by the City of Beacon, or the revocation of any existing permits.
- C. Duty to Repair. The owner of such land in which a privately owned fire hydrant is located has the affirmative duty to repair or replace any fire hydrant in accordance with the standards herein. Upon notice of required repairs by the City of Beacon, the property owner must complete such repairs and certify that the hydrant meets all required standards herein within thirty (30) calendar days of the notice. Such repairs shall be at the sole cost and expense of the owner. Failure of the City of Beacon to notify any owner of a privately owned fire hydrant that such hydrant is not in good working order shall not relieve such owner of the affirmative obligation to ensure that the hydrant is in good working order and complies with the applicable standards, regulations, and rules herein.

- D. Inspections. All privately owned fire hydrants shall be inspected annually at the owner's expense, in accordance with the applicable local, state, and federal laws, rules and regulations. Any person or entity who owns or controls a private fire hydrant in the City of Beacon shall have the affirmative obligation, without request from the City, to cause such inspections to be made. Any such person or entity who owns, controls, operates, or maintains any private fire hydrant shall submit a copy of the report generated from its annual fire hydrant testing performed pursuant to the New York State Fire Code and NFPA to the Building Inspector of the City of Beacon. The report shall include, but not be limited to, the water pressure level coming out of each hydrant as measured by pounds per square inch (psi) and a calculation of the number of gallons of water per minute from each hydrant based on a reading of 20 psi of flowing pressure.
- E. Annual Flushing. All privately owned fire hydrants shall be flushed annually and performed in a manner to avoid soil erosion and direct the water flow into a storm drainage system. A permit shall be obtained from the Superintendent of Water and Sewers prior to the flushing of any privately owned fire hydrants. All those serviced by the water line connected to the privately owned fire hydrant shall be provided at least forty-eight hours' advance written notice of the flushing. The owner or operator of the privately owned fire hydrant shall be responsible for giving such written notice.
- F. Notifications and access. The City of Beacon Building Inspector and City of Beacon Water Department shall be contacted immediately regarding any privately owned fire hydrant that:
1. Is taken out of service for any reason; or
 2. Is found to be inoperable or fails the inspection; or
 3. Upon completion of any work performed on a private fire hydrant. Prior to placing such private fire hydrant back into service, no water shall be allowed to flow through any private fire hydrant without written documentation by the City of Beacon Water Department of an inspection certifying that the private fire hydrant complies with all applicable standards, rules, and regulations.
- G. Inspection and registration fee. Any person or entity which owns, controls, operates, or maintains a private fire hydrant, shall pay an annual fee as set forth in the City's Fee Schedule for each such fire hydrant that the person or entity is responsible for, whether located on private property or private streets.
- H. Penalties. Any person or entity who violates any provision of this Section shall be subject to a fine pursuant to § 1-3.A of the Code. Prior to commencing any enforcement action for violation of this Section, the enforcing person shall grant the property owner thirty-days' notice to comply. Each day a privately owned hydrant is

not in compliance with this Section, and each hydrant found to be in violation of this Section, shall constitute a separate offence.

A.I. More stringent rules and regulations to apply. The provisions of the New York State Fire Code, as well as any county, state, and federal laws or regulations, relating to privately owned fire hydrants shall remain in full force and effect within the City of Beacon, and shall be in addition to the provisions set forth in this Section. To the extent there is any conflict with the provisions herein and that contained in the New York State Fire Code or any county, state, or federal law or regulation, the more restrictive shall apply.

Section 2. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 219 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 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
06/17/2024

Title:

Resolution No. 59 - Amending the Schedule of Fees Concerning Fire Hydrants

ATTACHMENTS

[Resolution Amending the Schedule of Fees Concerning Fire Hydrants](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 59 OF 2024

AMENDING THE SCHEDULE OF FEES CONCERNING FIRE HYDRANTS

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby amends the Beacon Schedule of Fees applicable to Water & Sewer Fees to provide as follows:

Fire Hydrants	Fee
Permit for Fire Hydrant Usage	\$125 per fire hydrant
Rental of Public Fire Hydrant	\$125 per month
Permit for Installation of New Private Fire Hydrants	\$125 per private fire hydrant
Inspection and Registration Fee	\$125 per year
Permit for Annual Private Fire Hydrant Flushing	\$0

Resolution No. 59 of 2024			Date: June 17, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
06/17/2024

Title:

Resolution No. 60 - Adopting Local Law No. 4 of 2024 Concerning Towing

ATTACHMENTS

[Resolution Adopting Local Law No. 4 of 2024 Concerning Towing](#)

[Local Law No. 4 of 2024 Concerning Towing](#)

[Keane & Beane P.C. Memorandum Regarding Revisions to Proposed Local Law No. 4 of 2024 Concerning Towing](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 60 OF 2024

**ADOPTING LOCAL LAW NO. 4 OF 2024 TO AMEND THE BEACON CITY CODE
CONCERNING TOWING**

WHEREAS, pursuant to Resolution No. 2024-054, passed on June 3, 2024, the City of Beacon City Council set a public hearing for June 17, 2024 regarding Proposed City of Beacon Local Law No. 4 of 2024 which amends Chapter 211, Article V, of the Beacon City Code concerning booting and towing of vehicles in private lots; and

WHEREAS, notice for said Public Hearing was published in the Poughkeepsie Journal to provide notice for the public to attend and comment upon the proposed Local Law; and

WHEREAS, on June 17, 2024, the City Council opened and closed a duly noticed Public Hearing on the proposed local law, and all those in attendance wishing to be heard were given the opportunity to comment on the proposed Local Law.

NOW, THEREFORE, BE IT RESOLVED THAT that the City of Beacon City Council hereby adopts Local Law No. 4 of 2024 which amends Chapter 211, Article V, of the Beacon City Code concerning booting and towing of vehicles in private lots.

Resolution No. 60 of 2024			Date: June 17, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

PROPOSED LOCAL LAW NO. 4 OF 2024

**CITY COUNCIL
CITY OF BEACON**

**A LOCAL LAW TO AMEND CHAPTER 211 OF THE BEACON CODE
CONCERNING TOWING**

A LOCAL LAW to amend Chapter 211, Article V, of the Beacon City Code concerning booting and towing of vehicles in private lots.

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

Section 1. Chapter 211 of the Beacon City Code, Article V entitled “Booting and Towing of Vehicles,” is hereby amended as follows:

ARTICLE V

~~Booting and~~ Towing of Vehicles

§ 211-35 Legislative Findings.

- A. It is hereby declared and found that the ~~booting and subsequent~~ towing of vehicles in the City of Beacon involves matters affecting the public interest and that certain improper practices related thereto should be subject to regulation for the purpose of protecting and safeguarding the public health, safety and welfare and to prevent and protect the public from fraud, abuses and unnecessary inconvenience.
- B. The City has received ongoing complaints that insufficient signage is posted in parking lots to warn the public that vehicles may be ~~booted and then~~ towed if parked improperly or illegally. Other complaints have been made concerning alleged abuses by towing company personnel. The City finds that appropriate business practices should include giving adequate warning to the general public of the consequences of parking improperly or illegally on privately owned real property, standardized penalties for violations, and giving the vehicle operators an opportunity to correct what might otherwise be an innocent mistake.
- C. The City therefore desires to regulate ~~booting services and~~ certain towing services within the City through licensing of the businesses providing such services and establishing guidelines for the property owners/operators who employ them. These regulations are hereby enacted to safeguard the public against future fraud and ~~improper booting practices~~

~~and~~ certain towing practices and to better serve the overall health, safety, welfare and good order of the City of Beacon and its inhabitants.

§ 211-36 **Definitions.**

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

BOOT

~~A device or lock which is affixed to the wheel of a motor vehicle, preventing the wheel from rotating and, thereby, immobilizing the vehicle; may also be referred to herein as a "booting device."~~

IMMOBILIZATION OR BOOTING

~~The act of affixing a boot to a motor vehicle. The use of any method, manner, mode, device or artifice, whether or not affixed to a motor vehicle, with the intent to and which has the effect of preventing either the moving of a motor vehicle by its normal mode of operation or preventing the departure of the motor vehicle from the real property on which it is then located. For purposes of this Article, the term "immobilization" shall be deemed to include the act of removing the immobilizing device or the discontinuance of the immobilization. The term "booting" shall be deemed equivalent to the term "immobilization." This term shall not apply to mechanical gates located at the entrance or exit of any lot.~~

IMPOUND LOT

A yard, garage or storage facility capable of storing motor vehicles safely and which is made secure by the installation of fences, walls and other security devices designed to protect vehicles being stored therein, subject to additional requirements set forth in § 211-40C of this ~~A~~article.

MOTOR VEHICLE

Shall be defined the same as §§ 79-2 and 145-2 of the Beacon City Code and interpreted in conformity with the New York State Vehicle and Traffic Laws.

PARKING FACILITY

~~Any real property, not owned or operated by the state, a municipality or public authority, used for the parking of motor vehicles, having a parking capacity of five or more motor vehicles.~~

PRIVATELY OWNED REAL PROPERTY

~~Any real property used for private parking, which is not a parking facility. Real property owned by an individual, firm, association, joint venture, partnership, corporation, or other legal entity whatsoever, and shall include, without limitation, the parking lots, parking areas, driveways and sidewalks of shopping centers, parking garages, apartment complexes, condominium complexes, and other land used for multifamily or~~

~~commercial purposes, but shall not include the driveways or parking areas of private homes which are not held open to the public.~~

TOW

The lawful moving of a vehicle which has been parked illegally or improperly on ~~the~~ privately owned real property ~~or a parking facility of another or which has been disabled, abandoned or improperly or illegally parked on a public street.~~

TOWING COMPANY

Any business or person lawfully engaged in the practice of towing vehicles for a fee in the City of Beacon. ~~For purposes of this article, "towing company" shall also include any business or person lawfully engaged in the practice of booting motor vehicles for a fee in the City of Beacon.~~

TOW TRUCK

A motor vehicle used for towing, usually equipped with a crane, winch, tow bar, push plate, flat bed or other device or feature used to push or pull another motor vehicle.

§ 211-37 Registration requirements.

- A. Towing company registration. No towing company shall ~~provide booting services or~~ tow a vehicle ~~from any parking facility that has been booted~~ within the City of Beacon without first applying for and receiving a license from the City ~~unless the tow is at the behest of the vehicle's owner or operator.~~

(1) Application. All towing companies wishing to provide towing services ~~from any parking facility~~ within the City of Beacon shall complete an application filed with the office of the City Clerk. Such applications shall include the following items and such other information as the City Clerk deems necessary:

- (a) The name of the towing company;
- (b) The postal and e-mail address and telephone number of the towing company's primary place of business;
- (c) The names, postal and e-mail addresses and telephone numbers of the owners, managers, and chief operating officers of the towing company;
- (d) Copies of the current licenses/identification cards of all employees of the towing company whose job it shall be to tow ~~or boot motor~~ vehicles, subject to the additional requirement that the list of employees held by the City must be kept current and up-to-date by the towing company;
- (e) Certificates of insurance naming the City of Beacon as a certificate holder entitled to notice of cancellation or nonrenewal and evidencing public liability insurance covering personal injury, property damage, fire and

theft, held by the towing company and issued by an insurance carrier licensed to do business in New York State; and

- (f) Copies of the signed contracts for towing ~~and/or booting~~ services executed between the applicant towing company and the owners/operators of any ~~parking facility privately owned real property~~ that shall receive such services, provided that the towing company is also responsible for furnishing the City with copies of all contracts for towing ~~and/or booting~~ services executed following issuance of a license pursuant to this ~~A~~article.

- (2) Acknowledgment. All applications filed with the City shall have an attached acknowledgment, signed by an owner, manager, or chief officer of the towing company, stating that the towing company understands and is in compliance with all local and state laws concerning towing ~~and booting~~ operations.

- B. Annual registration. Towing companies must register/reregister with the City of Beacon on an annual basis, and fees for towing licenses ~~and booting licenses~~ shall be assessed and paid separately in accordance with the City's fee schedule.
- C. No license granted pursuant to this ~~A~~article may be transferred to another party or individual.

§ 211-38 Fees.

- A. Towing fees. The maximum fee that can be assessed against the owner/operator of a motor vehicle for towing of the vehicle from privately owned real property ~~or parking facility is \$75 shall be established by the City Administrator in consultation with the Police Chief and published publicly on the City's fee schedule~~, plus applicable taxes. Under no circumstances shall the owner/operator of a motor vehicle be charged more than this amount.
- B. Storage fees. The maximum fee that can be assessed against the owner/operator of a motor vehicle that has been towed and stored at an impound lot ~~is shall be established by the City Administrator in consultation with the Police Chief and published publicly on the City's fee schedule~~ \$15/day. Under no circumstances shall the owner/operator of a motor vehicle be charged more than this rate.
- C. ~~Prohibition on hookup fees. A towing company may not charge the owner/operator of a motor vehicle for merely attaching a motor vehicle to a tow truck where the vehicle is not subsequently removed from the premises. This provision does not prevent a towing company from collecting a fee for attachment of a booting device as defined in Article V of this chapter.~~ Prohibition on additional fees. No mileage fees or additional fees of any type shall be charged for tows from privately owned real property or any parking facility

without the permission of the motor vehicle owner or operator except those fees expressly permitted under §§ 211-38A and B.

~~D. Booting fees. The maximum fee that can be assessed against the owner/operator of a motor vehicle for attachment/removal of a booting device is \$25, plus applicable taxes. Under no circumstances, shall the owner/operator of a motor vehicle be charged more than this amount.~~

~~E. Prohibition on double fees for booting. The fee charged for attachment and removal of a booting device to a motor vehicle is a one-time charge, and a booting company may not charge for attachment and removal of a booting device separately.~~

§ 211-39 **Grant of permission.**

A. The owner/operator of privately owned real property or a parking facility may have a motor vehicle towed from the premises ~~or booted~~ where such motor vehicle is parked improperly or illegally ~~on the premises as set forth under this Article~~ and where the applicable signage requirements of this ~~A~~article have been satisfied.

~~B. A motor vehicle improperly or illegally parked on privately owned real property and subsequently booted may be towed from the premises, subject to the provisions in § 211-40 of this article, where the owner/operator of the vehicle fails to contact the towing company responsible for the booting within 24 hours from the time when the booting device was affixed to the motor vehicle, or where the owner/operator of the vehicle refuses to pay the applicable fees.~~

~~C.B.~~ A motor vehicle is deemed to be parked improperly or illegally where it:

- (1) Obstructs access to a fire hydrant or emergency exit on the premises;
- (2) Obstructs the means of vehicular ingress and egress on the premises;
- (3) Obstructs the designated walkways on the premises or the public sidewalks abutting the premises;

(4) Is parked on privately owned real property or a parking facility without the consent of the owner/operator.

~~(4)~~(5) Is parked in a handicapped parking space or fire or ambulance zone;

~~(5)~~(6) Is not parked in any marked space, provided the parking area provides marked spaces for parking;

~~(6)~~(7) Prevents removal of garbage and other wastes from the premises;

~~(7)~~(8) Is parked in a way specifically prohibited by the property owner/operator and so noticed on the warning sign posted at the entrances to the ~~privately owned real property parking facility~~; or

~~(8)~~(9) Violates a provision of Article 32 of the New York State Vehicle and Traffic Law concerning stopping, standing and parking of motor vehicles.

§ 211-40 **Limitations on towing ~~and booting~~.**

- A. No towing company employee shall tow ~~or boot~~ an unattended motor vehicle improperly or illegally parked on privately owned real property or a parking facility sooner than five minutes after the vehicle has been parked. The time when the towing company personnel arrived at the location of the improperly or illegally parked vehicle shall be recorded in the log book maintained by the towing company pursuant to § 211-43A of this article.
- B. All requests for tows from privately owned real property or a parking facility must be made directly by the owner or operator of the property to the towing company for each specific motor vehicle to be towed.
- C. No towing company employee shall tow ~~or boot~~ a motor vehicle from privately owned real property or a parking facility where the owner or operator of the vehicle appears and offers to remove the vehicle from the place where it is improperly or illegally parked as defined under § 211-39B, provided that the motor vehicle has not been connected to the tow truck when the owner or operator of the motor vehicle appears and the towing company employee shall remove any connective or booting devices from the motor vehicle free of charge.
- D. Removal of vehicle. Except when towing a motor vehicle at the request of its owner or operator, no towing company, officer, employee, subcontractor or agent shall remove or attach a motor vehicle to its tow truck for removal from private real property or a parking facility unless, at the time the vehicle is to be removed:
- (1) For a parking facility, there is a current written agreement between the property owner and the towing company authorizing removal of illegally parked or unauthorized vehicles from its property and a copy of said agreement has been provided to the City of Beacon prior to such tow as set forth under § 211-37A(1)(f) above; and
 - (2) For towing of a motor vehicle from a parking facility or privately owned real property, there is a written authorization signed by the owner or operator of the privately owned real property or parking facility which contains the following minimum requirements:

(a) A description of the motor vehicle to be removed, including the year, make, model, color, vehicle identification number, and state license plate number;

(b) The date and time of the motor vehicle's removal;

(c) The location from which the motor vehicle is removed;

(d) The reason(s) for removing the motor vehicle; and

~~(a)~~(e) The name and signature of the owner or operator of the parking facility or privately owned real property.

B.E. Any vehicle towed without the permission of the vehicle owner from privately owned real property or a parking facility in the City of Beacon must be taken to an impound lot or other storage facility located within a ten-mile radius of Beacon City Hall, 1 Municipal Plaza, Beacon, NY 12508.

C.F. Payment of the applicable fee, pursuant to § ~~211-38A through and B~~, for towing and storage of a motor vehicle shall be paid immediately prior to return of the vehicle to its owner and a receipt memorializing the transaction shall be given to the vehicle owner and a copy thereof retained by the towing company.

D.G. The owner or operator of an impounded-towed motor vehicle shall have the right to inspect his/her/their vehicle for damage prior to payment of the prescribed fees for towing and storage of motor vehicles.

H. Nothing herein shall prevent a City official or agent of the City from having a vehicle towed immediately in the event of an emergency, or where a motor vehicle is improperly or illegal parked on public land.

E.I. ~~Where a booting company employee boots a motor vehicle on privately owned real property, the employee, or another employee of the company, must remove the boot from the vehicle within 20 minutes after being contacted by the vehicle's owner or operator.~~ Immobilization or booting of vehicles parked on privately owned property or a parking facility shall be strictly prohibited within the City of Beacon and shall be punishable in accordance with the General Penalty set forth under § 1-3 of this Code and/or suspension or revocation of its license pursuant to § 211-42 of this Article.

~~F. Payment of the applicable fee, pursuant to § 211-38D through E, for attachment and removal of the booting device shall be paid immediately prior to removal of the device and a receipt memorializing the transaction shall be given to the vehicle owner or operator and a copy thereof retained by the booting company employee.~~

§ 211-41 **Signage and notice.**

The owner/operator of any parking facility ~~privately owned real property~~ may not order a towing company to tow ~~or boot~~ a motor vehicle parked improperly or illegally ~~on the premises~~ without first complying with the posting requirements below.

A. All signs required pursuant to this section shall be commissioned, installed and maintained at the expense of the property owner/operator. All owners/operators of parking facilities ~~privately owned real property~~ subject to towing ~~or booting~~ practices have a continuing obligation to ensure that proper signage is posted ~~on the premises~~ within the parking facility.

B. Posting requirements.

(1) Sign specifications. A sign shall be posted and maintained in a conspicuous location, easily observable from motor vehicles entering the parking facility ~~upon privately owned real property~~, and shall:

(a) Be at least ~~three feet~~ twelve inches wide and ~~three feet~~ eighteen inches high; and

(b) Feature a black border with red lettering upon a white background.

(2) Warning. All signs shall feature the word "WARNING" in capital lettering, displayed prominently on the top of the sign's facade, and shall state that motor vehicles parked ~~on the premises~~ within the parking facility are subject to towing ~~and/or booting~~ and, further, that any and all fees incurred as a result are the responsibility of the vehicle owner. Such signs must also specify the areas or spaces ~~on the premises~~ where parking is restricted or prohibited, or indicate how vehicle operators can distinguish such areas or spaces from those where parking is open to the public.

(3) Towing company information. In addition to the foregoing, all required signs ~~hereunder~~ shall feature the name, address and ~~contact information~~ telephone number of the parking facility and towing company contracted to provide towing ~~and/or booting~~ services to the subject ~~privately owned real property~~ as well as the applicable fees for towing and, storage ~~and booting~~ of vehicles.

(4) Placement. All warning signs must be posted within 15 feet of each curb cut that gives vehicular access to the parking facility ~~privately owned real property~~, facing in each authorized direction of travel on the abutting public highway(s). Such sign must be posted no lower than seven feet above grade level and no higher than 10 feet above grade level.

C. The Superintendent of Highways-Streets and a representative from the Beacon Police Department shall jointly inspect the location where a warning sign is to be installed no later

than one week prior to installation, and shall advise the property owner whether the proposed signage will be sufficient and in compliance with the requirements of this section.

- (1) The inspecting agents/officials shall order that any noncompliant signage be replaced at the property owner/operator's expense.
- (2) The inspecting individuals may order that a sign be relocated or adjusted in order to comply with public safety concerns or the requirements of this article.
- (3) No vehicle may be towed from, ~~or booted on, privately owned real property a~~ parking facility until proper signage has been inspected, approved and properly installed.

~~D. Written notice of booting. A booting company shall, at the time it attaches a booting device to a motor vehicle, affix a written notice to the same motor vehicle alerting the vehicle owner/operator that a boot has been placed on the vehicle. All notices hereunder shall be brightly colored, and shall state:~~

- ~~(1) The identifying features of the motor vehicle, including the make, model and year of the vehicle, as well as the license plate number, if possible;~~
- ~~(2) The date, time and street address/parking facility where the vehicle is located;~~
- ~~(3) The name, contact information and business hours of the booting company which attached the booting device; and~~
- ~~(4) The one-time fee for attachment and removal of the device.~~

~~D. Notification to Beacon Police Department. A towing company shall alert the City of Beacon Police Department immediately before it tows or boots any motor vehicle at the request of the owner/operator of privately owned real property without the consent of the motor vehicles' owner or operator and shall inform the Police Department of the time and location of the activity as well as the make, model, year, color, vehicle identification number, and license plate number, and state of issuance of the license plate of the affected motor vehicle. Immediately upon towing the motor vehicle, the tow company shall bring it to the Beacon Police Department for confirmation that the motor vehicle towed is the same as that which was previously reported prior to bringing the motor vehicle to the tow company's lot. Upon arrival the Beacon Police Department, the tow company shall provide the Beacon Police Department with the written authorization signed by the owner or operator of the privately owned real property or parking facility.~~

~~E. Any towing company which tows a motor vehicle without the consent of the owner or operator from within the City of Beacon must be open to allow for the retrieval of such towed vehicles between 9:00 a.m. and 6:00 p.m. daily excluding federal holidays and Sundays, and if the towing company performs towing services after 6:00 p.m., until at least one hour after the latest time such company provides towing services. The towing~~

company's telephone number to call to retrieve towed vehicles shall contain a message stating the hours during which a vehicle may be retrieved, the lot location, and that payment may be made by cash or by any major credit card or debit card. The telephone number shall also contain a system that allows callers to leave a message when their call is not answered.

§ 211-42 Denial, suspension or revocation of license.

After a hearing held on no fewer than 14 days' notice to the licensee towing company, served either in person or by certified mail to the mailing address on the towing company license application, the Police Department may, in a writing setting forth such reasons, deny a towing ~~or booting~~ license, refuse renewal of a towing ~~or booting~~ license, or suspend or revoke a towing ~~or booting~~ license where:

- A. The towing company application does not comply with one or more of the provisions set forth in this Aarticle;
- B. The towing company made intentional misrepresentations in its towing license application;
- C. The towing company is found to have violated the provisions of this article on three occasions or more; or
- D. There have been two or more complaints against the towing company or its personnel alleging fraudulent or abusive practices which are corroborated following a reasonable investigation by the Beacon Police Department.

§ 211-43 Recordkeeping provisions.

- A. Log books. All towing companies operating in the City of Beacon shall maintain a log book, in either paper or digital form, in each of their trucks.

(1) Log books shall contain:

- (a) The records of all incidents where an improperly or illegally parked motor vehicle has been towed from privately owned real property or a parking facility or booted, specifying information concerning the date, time and address or location of the activities, as well as the make, make model, year, color, vehicle identification number, and license plate number, and state of issuance of the license plate of the affected motor vehicles.
- (b) Laminated/protected copies of the towing company's current towing ~~and/or booting~~ licenses; and
- (c) A schedule of all applicable fees for towing, ~~booting~~ and storage services.

(2) Completed log books must be retained by the towing company and stored for no less than three years.

- B. The Office of the City Clerk shall promulgate a system for receiving applications for towing company registration; maintaining records of applications; recording payment of application fees; and shall maintain separate lists of registered towing companies operating within the City of Beacon. The City Clerk shall furnish copies of the specified lists to the City of Beacon Police Department.
- C. The City of Beacon Police Department shall promulgate rules for approving/denying applications for licenses and for responding to and recording reports made by towing companies regarding their towing activities within the City of Beacon and public complaints concerning the same. The log book(s) required herein shall be subject to inspection by the Beacon Police Department.

§ 211-44 Penalties for offenses; enforcement.

- A. Notwithstanding any other provision in the Beacon City Code concerning penalties, violation of this Article shall constitute a violation as defined in §§ 55.10, Subdivision 3, and 80.05, Subdivision 4, of the New York State Penal Law and shall be punishable by a mandatory fine of \$100 for the first offense, \$150 for a second offense and \$250 for each and every subsequent offense, provided that a fine under this Article may not exceed \$250.
- B. 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.

§ 211-45 Exceptions.

The provisions of this Article shall not apply to (i) repossessions, (ii) tows requested by the owner or operator of the motor vehicle to be towed, and (iii) to tows and impounds made by the City of Beacon on public roadways or property. The tow company contract requirements of § 241-40D(1) and signage requirements of § 241-41A, B, and C shall not apply to tows or impounds of improperly or illegally parked motor vehicles on privately owned real property.

§ 211-46 Conflict with other laws, rules, and regulations.

In the event any of the provisions, rules, and regulations set forth in this Article are less stringent than are set forth under State or Dutchess County laws, rules or regulations with respect to tows from private real property without the consent of the owner or operator of a motor vehicle, the more stringent laws, rules, or regulations shall control.

§ 211-~~47~~45 Severability.

If any provision, paragraph, word or section of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words and sections shall not be affected and shall be continued in full force and effect.

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.

MEMORANDUM

TO: Mayor Kyriacou
Members of the Beacon City Council

FROM: Keane & Beane, P.C.

RE: Revisions to Proposed Towing Law

DATE: May 29, 2024

In response to the comments made by the City Council at its May 28, 2024 work session, our office revised the proposed Towing Law. A summary of the revisions is as follows:

1. New definition for “parking facility” has been provided that reads as follows: “Any real property, not owned or operated by the state, a municipality or public authority, used for the parking of motor vehicles, having a parking capacity of five or more motor vehicles.”¹
2. New definition for “privately owned real property” reads: “Any real property used for private parking, which is not a parking facility.”
3. Only parking facilities must have a contract with a towing company.
4. Only parking facilities are required to have tow warning signage.²
5. Signs must now be a minimum size of twelve (12) inches by eighteen (18) inches. This is the same size as the City of Beacon uses for its parking signs.
6. Revisions to ensure that owners or operators of privately owned real property will have the proper authority to have illegally or improperly parked vehicles towed.
7. Revisions to ensure that the consumer protections are still in place if an illegally or improperly parked vehicle is towed from privately owned real property (e.g.,

¹ Pursuant to New York State General Business Law § 399-v, the City of Beacon is preempted from adopting a local law which is less stringent than this definition. The Beacon Code is currently more stringent as well as the draft reviewed by the City Council at its May 28 workshop meeting.

² General Business Law § 399-v requires all parking facilities to have signs, however, the state statute is silent on the dimensions of the sign.
5102/011/4857-1518-0995v1 5/29/24

fee cap, anti-patrolling provisions, impound lot within 10-mile radius of Beacon, etc.).

8. Revisions to ensure vehicles towed from privately owned facilities are subject to the same reporting and verification procedures as vehicles towed from parking facilities. This helps to avoid a situation where a vehicle is reported as stolen. These reporting and verification procedures are the responsibility of the towing company.
9. For avoidance of doubt, privately owned real properties are expressly exempted from the signage requirements as well as being required to have a contract with towing companies.

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

cc: Chris White, City Administrator
Sands Frost, Police Chief
Tom Figlia, Police Lieutenant (incoming Police Chief)

City of Beacon City Council Agenda
06/17/2024

Title:

Resolution No. 61 - Replacement of Mt. Beacon Water Tank SEQRA Determination

ATTACHMENTS

Resolution for the Replacement of Mt. Beacon Water Tank SEQRA Determination

Replacement of Mt. Beacon Water Tank: Short EAF, Parts 2 and 3

Replacement of Mt. Beacon Water Tank: Negative Determination Narrative

Replacement of Mt. Beacon Water Tank: Short EAF, Part 1

Replacement of Mt. Beacon Water Tank: Sketch Plan

Replacement of Mt. Beacon Water Tank: NYS OPRHP Letter of No Impact

Replacement of Mt. Beacon Water Tank: Parcel Access Picture



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 61 OF 2024

**SEQRA RESOLUTION AND NEGATIVE DETERMINATION PURSUANT TO SEQRA FOR
THE REPLACEMENT OF A WATER STORAGE TANK AT MOUNT BEACON**

WHEREAS, the City of Beacon (the “City”) owns real property at the end of Water Pocket Road located in the City of Beacon (Beacon Tax Map Parcel ID No. 6054-02-512553) consisting of approximately 0.42 acres and the Town of Fishkill (Fishkill Tax Map Parcel ID No. 6054-00-545522) consisting of approximately 3.7 acres (collectively the “Property”), upon which the City operates and maintains its 1,000,000-gallon potable water storage tank; and

WHEREAS, the City will be constructing a new 1,000,000-gallon potable water storage tank at the Property along with its related appurtenances to replace the existing tank which is nearing the end of its useful life (the “Project”); and

WHEREAS, the Proposed Action consists of:

- a) the construction of a new 1,000,000-gallon potable water storage tank along with its related appurtenances at the Site; and
- b) the deconstruction and removal of the existing water storage tank, once the new tank is operational or, in the alternative, retaining the existing water storage tank for additional capacity; and
- c) the acquisition of easements for construction, grading and access purposes; and
- d) issuance of bonds to finance the Proposed Action (collectively, the aforementioned items constitute the “Proposed Action”); and

WHEREAS, by letter dated November 13, 2023, the New York State Office of Parks, Recreation and Historic Preservation issued its determination that the Proposed Action will not impact any properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National registers of Historic Places; and

WHEREAS, the Proposed Action is an Unlisted Action pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, on April 1, 2024, the City Council declared its intent to act as the lead agency for the environmental review of the Proposed Action and received no objections from involved or interested agencies after circulating its Notice of Intent to declare lead agency status; and

WHEREAS, the City Council is familiar with the project and has reviewed the Short Environmental Assessment Forms Parts 1, 2 and 3, including the Negative Determination Narrative annexed to the Part 3, as well as supporting materials (collectively the “SEAF”).

NOW THEREFORE BE IT RESOLVED, upon receiving no objections from the involved or interested agencies, the City Council hereby declares itself to be lead agency for the purposes of reviewing the Proposed Action pursuant to SEQRA; and

BE IT FURTHER RESOLVED, the City Council, based upon its review of the Proposed Action, including, but not limited to, the SEAF Parts 1, 2, 3 and supporting materials, hereby determines that the Proposed Action will not result in a significant adverse impact on the environment, and therefore, does not require the preparation of a Draft Environmental Impact Statement; and

BE IT FURTHER RESOLVED, the City Council hereby adopts and authorizes the execution by the City Administrator of the SEAF Part 3, including the Negative Determination Narrative annexed to the Part 3; and

BE IT FURTHER RESOLVED, the City Administrator, City Engineer, Superintendent of Water and Wastewater, and City Attorney are hereby authorized to undertake all administrative actions necessary to effectuate this resolution.

Resolution No. 61 of 2024			Date: June 17, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

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

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**ATTACHMENT TO
NEGATIVE DECLARATION
REASONS SUPPORTING DETERMINATION**

MT. BEACON WATER STORAGE TANK REPLACEMENT PROJECT

**Parcel ID No. 6054-02-512553 (City of Beacon)
Parcel ID. No. 6054-00-545522 (Town of Fishkill)**

This Part 3 analysis has been prepared to address all relevant areas of environmental concern as identified in the review by the City of Beacon City Council (“City Council”). This narrative will discuss and explain the analysis of the potential impacts, and why a particular element of the proposed action will not result in a significant adverse environmental impact. Such analysis is appropriately set forth in the Part 3, even if the potential impact was identified as “none” or “small.” Based upon a review of Parts 1 and 2 of the Short Environmental Assessment Form (SEAF) and all other application materials that were submitted in support of the Proposed Action, along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the City Council, acting as Lead Agency, provides the following rationale for its SEQRA Determination.

Project Description:

The City of Beacon (the “City”) will be constructing a new 1,000,000-gallon potable water storage tank at its property located at the end of Water Pocket Road on Mount Beacon with its related appurtenances to replace the existing tank which is nearing the end of its useful life. The Proposed Action (or “Project”) consists of:

- (a) the construction of a new 1,000,000-gallon potable water storage tank along with its related appurtenances at the Site;
- (b) the deconstruction and removal of the 1,000,000-gallon existing water storage tank, once the new tank is operational, or in the alternative, retaining the existing water storage tank for additional capacity;
- (c) the acquisition of easements for construction, grading and access purposes; and
- (d) issuance of bonds not to exceed \$2,500,000 to finance the Proposed Action.

Collectively, the aforementioned items (a) through (d) constitute the “Proposed Action” or “Project”.

The project site is identified on the City of Beacon Tax Map as Parcel No. 6054-02-512553 and the Town of Fishkill Tax Map as Parcel No. 6054-00-545522 (collectively, the “Project Site” or “Site”). The portion of the Site within the Town of Fishkill is zoned R-4A, single-family residence, and the portion of the Site within the City of Beacon is zoned R1-80, single-family residence. Access to the Project Site is to be provided via a private street known as

Water Pocket Road through existing easements over privately owned properties, a new easement with the New York State Office of Parks, Recreation and Historic Preservation, and a new easement with an abutting private property. The total size of the Project Site is +/- 3.208 acres, with an expected disturbance of 0.50 acres of land thereat.

Summary of Rationale for Negative Declaration

The Proposed Action will not result in any significant adverse impacts on the environment for the following reasons:

- **Impact on Land: The Proposed Action will not have a significant adverse environmental impact on land as a result of any physical change to the Project Site.**

The Property is located in the City of Beacon R1-80 zoning district and the Town of Fishkill R-4A zoning district and is currently improved with a 1,000,000-gallon potable water storage tank accessed via a paved access road from Water Pocket Road (private street) in the City of Beacon. The Proposed Action involves the construction of a new 1,000,000-gallon potable water storage tank being 56-feet in diameter and 57-feet in height with related appurtenances on the Site and the eventual deconstruction/removal of the existing water tank once the new tank is operational, or in the alternative, retention of the existing water tank.

Approximately, 0.50-acres of the 3.208-acre Project Site will be physically disturbed to complete the Proposed Action. The proposed Action will involve grading and excavation of the area for the proposed new water storage tank in order to maintain project stability and securing of the proposed water storage tank. A retaining wall will be installed around the new tank site to secure the Site. Excavation for a new concrete foundation ring wall as well as excavation to install new water piping to the tank will be undertaken. Standard erosion and sediment control measures will be undertaken. A new access road around the proposed water storage tank will be paved. However, the aforementioned disturbances will not result in a significant adverse impact to the land because the Site is currently improved by the existing 1,000,000-gallon water storage tank. The Site also is regularly maintained by the City of Beacon and other governmental entities and/or public utilities which have facilities in close proximity.

For these reasons the Proposed Action will not have a significant adverse impact on land as a result of any physical change to the Project Site.

- **Impact on Geological Features: The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms on the site.**

There are no unique geological features on the Property.

- **Impacts on Surface Water and Groundwater:** The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.

The Project does not include or require wastewater discharge. There is no surface water in the vicinity of the water tank. The Project does not result in any discharge to the subsurface, so there is no impact to groundwater.

For these reasons the Proposed Action will not have a significant adverse impact on surface or groundwater quality or quantity.

- **Impact on Flooding:** The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns, or surface water runoff.

The Project will not result in any alterations or encroachments into any existing wetlands or waterbodies. Stormwater discharge will be minimal and directed to existing drainage swales, which will be regraded. The Project includes the grading of swale lines and stabilizing areas outside of the tank and access road area with seed and mulch. These actions will benefit stormwater runoff by improving existing stormwater runoff systems. Further, erosion and sediment control methods will be implemented to mitigate stormwater runoff. The Site is not within a 100-year FEMA floodplain.

For these reasons the Proposed Action will not have a significant adverse environmental impact on flooding.

- **Impact on Air:** The Proposed Action will not have a significant adverse environmental impact on air quality.

Construction activities could result in temporary air quality impacts. Air quality in the area, however, is not expected to be significantly impacted by project construction because the construction activities will be temporary and confined to the Site. Construction vehicles will emit certain air pollutants through engine exhaust. There is also the potential for fugitive dust to be created during the construction period from site preparation activities, including removal of existing impervious surfaces and site grading. Fugitive dust emissions will be mitigated by wetting and stabilizing soils to suppress dust generation. Other dust suppression methods will include the spraying of soil stockpiles during dry periods and covering trucks carrying solid and other dry materials. These unavoidable short-term impacts to air quality will cease upon project completion. It is anticipated that nearby properties will experience temporary fugitive dust and an elevation in vehicle emissions from construction vehicles throughout occasional periods during construction of the proposed project. This is a temporary, construction-related, unavoidable impact that is not significant.

For these reasons the Proposed Action will not have an adverse impact on surface or air quality.

- **Impact on Plants and Animals: The Proposed Action will not have a significant adverse environmental impact on flora or fauna.**

The SEAF indicates that the Property may contain or serve as a habitat for the Timber Rattlesnake, a threatened species under New York regulations. There are no known Timber Rattlesnake dens or populations on the Site. If such species are encountered, all reasonable measures will be taken to avoid disturbances or contact therewith. Such reasonable measures may include, but not be limited to, contacting the DEC and/or local wildlife experts to assist in relocating and/or establishment of a corridor to provide a means for such snake(s) to move between seasonally used habitats.

Trees, brush, and shrubs will be removed from the limited area of the Project Site in order to provide sufficient access to and for the construction of the proposed water storage tank. However, this will only occur where necessary, and will not result in significant disturbances. Furthermore, regular clearing of trees and brush currently occurs on the Project Site in order to maintain access to the existing facilities located on or near the site. The removal of such trees, brush, and shrubs is outweighed by the public benefit of the proposed water storage tank. Standard vegetation clearing will continue to occur once the Proposed Action is completed.

For these reasons the Proposed Action will not have an adverse impact on flora or fauna.

- **Impact on Agricultural Resources: The Proposed Action will not have a significant adverse environmental impact on agricultural resources.**

There are no agricultural resources in the vicinity of the Site.

- **Impact on Aesthetic Resources: The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.**

The Proposed Action will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views, or visible from any publicly accessible vantage points either seasonally nor year around. Furthermore, a water tank presently exists at the Site, which will be removed once the new water storage tank is installed thereby lessening any impacts to aesthetic resources. If in the alternative, the existing water tank is retained, while 2 water tanks will be visible, as one will be located behind the other and given the topography of the area, existing trees and limited sight lines, any impact will be minimal. The Local Waterfront Revitalization Program (LWRP) does not list viewsheds from the Site, or viewsheds that would be obscured by the Project.

For these reasons the Proposed Action will not have an adverse impact on aesthetic resources.

- **Impact on Historic and Archeological Resources: The Proposed Action will not have a significant adverse environmental impact on historic or archeological resources.**

By letter dated November 13, 2023, the New York State Office of Parks, Recreation, and Historic Preservation issued an opinion that the Proposed Action will not have an impact on properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Register of Historic Places. Further, the Project Site will continue to be used for potable water storage and will not have an impact on the character of the surrounding area.

For these reasons the Proposed Action will not have an adverse impact on historic or archeological resources.

- **Impact on Open Space and Recreation: The Proposed Action will not have a significant adverse environmental impact on open space and recreation.**

The Project Site is not designated as an open space by the City of Beacon. The Site is in close proximity to the Fishkill Ridge Trail and New York State parkland. There may be temporary impacts or necessary inconveniences to use of such resources during construction activities, however, no permanent or significant impairments are expected. Loss of park use would be minimal and the area around the tank would be restricted pursuant to Department of Health requirements. An access/right-of-way easement from the New York State Office of Parks, Recreation and Historic Preservation is also being requested. As such, any use of State parkland would be subject to said easement which is expected to be approximately 0.133-acres in area. The use of State parkland can be justified by the public benefit of the Proposed Action which is to improve water storage and supply for the City of Beacon and the lack of land elsewhere due to site constraints.

As such, the Proposed Action will not result in the loss of a current or future recreational resource, eliminate significant open space, or result in loss of an area now used informally by the community as an open space resource.

For these reasons the Proposed Action will not have an adverse impact on open space and recreation.

- **Impact on Critical Environmental Areas: The Proposed Action will not have a significant adverse environmental impact on Critical Environmental Areas.**

The Proposed Action is not located in a Critical Environmental Area.

- **Impact on Transportation: The Proposed Action will not have a significant adverse environmental impact on transportation.**

The Proposed Action will not have an adverse impact on transportation. The Project Site will continue to be used as a potable water storage tank facility, which only requires 3-5 vehicle trips a week for inspection and maintenance purposes. No increases in traffic frequency to the Project Site are anticipated post-construction.

- **Impact on Energy: The Proposed Action will not have a significant adverse environmental impact on energy.**

The Proposed Action will not have an adverse impact on energy. No increases in energy use or generation are expected. Further, the water storage tank largely utilizes gravity for the infill and exfil of water.

For these reasons the Proposed Action will not have an adverse impact on energy.

- **Impact on Noise, Odor and Light: The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or light.**

The Proposed Action is not anticipated to generate any noxious odors.

Noise impacts associated with the proposed Project will be limited to temporary impacts generated during construction. Temporary noise impacts associated with construction will be mitigated by limiting construction activities to the hours between 7:00 a.m. and 7:00 p.m. In addition, there will be no significant noise and vibration impacts post-construction.

Any proposed lighting will be fully shielded and dark sky compliant.

For these reasons the Proposed Action will not have an adverse impact as a result of objectionable odors, noise or light.

- **Impact on Human Health: The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.**

The Proposed Action will not have an adverse impact on human health from exposure to new or existing sources of contamination. There will also be a benefit to human health from the construction of a new potable water storage tank which will replace an existing water storage tank which is nearing the end of its useful life. Public water systems and the storage of potable water are subject to the regulations set forth under the New York State Department of Health Sanitary Code, 10 NYCRR Parts 5-1 (public water systems generally) and 112.1 (applicable to the City of Beacon).

For these reasons the Proposed Action will not have an adverse impact on human health from exposure to new or existing sources of contamination.

- **Consistency with Community Plans and Community Character: The Proposed Action is not inconsistent with adopted community plans and community character.**

The Project is consistent with the recommendations and goals identified in the 2007 Comprehensive Plan and 2017 Comprehensive Updates.

Conclusion:

Based upon this information and the information set forth in the Environmental Assessment Form, the City Council hereby finds that the Proposed Action will not have any significant adverse impacts on the environment. This Negative Declaration indicates that no environmental impact statement needs to be prepared and that the SEQRA Process is complete.

Dated: June 17, 2024
Beacon, New York

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

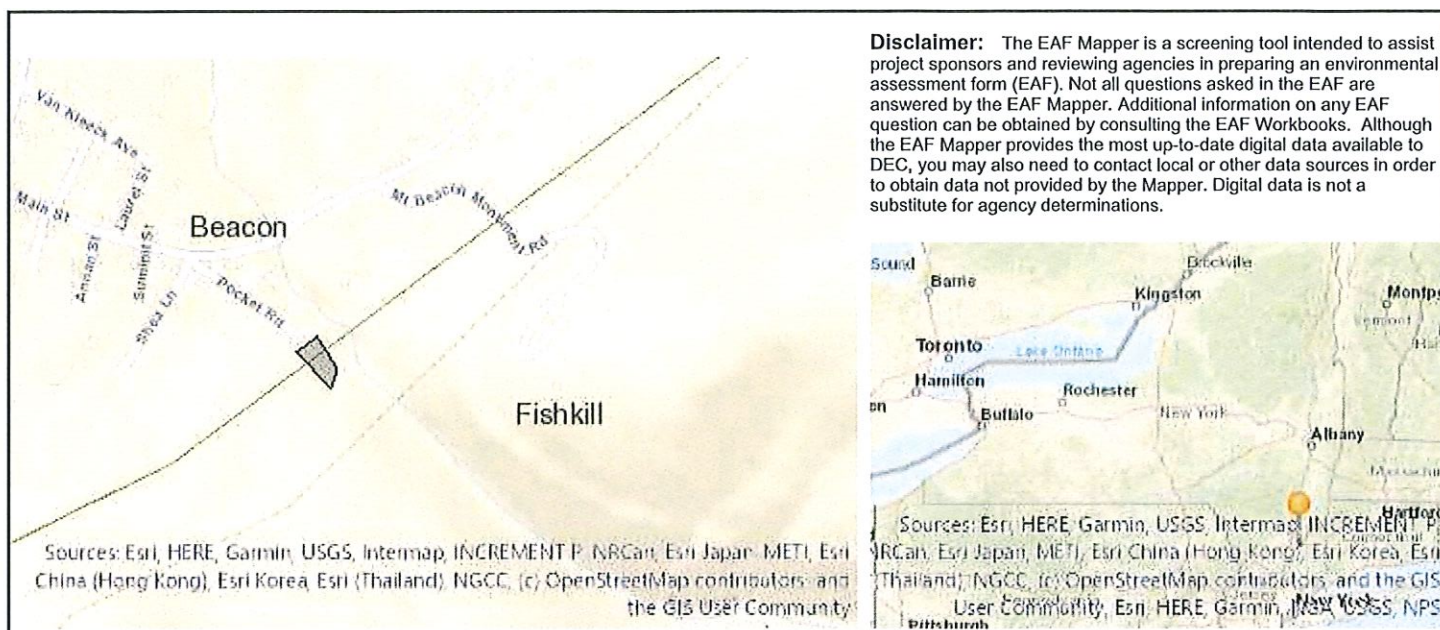
Part 1 – Project and Sponsor Information			
Name of Action or Project: Mt. Beacon Water Tank Replacement			
Project Location (describe, and attach a location map): Project is located at the end of Pocket Road on the existing Mt. Beacon Tank site.			
Brief Description of Proposed Action: Proposed project entails the construction of a new 1,000,000 gallon water storage tank and related appurtenances to replace the existing 1,000,000 gallon tank presently located on the site.			
Name of Applicant or Sponsor: City of Beacon		Telephone: 845-831-3136 E-Mail: ebalicki@beaconny.gov	
Address: 1 Municipal Plaza			
City/PO: Beacon		State: NY	Zip Code: 12508
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Dutchess County Department of Health - Public Water Supply Improvement		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.208 acres 0.45 acres 0 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☒ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): Municipal Water Storage ☒ Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☐ ☐	YES ☒ ☒	N/A ☐ ☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO ☒ ☒ ☒	YES ☐ ☐ ☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO ☐	YES ☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Wastewater is not required for the development of a water storage tank. _____	NO ☒	YES ☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO ☒ ☐	YES ☐ ☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO ☐ ☒	YES ☒ ☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
☐ Shoreline ☒ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
Timber Rattlesnake	☐	☒
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	☐	☒
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☒
If Yes, briefly describe:		
There will be a very minimal increase in runoff from the site that will be directed to existing drainage swales.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:		
The project will impound 1 million gallons of potable water in a water storage tank for the City of Beacon water distribution system.	☐	☒
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>John Russo, P.E., City Consultant</u> Date: <u>10/25/2023</u> Signature: <u></u> Title: <u>City Engineer</u>		

EAF Mapper Summary Report

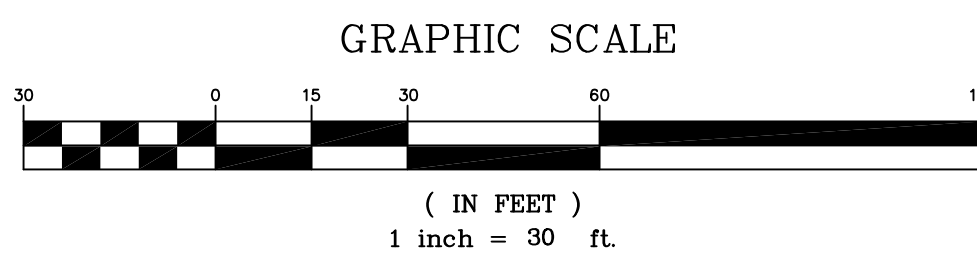
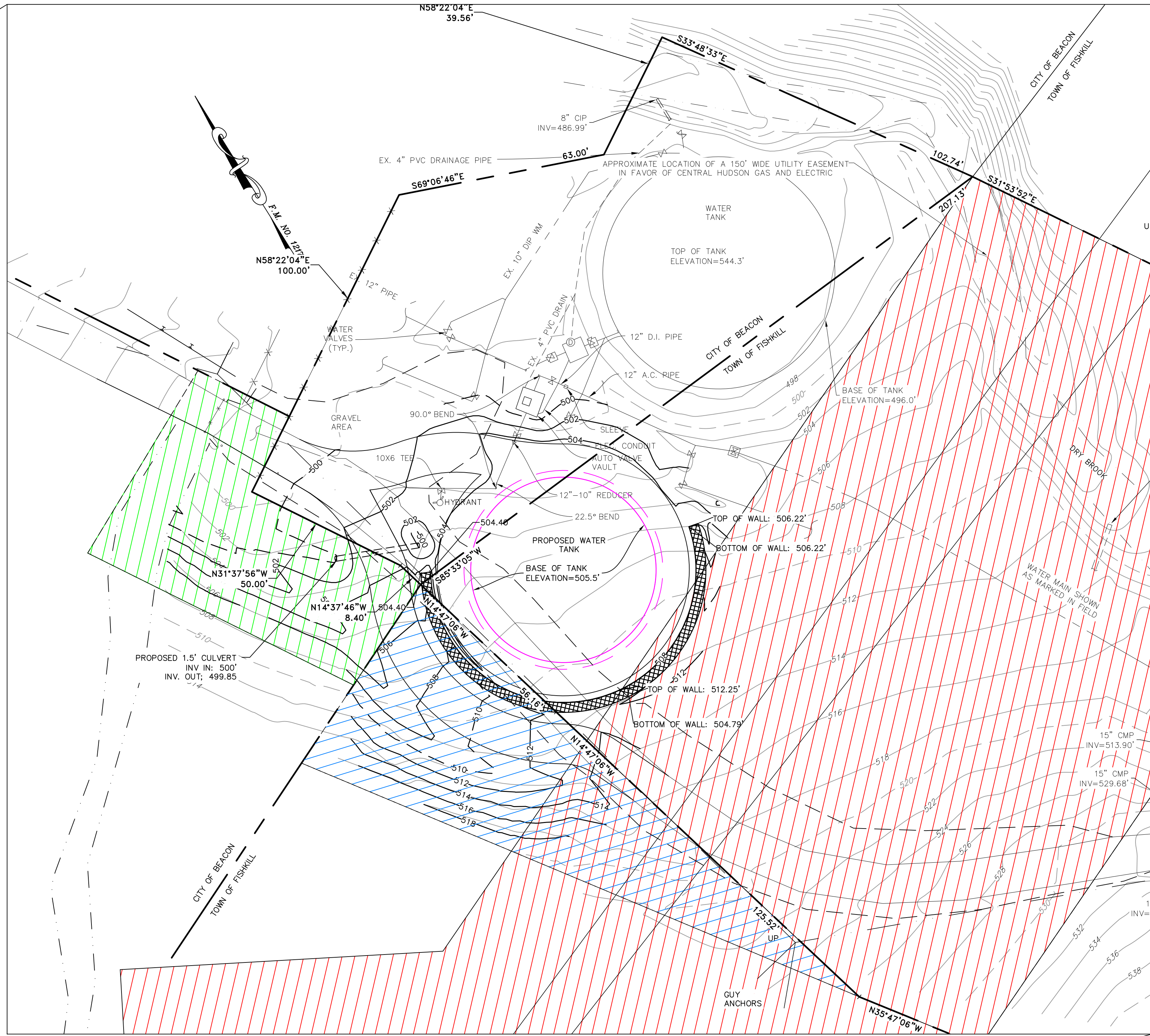
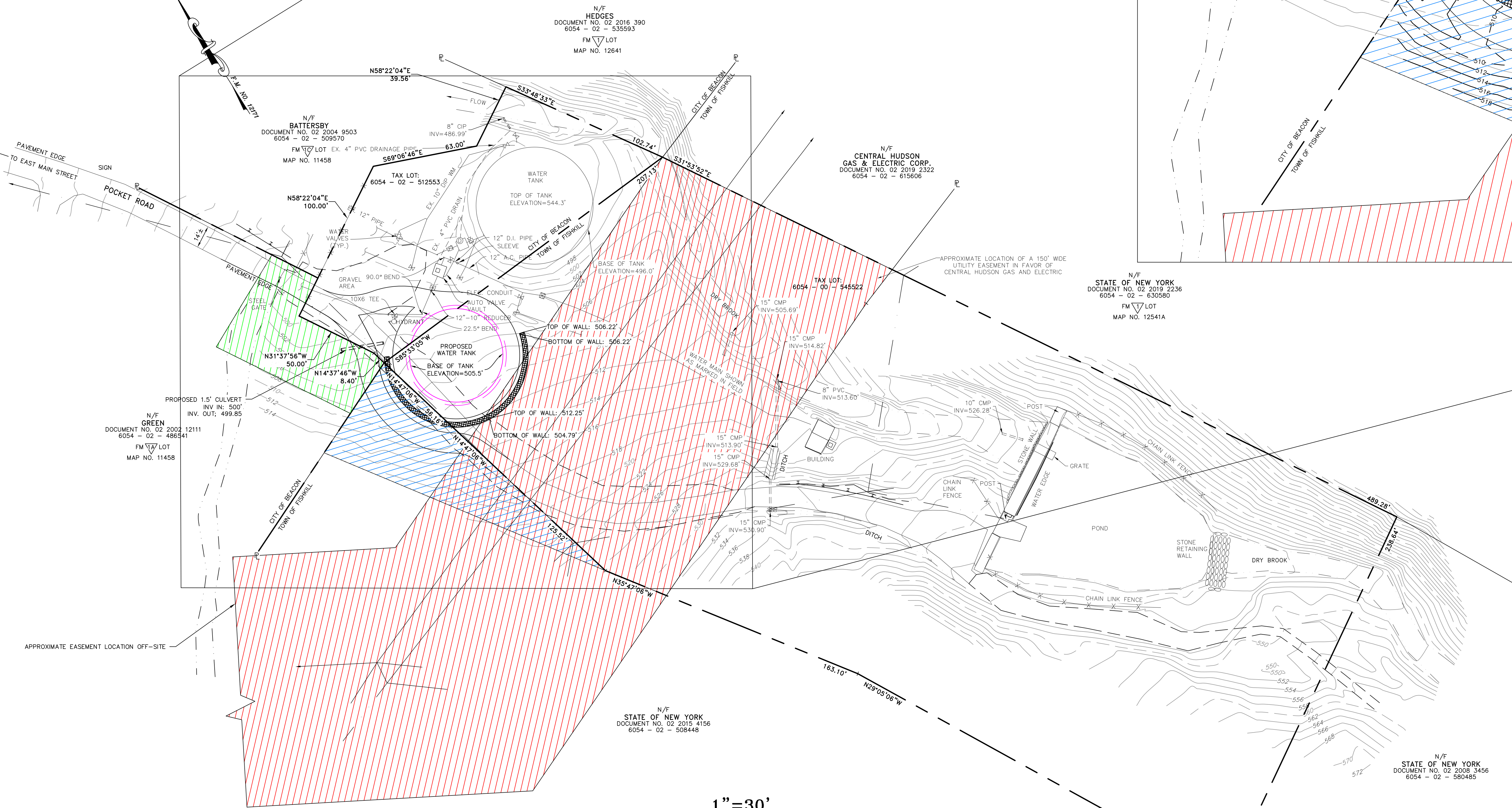
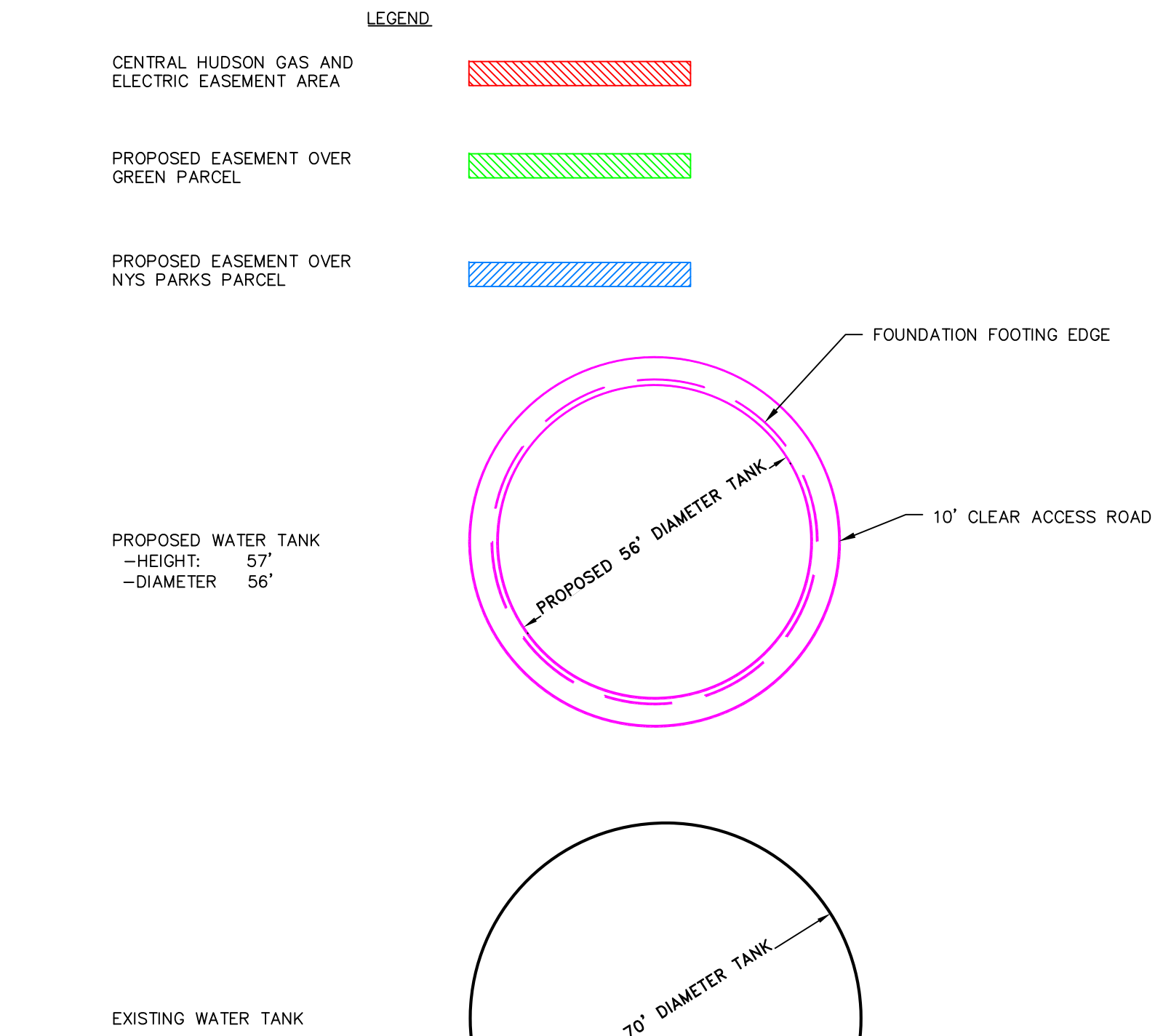
Wednesday, October 25, 2023 2:06 PM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Timber Rattlesnake
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

NOTES:

1. THE BEARING SYSTEM USED IN THIS PLAN FOR THE CITY PARCEL IS THE SAME AS THE BEARING SYSTEM SHOWN ON THE NORTH ARROW.
2. APPROXIMATE AREA TO BE DISTURBED IS 0.4 TO 0.5 ACRES



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LANC & TULLY
Engineering and Surveying, P.C.

P.O. Box 687, Rt. 207
Goshen, N.Y. 10924
(845) 294-3700

CONCEPTUAL GRADING PLAN FOR 56'
DIAMETER TANK ALT. PREPARED FOR

CITY OF BEACON

CITY OF BEACON
DUTCHESS COUNTY, NEW YORK

Drawn By: PLS Checked By: AS NOTED Scale: AS NOTED Tax Map No.: AS NOTED

Date: JUNE 1, 2023
Revision: JUNE 9, 2023
OCTOBER 6, 2023
OCTOBER 20, 2023
OCTOBER 27, 2023
CAD File: 220522-SKETCH PLAN
LAWYER: LANC & TULLY
Sheet No.: 1 OF 1
Drawing No.: C30
A- 22 - 6627 - 01

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**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

November 13, 2023

John Russo
City Engineer
City of Beacon
1 Municipal Plaza
Beacon, NY 12508

Re: EPF/PKS
City of Beacon Municipal Water Tank
3 Pocket Rd, Beacon, NY 12508
23PR09098
n/a

Dear John Russo:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

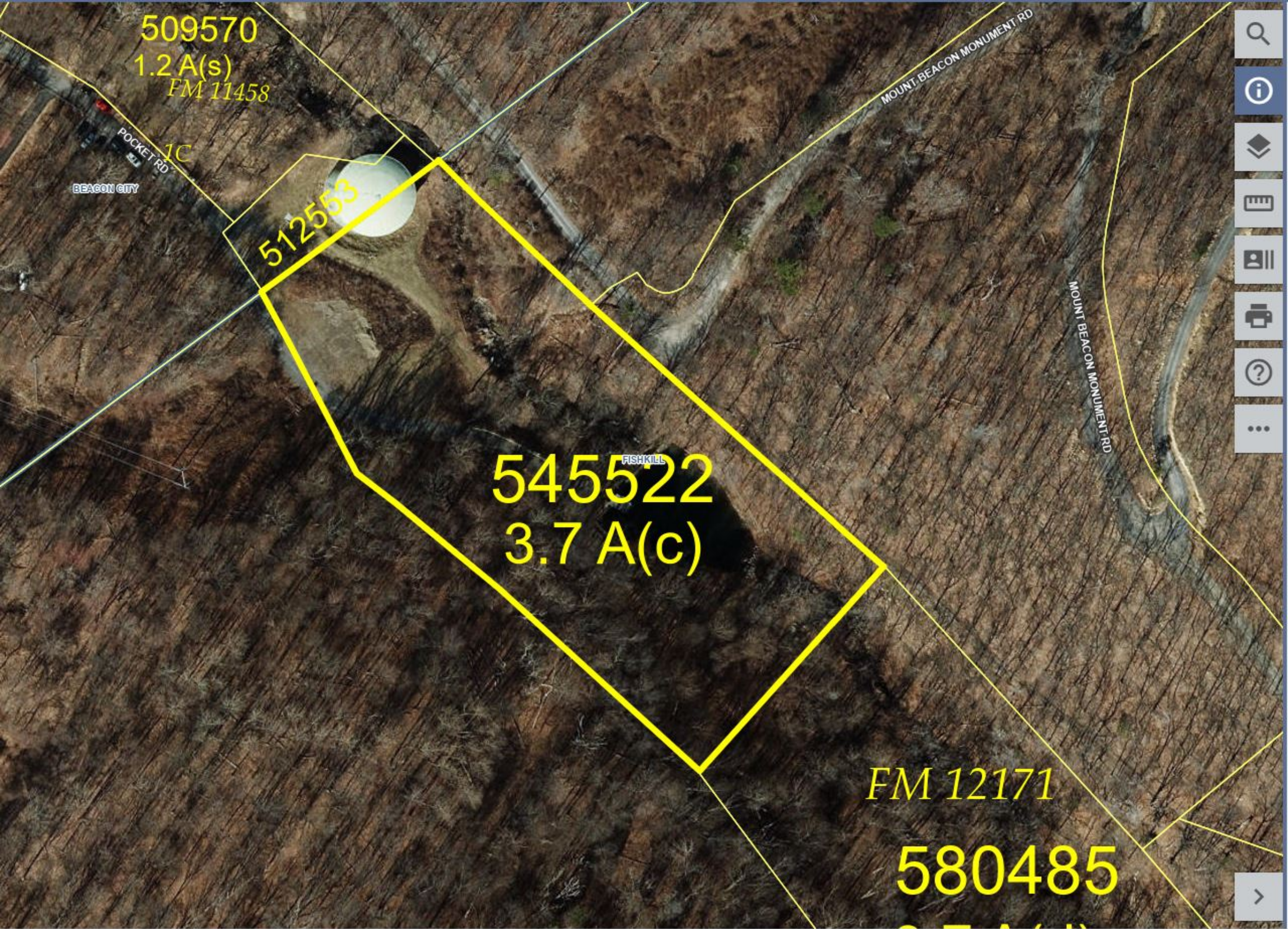
If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation

rev: T. O'Connell



-
-
-
-
-
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-
-

Parcel Identity

Tr <

Parcel Number 133089-6054-00-545522-0000	Assessment Land: \$37,000 Total: \$503,467
Parcel Location Pocket Rd	Market Value \$503,500
Municipality Fishkill	School District Beacon City SD
Owner Name City Of Beacon (Primary)	Agricultural District None
Primary Owner Mailing Address 1 Municipal Plz Ste 1 Beacon, NY 12508	Roll Section 6 (Utility)
Lot Size 3.7 Ac	Tax Code N (Non-Homestead)
Land Use (822) Water supply	Deed Information Book: 0000 Page: 0000

Additional Links

- Full Property Card >
- Parcel History >
- Tax Rolls >
- Historical Aerials >
- Historic Resource Survey >

Print Parcel Map

City of Beacon City Council Agenda
06/17/2024

Title:

Resolution No. 62 - Authorizing an Easement with NYS Office of Parks, Recreation, and Historic Preservation for the Replacement of Mt. Beacon Water Tank

ATTACHMENTS

Resolution Authorizing an Easement with NYS Office of Parks, Recreation, and Historic Preservation for the Replacement of Mt. Beacon Water Tank

Replacement of Mt. Beacon Water Tank Easement with NYS Office of Parks, Recreation, and Historic Preservation: Easement Application

Replacement of Mt. Beacon Water Tank Easement with NYS Office of Parks, Recreation, and Historic Preservation: Easement Map



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 62 OF 2024

**AUTHORIZING AN EASEMENT WITH THE NEW YORK STATE OFFICE OF PARKS,
RECREATION AND HISTORIC PRESERVATION**

WHEREAS, the City of Beacon (the “City”) owns and operates a 1,000,000-gallon potable water storage tank at the end of Water Pocket Road on Mount Beacon (Beacon Tax Map Parcel ID No. 6054-02-512553 and Fishkill Tax Map Parcel ID No. 6054-00-545522) consisting of approximately 3.7 acres of land (the “Property”);

WHEREAS, the City will be constructing a new 1,000,000-gallon potable water storage tank at the Property along with its related appurtenances to replace the existing tank which is nearing the end of its useful life (the “Project”);

WHEREAS, in connection with the Project, the City requires an access/right-of-way easement from the New York State Office Of Parks, Recreation And Historic Preservation (“OPRHP”) over approximately 0.133 acres to access and construct the new water storage tank which will be located on City owned land adjacent to the existing water storage tank; and

WHEREAS, on June 17, 2024, the City Council adopted a Negative Declaration pursuant the State Environmental Quality Review Act determining the proposed Project, including this easement, will not result in a significant adverse impact on the environment.

NOW THEREFORE BE IT RESOLVED, the City Council authorizes the City Administrator to execute an easement with the New York State Office of Parks, Recreation And Historic Preservation in connection with the Project, along with all documents as may be necessary for the recording of such easement, subject to review and approval by the City Attorney as to form and substance; and

BE IT FURTHER RESOLVED, the City Administrator, City Engineer, Superintendent of Water and Wastewater, and City Attorney are hereby authorized to undertake all administrative actions necessary to effectuate this resolution.

Resolution No. 62 of 2024			Date: June 17, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					



**New York State
Parks, Recreation and
Historic Preservation**

**EASEMENT OVER STATE PARKLAND
REQUEST FOR APPROVAL**

Instructions: The applicant must complete Sections I and II. The regional office must complete Sections III through VII. Forms complete through Section VIII should be emailed to: Teresa.Brett@parks.ny.gov for processing.

I. Applicant Information

Applicant/Proposed Grantee: City of Beacon

Applicant Type: ☒ municipality ☐ private utility company ☐ other: _____

Address: 1 Municipal Plaza
Beacon, NY 12508

Contact Person: Ed Balicki

Phone: 845-831-3136

Email: ebalicki@beaconny.gov

Attorney: Nicholas M. Ward-Willis

Phone: (914) 946-4777

Email: nward-willis@kblaw.com

II. Property Information

Please attach a detailed map showing easement location, property lines, highway rights-of-way, existing easements, and surrounding facilities. Survey maps are preferred. A metes and bound description will be required in order for the Real Property Bureau to prepare any grant of easement.

Region: Taconic

County: Dutchess

Park: _____

Locality: Town of Fishkill

Approx. Acreage: Easement Area = 0.133 acres

Location Description:

Located along the City of Beacon and Town of Fishkill Municipal Boundary line, at the end of Pocket Road in the City of Beacon. See attached water tank layout plan and Easement Map.

Tax Parcel IDs

133089-6054-00-508448-0000

II. Easement Information

Easement Purpose: ☐ water line ☐ storm sewer ☐ sanitary sewer ☐ communications
☐ electric line ☒ access/ROW ☒ other: Water Tank & piping

Easement Type ☐ surface only ☐ subsurface only ☒ surface and subsurface installations

Easement Term ☐ temporary, for _____ years ☒ permanent

Installation Type: ☒ new ☐ upgrade ☐ replacement

Detailed Project Description:

Include construction/installation methods, anticipated site work, on-going maintenance expectations, etc.; attach extra sheets if necessary

See attached sheet.

Applicant: City of Beacon

Section II – Detailed Project Description

Construction of the new 56-foot diameter glass lined steel potable water tank will require the following work:

1. Cutting and felling of trees.
2. Installation of erosion and sediment control (silt fence, etc.) for project.
3. Clearing/grubbing of stumps and grading of site. This would include clearing of all trees and excavation of the area for the proposed tank site.
4. Grading of swale lines and stabilizing areas outside of tank and access road areas with seed and mulch.
5. Installation of retaining wall around the tank site to hold the exiting ground around the site.
6. Excavation for the new concrete foundation ring wall to support the water tank. While this occurs, the new access road around the tank site will be graded in and graveled.
7. Forming of the new tank foundation ring wall and installation of new water piping to the tank.
8. Installation of the concrete foundation ring.
9. Installation of the new water tank. The water tank is installed top down in a process where the construct the roof and jack it up, then install the first ring of the wall and jack it up and continue in this process until the tank has reached the proposed overall height for the project.
10. Interconnection of water piping to existing water lines and running of wiring for interconnection of SCADA system for tank.
11. Filling, disinfection and testing of tank.
12. Paving of new access road around tank site.

Long term maintenance of the project site would include snow plowing of access road, controlling of vegetation growth, and operation and maintenance of the new water tank and water piping.

Expected Impacts:

Include anticipated site disturbances, any expected loss of park use within easement area, etc.

Site disturbance would include clearing of trees and vegetation, grading of area, and installation of retaining wall and access road. Loss of park use would be minimal, but area around tank would be restricted per DOH requirements.

Justification for Use of Parkland:

Public benefit for improved water storage and supply for the City of Beacon and the lack of land due to site constraints to allow for installation else where.

Alternatives:

Installation of temporary tank system to allow for demolition of existing tank and construction of new tank at location of existing tank. This would possible still require an easement for a temporary tank at site.

III. Regional Assessment

Please provide Regional assessment of anticipated impacts, justification for use of parkland given alternatives, and statement of any concerns about proposal and how they could be managed.

IV. Consideration**Notification of Requirements**

Applicant has been advised of required and likely costs, including appraisals, easement value, and mitigation?

- ☐ yes, acknowledgement attached
☐ not applicable (*explain*)

Proposed compensation: ☐ fair market value

☐ appraisal & cost reimbursement only ☐ other (*explain*)

If other, explain the alternative compensation or justification for no compensation:

Note: simply being a municipal utility provider is insufficient justification for a cost waiver

V. MitigationIs mitigation appropriate? ☐ yes ☐ noIf yes, Proposed type: ☐ in-kind ☐ monetary

Description: _____

Discussed with applicant? ☐ yes ☐ not yet ☐ n/a, no mitigation will be required**VI. Required Reviews***Please attach SEQR findings statement or Type II determination and SHPO consultation results.*State Environmental Quality Review Status: ☐ complete ☐ in-progressAction: ☐ Type I ☐ Type II ☐ unlisted

Lead Agency: _____

Historic Resources Review Status ☐ complete ☐ in-progressLWCF Review 6(f) protected? ☐ yes ☐ noIf yes, Easement discussed with LWCF Coordinator and conversion ☐ is ☐ is not requiredIf required, I ☐ have ☐ have not discussed the need for a conversation with the applicant.Replacement property ☐ has not ☐ has (see below) been identified.**VII. Submission**Discussed with: ☐ Regional Director ☐ Assistant Regional Director ☐ Park Manager

- Required Attachments:
- ☐ Map of Proposed Easement Area (Section II)
 - ☐ Signed Applicant Acknowledgement (Section IV)
 - ☐ SEQR Documentation (Section VI)
 - ☐ SHPO Consultation Documentation (Section VI)
 - ☐ Prior easement, license or permit *if applicable* (Section II)

Submitted by:

Name: _____

Title: _____

Date: _____

Capital District Manager Approval:☐ recommended without concerns ☐ presented with concerns*Concerns must be identified in Section IV*

VIII. Review and Approval

Reviewed by: Select Reviewer

Proposed easement is ☐ recommended without concerns ☐ presented with concerns

Comments:

Approval:

Cost Waiver Approval:

☐ approved ☐ denied ☐ n/a

Conceptual Easement Approval:

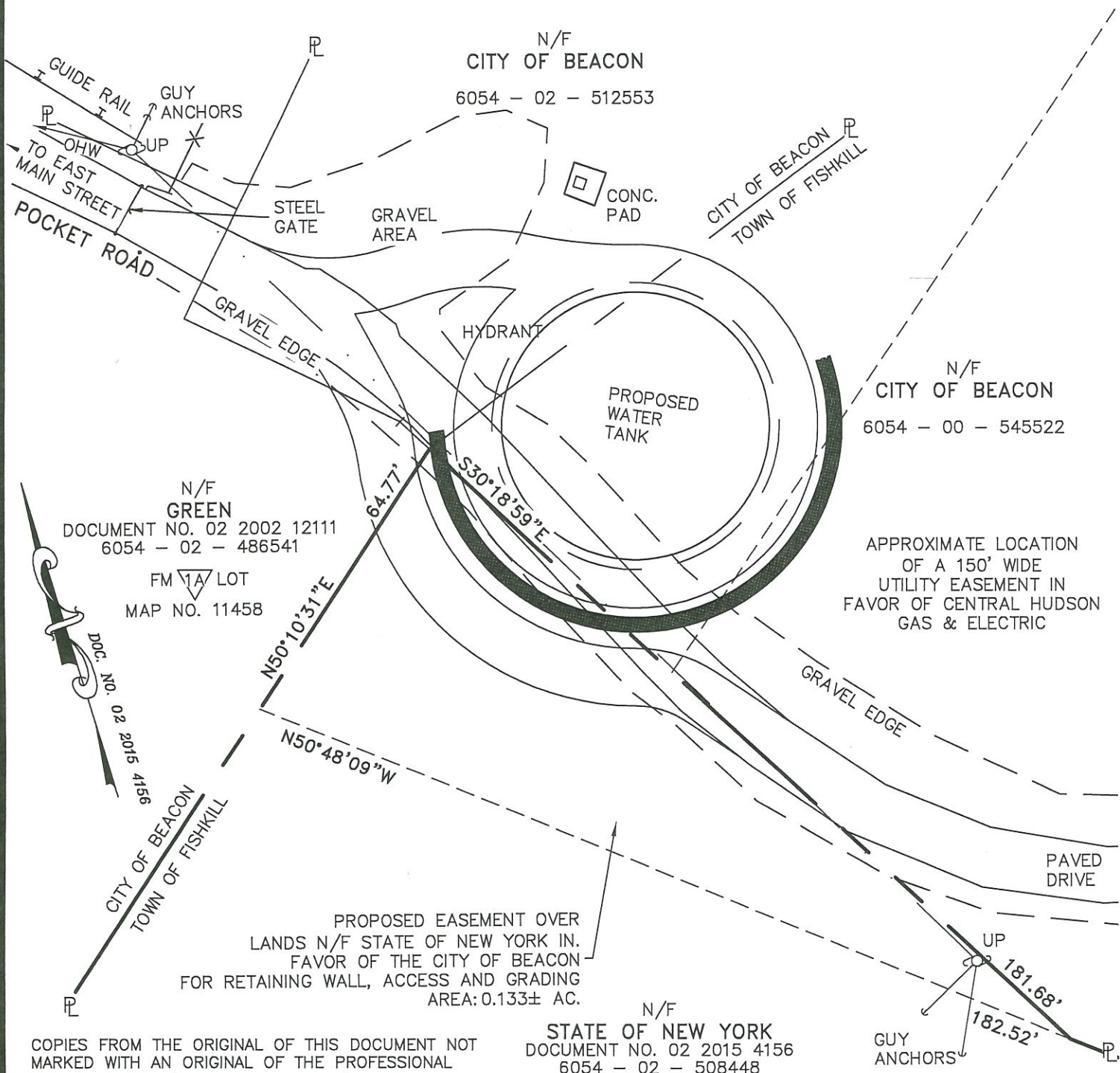
☐ approved ☐ denied

Thomas J. Alworth
Executive Deputy Commissioner

NOTES:

- 1. THIS MAP IS SUBJECT TO ANY FINDINGS OF A TITLE SEARCH.
- 2. SUBSURFACE STRUCTURES AND UTILITIES NOT VISIBLE AT THE TIME OF SURVEY HAVE NOT BEEN SHOWN.
- 3. REFERENCE:

DOCUMENT NO 02 2015 4156 OF DEEDS AS RECORDED IN THE DUTCHESS COUNTY CLERK'S OFFICE.



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P.O. Box 687, Rt. 207
Goshen, N.Y. 10924
(845) 294-3700

EASEMENT MAP PREPARED FOR

CITY OF BEACON

TOWN OF FISHKILL
DUTCHESS COUNTY, NEW YORK

Drawn By: JW	Checked By:	Scale: 1" = 30'	Tax Map No.: 6054 - 00 - 508448	Drawing No.: E- 22 - 6627 - 02
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Date:
OCTOBER 9, 2023

Revisions:

CAD File:
226627-SVY.DWG

Layout:
S.O.NY

Sheet No.:
1 OF 1



City of Beacon City Council Agenda
06/17/2024

Title:

Resolution No. 63 - Authorizing the Implementation and Funding of Costs of the Reconstruction of Teller Avenue

ATTACHMENTS

[Resolution Authorizing the Implementation and Funding of Costs of the Reconstruction of Teller Avenue](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 63 OF 2024

**AUTHORIZING THE IMPLEMENTATION AND FUNDING, IN THE FIRST INSTANCE, OF
100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE
COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND
APPROPRIATING FUNDS THEREFORE**

WHEREAS, a Project for the Reconstruction of Teller Avenue from Main Street to Wolcott Avenue in the City of Beacon, Dutchess County, PIN 8757.80 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, Resolution No. 108 of 2022, adopted by the City of Beacon on August 15, 2022, approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of design, construction, and construction inspection work; and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional construction and construction inspection work for the Project; and

WHEREAS, the City of Beacon desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the construction and construction inspection work for the Project, or portions thereof.

NOW, THEREFORE, BE IT RESOLVED that the Beacon City Council, duly convened, does hereby approve the above-subject Project; and

BE IT FURTHER RESOLVED, that the Beacon City Council hereby authorizes the City of Beacon to pay, in the first instance, 100% of the federal and non-federal share of the cost of the additional construction and construction inspection work for the Project, or portions thereof; and

BE IT FURTHER RESOLVED, that the sum of **\$1,766,648 (\$4,356,318 minus the previous \$2,589,670)** is hereby appropriated from the Teller Avenue Capital Account and made available to cover the cost of participation in the above phases of the Project; and

BE IT FURTHER RESOLVED, that, in the event that the full federal and non-federal share costs of the Project exceed the amount appropriated above, the Beacon City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Administrator thereof; and

BE IT FURTHER RESOLVED, that the Beacon City Administrator be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Beacon with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and

BE IT FURTHER RESOLVED, that, in addition to the City Administrator, the City of Beacon's Mayor and Director of Finance are also hereby authorized to execute any necessary Agreements or certifications on behalf of the City of Beacon with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

Resolution No. 63 of 2024			Date: June 17, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							

City of Beacon City Council Agenda
06/17/2024

Title:

June 3, 2024 Minutes

ATTACHMENTS

[June 3, 2024 Minutes](#)



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 Jeffrey Domanski, Ward 2
Councilmember Pam Wetherbee, Ward 3
Councilmember Dan Aymar-Blair, Ward 4
City Administrator Chris White

**June 3, 2024
7:00 PM
Draft
City Council
Minutes**

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council. The City Council Meeting was held through video conference and in the Courtroom at 1 Municipal Plaza, Beacon NY 12508. A video recording of the meeting is available at

<https://vimeo.com/user1296488>. 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. Please take notice that 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

Mayor Lee Kyriacou

Councilmember Paloma Wake, At Large

Councilmember Molly Rhodes, Ward One

Councilmember Jeffrey Domanski, Ward Two

Councilmember Pam Wetherbee, Ward Three

Councilmember Dan Aymar-Blair, Ward Four

Also Present

Christopher White, City Administrator

Christian A.L. Gates, City Attorney

Call to Order

Pledge of Allegiance

Roll Call

Public Comment

Public Hearings

Public Hearing for Proposed Local Law No. 2 of 2024 Concerning Fire Hydrants

Motion to adjourn the public hearing to June 17, 2024 by Councilmember Rhodes.

Second by Mayor Kyriacou.

Motion passes 6 – 0.

Public Hearing for Proposed Local Law No. 3 of 2024 Termination of Illegal Sewer Connections

Motion to close the public hearing by Councilmember Aymar-Blair.

Second by Councilmember Rhodes.

Motion passes 6 – 0.

Reports: Mayor, City Council, and City Administrator

Local Laws and Resolutions

1. **Resolution No. 49 - Appointing Michael Confield to the Position of Police Lieutenant**

Motion to pass the resolution by Councilmember Aymar-Blair.

Second by Councilmember Rhodes.

Motion passes 6 – 0.

2. **Resolution No. 50 - Appointing Affdecrin Vargas to the Position of Police Lieutenant**

Motion to pass the resolution by Councilmember Domanski.

Second by Councilmember Rhodes.

Motion passes 6 – 0.

3. **Resolution No. 51 - Appointing Alyssa Rudden to the Position of Police Sergeant**

Motion to pass the resolution by Councilmember Wake.

Second by Councilmember Rhodes.

Motion passes 6 – 0.

4. [Resolution No. 52 - Appointing Carl Garofolo to the Position of Police Detective](#)

Motion to pass the resolution by Councilmember Rhodes.

Second by Councilmember Aymar-Blair.

Motion passes 6 – 0.

5. [Resolution No. 53 - Setting a Public Hearing for the Proposed 2025-2029 Capital Program](#)

Motion to pass the resolution by Councilmember Rhodes.

Second by Councilmember Domanski.

Motion passes 6 – 0.

6. [Resolution No 54 - Setting a Public Hearing Regarding Proposed Local Law No. 4 of 2024 Concerning Towing](#)

Motion to pass the resolution by Councilmember Rhodes.

Second by Councilmember Aymar-Blair.

Motion passes 6 – 0.

7. [Resolution No. 55 - Approving Amendments to the 2024 Budget](#)

Motion to pass the resolution by Councilmember Aymar-Blair.

Second by Councilmember Wake.

Motion passes 6 – 0.

8. [Resolution No. 56 - Adopting Local Law No. 2 of 2024 Concerning Fire Hydrants](#)

Motion to table by Councilmember Rhodes.

Second by Councilmember Domanski.

Motion passes 6 – 0.

9. [Resolution No. 57 - Amending the Schedule of Fees Concerning Fire Hydrants](#)

Motion to table by Councilmember Rhodes.

Second by Councilmember Domanski.

Motion passes 6 – 0.

10. [Resolution No. 58 - Adopting Local Law No. 3 of 2024 Concerning Termination of Illegal Sewer Connections](#)

Motion to pass the resolution by Councilmember Rhodes.

Second by Councilmember Aymar-Blair.

Motion passes 6 – 0.

11. [Resolution No. 59 - Amending the Schedule of Fees Concerning Illegal Sewer Connections](#)

Motion to pass the resolution by Councilmember Rhodes.

Second by Councilmember Wake.

Motion passes 6 – 0.

Approval of Minutes

1. [May 20, 2024 Minutes](#)

Motion to approve the minutes, as amended, by Councilmember Rhodes.

Second by Councilmember Wake.

Motion passes 6 – 0.

Public Comment - Second Opportunity

Announcement of Next Meeting: June 17, 2024 at 7:00 p.m.

Adjournment

Motion to adjourn by Councilmember Wake.

Second by Councilmember Rhodes.

Motion passes 6 – 0.