



CITY OF BEACON, NEW YORK
COURTROOM, CITY HALL
1 MUNICIPAL PLAZA
BEACON, NY 12508

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

**September 28, 2020
7:00 PM
City Council Agenda**

Roll Call

Workshop Agenda Items

1. Notice of Change in Public Meeting Location September 28
2. Viewsheds
3. Proposed Local Law Regarding the Historic District Landmark Overlay
4. River Ridge Pocket Park
5. River Ridge Access and Utility Easement
6. Home Rule Legislation Request to Amend the General City Law to Permit the City to Sell Its Excess Sewage Capacity
7. Proposed Agreement with the Village of Fishkill Regarding Water
8. Police Chief Search Process Update
9. Requests for Proposal for Professional Services
10. Proposed Budget Amendments
11. Committee Appointments
12. Diversity and Inclusion Statement

Executive Session Items:

1. Personnel

City of Beacon City Council Agenda
09/28/2020

Title:

Notice of Change in Public Meeting Location September 28

ATTACHMENTS

[Notice of Change in Public Meeting Location September 28](#)



NOTICE OF CHANGE IN PUBLIC MEETING LOCATION

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

<https://us02web.zoom.us/j/83539165385?pwd=UVRFdKFiRIRFMUIFZUI4L1Iya25zZz09>.

Webinar ID: 835 3916 5385, Passcode: 048611. To the extent internet access is not available, the public can attend via telephone by dialing + 1 929 205 6099 and entering the Webinar ID: 835 3916 5385, Passcode: 048611. The City Council's agenda is available online in advance of meetings at <http://www.cityofbeacon.org/index.php/agendas-minutes/>.

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

PLEASE TAKE FURTHER NOTICE, that the City Council Workshop of Monday, September 28, 2020 at 7:00pm can be accessed live at

<https://www.youtube.com/channel/UCvPpigGwZDeR7WYmw-SuDxg>

City of Beacon City Council Agenda
09/28/2020

Title:

Viewsheds

ATTACHMENTS

[Scenic Viewshed Protection Draft](#)

Scenic Viewshed Protection

Initial Draft for Discussion 9/25/20

A. Statutory Authority

Pursuant to the General Municipal Law § 96-a of the State of New York and the General City Law of the State of New York, the Beacon City Council hereby enacts a Scenic Viewshed Protection Law.

B. Purpose

The City of Beacon finds that certain public view locations and viewsheds, as herein defined, have a special scenic, historic, or aesthetic value and any future obstruction of such viewsheds would constitute an irreplaceable loss to the people of the City. It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and scenic use of designated view locations is a public necessity and is required in the interest of health, safety and general welfare. The purpose of this district is to:

- (1) Safeguard the City's scenic and aesthetic resources, as embodied in designated viewpoints and viewsheds.
- (2) Stabilize and improve property values in such scenic resource areas.
- (3) Foster civic pride in the beauty of the City.
- (4) Implement the objectives and policies of the City's Comprehensive Plan, Local Waterfront Revitalization Program, and Natural Resources Inventory.

C. Intent

- (1) It the intent of the City of Beacon to protect and preserve the scenic resources of the City, to ensure that the benefits provided by the scenic resource will not be lost for present and future generations, and to protect the broader public interest.
- (2) These regulations are enacted with the intent of providing an equitable balance between the rights of the individual property owners to the use of their property and the rights of present and future generations. Therefore, this section recognizes the rights of the property owners that may be affected by a designated scenic resource to use their property for reasonable purposes consistent with these and other regulations and controls, provided that such use does not result in a significant loss or impairment to public scenic viewsheds.
- (3) It is not the intent of this regulation to protect views from private properties or to affect property development constructed prior to the designation of the scenic view locations.

D. Definitions

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

- (1) Scenic View Location – a position from a public street, public sidewalk, public property, or publicly accessible easement at standing height in a designated direction that overlooks a scenic viewshed.
- (2) Scenic Viewshed – areas of land, water, or other scenic, historic, or environmental features visible from a view location that are considered valuable and worth protecting for aesthetic reasons.

E. Designation process

The procedures for designation shall be as follows:

- (1) When the City Council identifies a scenic view or multiple such locations for possible designation, a report shall be prepared using maps, photographs, and written descriptions to fully describe the potential scenic view location and viewshed.
- (2) The City Council shall request comments regarding the potential designation from the Planning Board and Conservation Advisory Committee, as well as other officials and committees when appropriate.
- (3) After the City Council has identified a specific view location and viewshed for protection, it shall hold a public hearing at which time the general public, interested parties, and property owners in the area shall have the opportunity to be heard regarding the proposed scenic view location designation. Notice of the public hearing shall be published in the City's official newspapers no less than 10 days in advance of the scheduled date of the public hearing.
- (4) After conducting the public hearing on the intent to designate a scenic resource, the City Council shall approve or disapprove the designation according to its regular voting procedures and include any designated view location on the City of Beacon Zoning Map.
- (5) The designation of a scenic view location may be amended or rescinded by the City Council, after a public hearing.

F. Criteria for designation

Prior to designating a scenic viewshed, the City Council must find that at least one of the following criteria is met:

- (1) The view represents a key view location for which public sensitivity to a view alteration will be the highest, such as at gateway entrances to the City, public parks, and major intersections.
- (2) The view is illustrative of a natural landscape, water body, or geologic feature important to the natural character of the City.
- (3) The view embodies a significant historic location which is important to the cultural history of the City, such as an industrial dam site or the Mt. Beacon Incline. Designated view locations may include historic structures, but views of historic buildings should be protected by the provisions in Chapter 134, Historic Preservation.
- (4) The viewshed may be framed by street trees and buildings or encompass a broad panorama and may be short-range or extend for a long distance. Viewshed designation should consider whether the view will be available in the summer as well as the winter.
- (5) Scenic viewsheds should possess a unique overall quality of scenic beauty. If multiple nearby locations have similar views, the best view locations should be designated.
- (6) The City's Natural Resources Inventory identified three primary scenic viewsheds worthy of protection, including views of the Hudson River, Fishkill Creek, and Fishkill Ridge and Mt. Beacon.

G. Review procedures

The review of designated scenic view locations and viewsheds shall apply only when a proposed activity requires a site plan, subdivision, special permit, or variance approval, or other specific approval by the City Council. To the maximum extent possible, the review shall be coordinated with other procedures and public hearings that are before the reviewing authority related to the same proposed activity.

- (1) The Building Inspector shall direct any applicant for the above referenced approvals that may affect a designated view location to prepare a visual assessment of the proposed action as part of the application packet. The visual assessment shall include the following:
 - (a) An aerial photograph showing the subject property, adjoining parcels, and the designated view location and direction.
 - (b) Perspective drawings, plans and section diagrams, photographs, or photo-simulations of proposed improvements in relation to the designated view location and viewshed.
 - (c) A written description of the proposed development, the predicted impacts on the designated view location and viewshed, and suggested mitigation measures to avoid any potential impacts.
 - (d) The reviewing authority may request additional information as part of the review process.
- (2) The City Council, Planning Board, or other reviewing body shall consider the following standards when reviewing an application that may affect a designated viewshed:
 - (a) The proposed activity, including any new structure, parking lot, overhead wires, antenna, light fixture, mechanical equipment, or other new site feature, shall be located or clustered on the parcel so as to avoid affecting the designated viewshed or cause the least possible obstruction of the view.
 - (b) The reviewing body has the right to request alternative design options that would avoid or minimize negative impacts to the designated viewshed.
 - (c) If there is no reasonable alternative on the site to placing permitted buildings near designated views, they should be located to maintain a substantial viewshed corridor between buildings, thereby framing the view rather than obstructing it.
 - (d) Disturbance to existing vegetation that contributes to the scenic viewshed shall only be permitted to the extent that it is absolutely necessary for the development or improvement. Existing overgrown vegetation that is blocking scenic views may be selectively cut down or trimmed back.
 - (e) New landscaping, including trees, shrubs, and hedges, shall be planted so as to avoid obstruction of designated public viewsheds and maintained over time as a condition of any approval.
 - (f) Development that may affect the designated viewshed shall be integrated with existing vegetation and kept screened behind and below the natural tree line, whenever possible.
 - (g) Designated viewsheds may be additionally protected by providing enhanced scenic view locations as part of a development plan, such as the incorporation of a publicly accessible viewpoint, greenspace, promenade, or Greenway Trail into the proposal.

City of Beacon City Council Agenda
09/28/2020

Title:

Proposed Local Law Regarding the Historic District Landmark Overlay

ATTACHMENTS

Memorandum from the City Attorney's Office Summarizing Public and Council Comments on HDLO

Memorandum from the Planning Board Regarding the Proposed HDLO

Memorandum from Dutchess County Planning and Development Regarding HDLO

Proposed Local Law to Amend Chapter 134 and Chapter 223, Section 24.7, 41.18.G(3), and 41.18.J(15) of the Code of the City of Beacon Concerning Historic Preservation

MEMORANDUM

TO: Mayor Kyriacou and Members of the City Council
of the City of Beacon

FROM: Keane & Beane, P.C.

RE: Local Law to amend Chapter 134 and Chapter 223, Sections 24.7,
41.18G(3) and 41.18J(15) concerning the Historic District and
Landmark Overlay Zone

DATE: September 24, 2020

On Monday, September 21, 2020, the City Council opened the public hearing on the proposed Local Law to amend Chapter 134 and Chapter 223, Sections 24.7, 41.18G(3) and 41.18J(15) concerning the Historic District and Landmark Overlay Zone. This memorandum outlines questions and comments raised by the City Planning Board and the public on the proposed Local Law and historic preservation generally.

Comments on the Proposed Local Law

1. The proposed Local Law requires the Planning Board to review the building permit application to determine whether to issue a certificate of appropriateness. The proposed Local Law does not require individuals to submit additional application materials for certificate of appropriateness review. A building permit application includes:
 - A building permit form
 - Application for a Certificate of Occupancy/Compliance
 - Individual/Entity Disclosure Form
 - A set of plans and specifications for the construction or alteration of buildings or structures signed and sealed by a registered architect or professional engineer.

Does the City Council want to amend Section 134-6 of the proposed Local Law to better define the submission materials required for certificate of appropriateness applications, including the necessity for submitted drawings, and the design criteria in order to provide direction to the applicant and members for review purposes?

2. Under the proposed Local Law, painting does not trigger certificate of appropriateness review. Does the City Council want to require certificate of appropriateness review for painting projects?

It should be noted that the Architectural and Community Appearance Board of Review often reviews the proposed the color of new structures, including single family homes pursuant to Chapter 86, Architectural Design.

3. Does the City Council may want to establish an acceptable color pallet for historic properties?
4. In the proposed Local Law, the City Council removed the certificate of appropriateness requirement previously required for any changes to architectural features in interior spaces that are open to the public and visible from a public street or way, public property or public building. The Planning Board generally supported limiting the review to features visible from a public street, public sidewalk, or public park, but thought there needed to be exceptions for particularly important interiors that are open to the public. For example, the inventory form for the Howland Center should include the interior space as an Identified Historic Feature. Does the City Council wish to amend the proposed Local Law to require certificate of appropriateness review for all interior alterations or for certain identified interiors?
5. Does the City Council wish to amend the definition of identified historical feature as follows:

An exterior feature of a structure or property specifically identified as a contributing historic element in the Historic Resource Inventory Form and open to view from a public street, public sidewalk or public park. ~~In all cases, including~~ Where a historic property does not have a Historic Resource Form, the design and general arrangement of the exterior of a structure open to view from a public street, public sidewalk or public park, including the nature and style of the building, windows, doors, or similar items found on or related to the exterior of an historic structure shall be considered an identified historical feature.

6. Does the City Council wish to create a distinction in the proposed Local Law between features that can be replaced by historic appropriateness details or features that must be reproduced.
7. Does the City Council wish to keep the term “Historic District and Landmark Overlay Zone” in the City Code? The proposed Local Law replaced all references to the Historic District Landmark Overlay Zone with the term “Historic Properties Overlay Zone.”
8. Does the City Council wish to reject the edit to the super-majority requirement in the proposed Local Law which states that a vote of two-thirds of the members voting is required to approve the designation. The City Code currently requires a super majority vote of five (5) Council members to designate a new historic property if the owner objects to the nomination.
9. Does the City Council wish to amend the economic hardship standard in the proposed Local Law? An applicant whose certificate of appropriateness has been

denied may apply for relief to the Zoning Board of Appeals for a certificate of economic hardship to obtain relief from the certificate of appropriateness requirements. Under the proposed local law and the existing City Code, in order to obtain a certificate of economic hardship, the applicant must prove the existence of economic hardship by establishing that:

- a) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and
- b) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- c) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

Generally Comments on Historic Preservation

- 10. The Planning Board noted that the Historic Resource Inventory Forms should be reviewed and, if necessary, updated to include specific architectural features in order to ensure proper implementation.
- 11. The City Council may want to consider conducting a detailed survey to identify historic structures that must be preserved.



Memorandum

Planning Board

TO: Mayor Lee Kyriacou and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Local Law Amending Chapter 134 and Chapter 223 Sections 24.7, 41.18G(3) and 41.18J(15) – Historic District and Landmark Overlay Zone

DATE: September 10, 2020

As requested the Planning Board reviewed the Local Law Amending Chapter 134 and 223 Sections 24.7, 41.18G(3) and 41.18J(15) at their September 9th meeting as requested. The City Planner summarized the proposed changes and a lengthy discussion took place. The five members present strongly agreed on the following points:

1. Section 134-6 needs to better define the submission requirements, including the necessity for submitted drawings, and the design criteria in order to provide direction to the applicant and members for review purposes;
2. If the evaluation is to be focused on Identified Historic Features in the Historic Resource Inventory Forms, the forms summarizing historic features of a property must be reviewed and, if necessary, updated to include specific architectural features in order to ensure proper implementation.
3. Painting and color choices should remain part of the approval requirements;
4. The Board generally supported limiting the review to features visible from a public street, public sidewalk, or public park, but thought there needed to be exceptions for particularly important interiors that are open to the public. For example, the inventory form for the Howland Center should include the interior space as an Identified Historic Feature.

If you have any questions, please feel free to contact me.

DRAFT 8/6/2020

DRAFT LOCAL LAW NO. ____ OF 2020

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO AMEND
CHAPTER 134 AND CHAPTER 223, SECTIONS 24.7, 41.18.G(3), AND
41.18.J(15) OF THE CODE OF THE CITY OF BEACON

A LOCAL LAW to
amend Chapter 134
and Chapter 223,
Section 24.7,
41.18.G(3), and
41.18.J(15) of the
Code of the City of
Beacon concerning
Historic Preservation.

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

Section 1. The term “Historic District and Landmark Overlay Zone” shall be deleted and replaced with the term “Historic Property Properties Overlay Zone” throughout the entire Code of the City of Beacon.

Section 2. The term “HDLO” shall be deleted and replaced with the term “HPO” throughout the entire Code of the City of Beacon.

Section 3. Chapter 134 of the Code of the City of Beacon entitled “Historic Preservation” is hereby amended as follows:

§ 134-1. Purpose.

The City of Beacon wishes to encourage the preservation of properties that are re-exist within the City of Beacon landmarks, structures, buildings and districts of special historical or architectural significance which, by reason of their antiquity or uniqueness of architectural construction or design, are of particular significance to the heritage of the City, county, state or nation.

§ 134-2. Historic Properties Overlay Zone~~District~~.

~~An Historic Property District and Landmark Overlay (HPO) Zone (HDLO) is hereby established for the purposes of encouraging the preservation of properties~~protection, enhancement, perpetuation and use of buildings and structures of and appurtenant vistas having special historical or architectural significance~~aesthetic value which represent or reflect elements of the City's cultural, social, economic, political and architectural history.~~

§ 134-3. Definitions.

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

ALTERATION

Any act or process that changes one or more of the ~~identified historical~~exterior architectural features of a structure that is visible from a public street, public sidewalk or public park, including but not limited to the ~~erection, construction, reconstruction,~~ demolition, moving or removal of any structure. For the purposes of this Chapter, alteration excludes maintenance, repair or replacement of an identified historical feature which does not involve a change in design or outward appearance,- as well as -plumbing and/or electrical work and any minor, accessory, utility or security related changes that do not substantially detract from the historic property. In the HPO zone, a building permit and certificate of appropriateness are required for an alteration-

CERTIFICATE OF APPROPRIATENESS

A certificate issued by the Planning Board ~~authorizing indicating its approval of plans for the~~ alteration, construction, ~~removal~~ or demolition of ~~an exterior architectural~~identified historical feature of a designated historic property or structure located wholly or partially within a designated historic district. ~~a landmark or of a structure within an historic district.~~

CERTIFICATE OF ECONOMIC HARDSHIP

A certificate issued by the Zoning Board of Appeals authorizing ~~an the~~ alteration, construction, ~~removal~~ or demolition ~~even though where~~ a certificate of appropriateness has previously been denied by the Planning Board.

CONSTRUCTION

~~The act of making an addition to an existing structure or the erection of a new principal or accessory structure on a historic property lot or parcel.~~

DEMOLITION

~~Any act or process that destroys in part or in whole a landmark or historic a structure or a structure within an historic district.~~

IDENTIFIED HISTORICAL FEATURE

An exterior feature of a structure or property specifically identified as a contributing historic element in the Historic Resource Inventory Form and open to view from a public street, public sidewalk or public park. In all cases, including where a historic property does not have a Historic Resource Form, the design and general arrangement of the exterior of a structure open to view from a public street, public sidewalk or public park, including the nature and style of the building, windows, doors, or similar items found on or related to the exterior of an historic structure shall be considered an identified historical feature.

EXTERIOR ARCHITECTURAL FEATURES

The design and general arrangement of the exterior of a structure open to view from a public way, public property or any part of any public building, public street, public sidewalk, or public park, including the kind and texture of building materials and number, proportion, type and spacing of windows, doors, walls, roofs, murals, projections and signs. This term shall also include all earthworks, sidewalks, driveways, fences, trees, landscaping and other site features visible from a public way, public property or any part of any public building, public street, public sidewalk or any public park that are specifically identified as a contributing element in the Historic Resource Inventory Form.

HISTORIC DISTRICT

An area designated as an "historic district" by action of the City Council in enacting this chapter and which contains within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

HISTORIC PROPERTY LANDMARK

A property or structure designated as historic a "landmark" by action of the City Council pursuant to this in enacting this chapter that is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance to the City of Beacon. This definition shall also include all non-historic properties located in an area designated as a historic district by action of the City Council.

OWNER OF RECORD

The person, corporation or other legal entity issued as owner of a parcel according to the records of the Dutchess County Clerk.

REPAIR

Any change that is not construction or alteration.

STRUCTURE

~~Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, walls, sidewalks, signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, and swimming pools.~~

§ 134-4. Designation of landmarks ~~or historic districts.~~

- A. The City Council may act upon its own initiative, or upon petition from the owner of a proposed ~~historic landmark, site, structure or~~ property, the Planning Board, or historic preservation committee, to consider designation of ~~an historic district or historic landmark, site, structure or~~ property. ~~All designated historic districts and landmarks shall be included in the HDLO.~~ All nominations shall include a New York State Office of Parks, Recreation and Historic Preservation Historic Resource Inventory Form, or an equivalent form, describing the building and site and identifying the criteria for nomination under § 134-4.B.
- B. The City Council shall, ~~upon investigation as it deems necessary, make a determination as to~~ whether a proposed ~~historic property district or landmark~~ meets one or more of the following criteria:
- ~~(1) Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the City, county, state or nation;~~
 - ~~(2) Is identified with historic personages or with important events in national, state or local history;~~
 - ~~(3)(1) Has Embodies~~ distinguishing architectural characteristics ~~of an architectural type specimen, inherently valuable for a study~~ of a period, style, method of construction, ~~or of~~ indigenous materials or craftsmanship;
 - (2) Has special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the community;
 - ~~(4)(3) Is eligible Is the work of a designer whose work has significantly influenced an age; or~~
 - ~~(5) Qualifies~~ for inclusion on the State or National Registers of Historic Places.
- C. Notice of a proposed designation shall be sent by certified mail or personal delivery to the owner of the property proposed for designation, describing the property proposed and announcing a public hearing by the City Council to consider the designation. Once the City Council has issued notice of a proposed designation, no building permits shall be issued by the Building Inspector until the Council has made its decision.

- D. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the City of Beacon at least fourteen (14) calendar days prior to the date of such hearing.
- E. The City Council shall hold a public hearing prior to designation of any ~~landmark or historic property district~~. ~~The City Council, owners and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark or historic district. The record may also contain reports, public comments or other evidence offered outside of the hearing.~~
- F. In determining whether ~~or not~~ to designate a new historic ~~property landmark~~, the City Council shall consider the factors listed in § 134-4.B and any testimony or evidence presented during the public hearing.
- G. The City Council shall make a decision within sixty (60) days of the conclusion of the hearing, the City Council shall render its decision on the proposed designation. If the City Council fails to act within sixty (60) days, or fails to extend the period in which to act, the designation shall be deemed to have been denied. A super-majority vote of ~~two-thirds of five (5)~~ Council members ~~voting~~ is necessary to designate a new historic landmark if the property owner objects to such designation.
- H. The City Council shall ~~notify the owner of forward notice of each property designated historic property as a landmark and the boundaries of each designated historic district to the property owner, the City Clerk, the Planning Board, the Zoning Board, and the offices of the Dutchess County Clerk for recordation.~~
- I. ~~DA list of~~ designated ~~historic~~ properties shall be ~~maintained on file with the City Clerk and~~ shown on the City of Beacon Zoning Map.

§ 134-5. Uses permitted by special permit.

Section 223-24.7 of Chapter 223, Zoning, of the City Code, enumerates ~~the additional~~ uses ~~that which~~ may be permitted by special permit, issued by the ~~City Council~~ Planning Board in the Historic ~~Properties District and Landmark~~ Overlay Zone, and the process by which such uses may be permitted.

§ 134-6. Certificate of appropriateness.

- A. Applicability. Applications for a building permit involving alteration, construction, or demolition of an identified historical feature of a designated historic property or structure located wholly or partially within a designated historic district shall require certificate of appropriateness approval from the Planning Board. -No building permit shall be issued until a certificate of appropriates has first been issued by the Planning Board or a certificate of economic hardship is approved by the Zoning Board. If a certificate of appropriateness has been approved, then a building permit or any other approval issued

for the same work or activity shall be consistent with the terms and requirements of the certificate of appropriateness. If the certificate of appropriateness is denied, the Building Inspector shall refuse to grant a building or other permit.~~No person shall carry out any exterior alteration of a landmark or property within an historic district without first obtaining a certificate of appropriateness from the Planning Board or a certificate of economic hardship from the Zoning Board. No certificate of appropriateness is needed for changes to interior spaces, unless they are open to the public, to architectural features that are not visible from a public street or way, public property or public building, or for the installation of a temporary sign as described in § 223-15F of the Zoning Ordinance of the City of Beacon if located in a nonresidential district. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural identified historical feature of a landmark or property within an historic district which does not involve a change in design, material or outward appearance.~~

B. Application. The Building Inspector shall transmit any building permit application involving alteration, construction, or demolition of an exterior architectural identified historical feature of a historic property or structure located wholly or partially within a designated historic district to the Planning Board. The Planning Board shall review the building permit application pursuant to the criteria set forth in § 134-6.C to determine whether to issue a certificate of appropriateness.

C. Criteria. In determining whether to issue a certificate of appropriateness, ~~The reviewing certificate of appropriateness application,~~ the Planning Board shall give consideration to the following:

- (1) The historic or architectural value or significance of the structure and its relation to the historic character of the surrounding area.
- (2) The relationship of the identified exterior architectural historical features of such structure to the rest of the structure and to the surrounding area.
- (3) For an addition or new structure, the compatibility of exterior design in terms of scale, arrangement, texture and materials proposed, roof and cornice forms if applicable, spacing and proportion of windows and doors, exterior architectural details, and street-front fixtures.
- (4) For a proposal requiring site development plan or special permit approval in addition to a certificate of appropriateness, the Planning Board shall apply the design standards in § 134-7.

D. Review.

- (1) The certificate of appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Beacon. Where site plan review, special permit or subdivision approval

is also required for the application, the certificate of appropriateness procedure shall be conducted simultaneously with such review by the Planning Board.

- (2) The Planning Board shall approve, deny or approve the permit with modifications within 4560 days from the Planning Board's receipt of the completed building permit application. The Planning Board may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.2.B.

~~§ 134-7. Criteria for approval of a certificate of appropriateness or special permit in the HDLO.~~

~~A. Historic districts are living entities that have typically grown and accommodated change through multiple time periods. HDLO buildings are recognized as models for how to design high-quality, enduring structures that have gained in public appreciation over time, thereby serving as excellent examples for sustainable development. In reviewing an HDLO application and plans, the City Council or Planning Board shall give consideration to:~~

- ~~(2) The historic or architectural value or significance of the structure and its relation to the historic character of the surrounding area.~~
- ~~(3) The relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area.~~
- ~~(4)(5) The compatibility of exterior design in terms of scale, arrangement, texture and materials proposed, roof and cornice forms, spacing and proportion of windows and doors, exterior architectural details, signs, and street-front fixtures.~~

§ 134-7 Site plan or special permit design standards

~~B.A.~~ In applying the principle of compatibility, the City Council or Planning Board shall use the following standards when considering a site development plan application or special permit pertaining to a designated historic property. ~~for new structures, additions, or alterations in the HDLO.~~ Standards using the verb “shall” are required; “should” is used when the standard is to be applied unless the Planning Board or City Council finds a strong justification for an alternative solution in an unusual and specific circumstance; and “may” means that the “standard” is an optional guideline that is encouraged but not required.

- (1) The design, character, and appropriateness to the property of the proposed alteration or new construction.

- (a) Construction shall build on the historic context with applications required to demonstrate aspects of inspiration or similarities to adjacent HDLO-HPO structures or historic buildings in the surrounding area.
 - (b) Compatibility does not imply historic reproduction, but new architecture shall also not arbitrarily impose contrasting materials, scales, colors, or design features.
 - (c) The intent is to reinforce and extend the traditional patterns of the HDLO-HPO district, but new structures may still be distinguishable in up-to-date technologies and details, most evident in window construction and interiors.
 - (d) Exterior accessory elements, such as signs, lighting fixtures, and landscaping, shall emphasize continuity with adjacent HDLO-HPO properties and the historic characteristics of the sidewalk and streetscape.
 - (e) Where possible, parking shall be placed towards the rear of the property in an unobtrusive location with adequate screening from public views, unless another location provides better screening.
- (2) The scale and height of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood.
- (a) Where possible, an addition to an historic structure should be placed towards the rear, or at least recessed, so that the historic structure remains more prominent than the subsidiary addition.
 - (b) Any alteration or addition to an historic structure shall not damage or obscure the character-defining features of the architecture or site to the maximum extent possible.
 - (c) The height of any new building facades in the HDLO-HPO shall not conflict with the heights of adjacent historic structures on adjoining HDLO-HPO parcels.
 - (d) Larger buildings or additions should incorporate significant breaks in the facades and rooflines, generally at intervals of no more than 35 feet.
- (3) Architectural and site elements and their relation to similar features of other properties in the HDLO-HPO.
- (a) It is not appropriate to disrupt the relationship between an historic building and its front yard or landscape, including screening historic properties from traditional street views by high walls or hedges.

- (b) Historic storefronts, porches, cornices, window and door surrounds, or similar architectural features should not be enclosed, obscured, or removed so that the character of the structure is substantially changed.
- (c) Deteriorated building features should be repaired rather than being replaced and, if not repairable, should be replicated in design, materials, and other historic qualities.
- (d) New buildings in the ~~HDL~~HPO should have a top-floor cornice feature or eave and first-floor architectural articulation, such as an architecturally emphasized entrance doorway or porch, to accent the central body of the building.
- (e) Architectural features and windows shall be continued on all sides that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls.
- (f) New ~~HDL~~HPO buildings shall have a front entrance door facing the primary street and connected to the sidewalk.
- (g) Primary individual window proportions shall be greater in height than width, but the approving body may allow exceptions for storefront, transom, and specialty windows. Mirrored, reflective, or tinted glass and all-glass walls, except greenhouses, shall not be permitted. Any shutters shall match the size of the window opening and appear functional.
- (h) Finish building materials should be wood, brick, traditional cement-based stucco, stone, smooth cast stone, smooth-finished fiber-cement siding, or other materials deemed acceptable by the approving body. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic rough-cut stone, synthetic brick, synthetic stucco, exterior insulation and finishing system (EIFS), direct-applied finish system (DAFS), and chain link, plastic, or vinyl fencing shall not be permitted.
- (i) Materials and colors should complement historic buildings on the block. Fluorescent, neon, metallic, or other intentionally garish colors, as well as stripes, dots, or other incompatible patterns, shall be prohibited.
- (j) Mechanical equipment and refuse containers shall be concealed from public view by approved architectural or landscaping elements and shall be located to the rear of the site. Window or projecting air conditioners shall not be permitted on the front façade of new buildings or additions.

~~§ 134-8. Certificate of appropriateness application procedure.~~

- ~~A. Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Planning Board. The application shall include:~~
- ~~(1) The name, address and telephone number of the applicant.~~
 - ~~(2) Scaled drawings showing the proposed changes.~~
 - ~~(3) Descriptions or samples of materials to be used.~~
 - ~~(4) Where the proposal includes signs or lettering, a scaled drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, if any, and a plan showing the sign's location on the property.~~
 - ~~(5) Any other information which the Planning Board may deem necessary in order to visualize the proposed work.~~
- ~~B. No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Planning Board. The certificate of appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Beacon.~~
- ~~C. The applicant may consult with the Planning Board or its designated agent prior to submitting an application.~~
- ~~D. Where site plan review or subdivision approval is also required for the application, the certificate of appropriateness procedure shall be conducted simultaneously with such review by the Planning Board.~~
- ~~E. The Planning Board shall approve, deny or approve the permit with modifications within 45 days from receipt of the completed application. The Planning Board may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.2.B.~~
- ~~F. All decisions of the Planning Board shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the City Clerk's Office for public inspection. The Planning Board's decision shall state the reasons for denying or modifying any application.~~

§ 134-~~79~~. Hardship criteria and application procedure.

- A. An applicant whose certificate of appropriateness has been denied may apply for relief to the Zoning Board of Appeals for a certificate of economic hardship to obtain relief from the requirements of this chapter. Upon receipt of an application for relief, the Zoning

Board shall, within 45 calendar days thereafter, hold a public hearing. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.2.B.

- B. At the public hearing, the Zoning Board may hear testimony and entertain the submission of written evidence from the applicant and/or the public.
- C. To obtain a certificate of economic hardship, the applicant must prove the existence of economic hardship by establishing that:
 - (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and
 - (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
 - (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- D. The Zoning Board shall take into consideration the economic feasibility of alternatives to ~~removal~~, alteration, construction or demolition of a landmark or portion thereof, and balance the interest of the public in preserving the historic landmark or building, or portion thereof, and the interest of the owner in removing, altering or demolishing the landmark or portion thereof.
- E. The Zoning Board shall make a decision within 30 days of the conclusion of the hearing on the application. The Board's decision shall be in writing and shall state the reasons for granting or denying the hardship application.
- ~~F. All decisions of the Zoning Board of Appeals shall be in writing. A copy shall be sent to the applicant, and a copy shall be filed with the City Clerk. The Board's decision shall state the reasons for approving or denying the application. If the Zoning Board of Appeals approves the application, the Board shall issue a certificate of economic hardship.~~

§ 134-~~810~~. Enforcement.

All work performed pursuant to a certificate of appropriateness issued under this chapter shall conform to any requirements included therein. It shall be the duty of the Building Inspector to inspect periodically any such work to assure compliance. In the event that work is found that is not performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Planning Board, the Building Inspector shall issue a stop-work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

§ 134-~~244~~. Penalties for offenses.

- A. Failure to comply with any of the provisions of this local law shall be deemed a violation, and the violation is subject to the penalties provided in § 223-53 of Chapter 223, Zoning.
- B. The City Council is also authorized to institute any and all actions required to enforce this chapter. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

§ 134-102. Fees.

The applicant shall not be charged an application fee, professional review fees or fees to prepare and publish any public notice incurred in connection with the certificate of appropriateness or economic hardship application, except for any fees associated with another land use application concerning the historic property.

~~A. Each application for a certificate of appropriateness shall be accompanied by a fee, in an amount set by the City Council, payable to the City Clerk.~~

~~B. The applicant may be charged a fee by the Planning Board for the actual cost of preparation and publication of each public notice of hearing on the application. Said fees shall also be fixed from time to time by resolution of the City Council.~~

§ 134-113. Assessment abatement.

Any person who is granted a certificate of appropriateness and performs the work detailed in the application submitted to the Planning Board will not be subject to an increase in assessment for the subject property as a result of the improvements made to the buildings and structures on said property. This clause does not apply to applicants who also receive a special permit as set forth in § 223-18 of Chapter 223, Zoning.

Section 4. Chapter 223, Section 24.7 of the Code of the City of Beacon entitled “Uses permitted by special permit in the Historic District and Landmark Overlay Zone” is hereby amended as follows:

§ 223-24.7. Uses permitted by special permit in the Historic District and Landmark Overlay Zone.

The following uses may be permitted by special permit, issued by the- Planning Board City Council, in the Historic Properties District and Landmark Overlay Zone:

- A. Specialized business uses of low traffic volume, normally associated with history, the arts or cultural uses, appropriate to the structure and compatible with the neighborhood. Such uses may include:

- (1) Artists' or artisans' studios.

- (2) Antique shops.
 - (3) Rare book, coin or stamp shops or similar type uses as determined by the ~~City Council~~ Planning Board.
- B. Residential, hotel or professional uses, provided that they are appropriate to the structure, compatible with the neighborhood and are located on a road that can accommodate increased traffic as determined by the Planning Board ~~City Council~~. These uses may include the following:
- (1) Sit-down restaurants not to exceed a seating capacity of 50.
 - (2) Bed-and-breakfast establishments not to exceed 10 guest bedrooms, subject to the requirements of § 223-24.4B, C and E.
 - (3) Professional offices not to exceed 10 employees.
 - (4) Multifamily residential use not to exceed four units.
 - (5) Artist live/work spaces not to exceed four units.
 - (6) Hotel and hotel-related accessory uses and structures with adequate screening of any new structures from surrounding public street views.
- C. Special permits warranted under certain conditions.
- (1) Notwithstanding the limitations in Subsection B above, and with the exception of Subsection B(2), the Planning Board ~~City Council~~ may approve a special permit for any of the uses listed in said section, and may allow a larger number of seats, employees, dwelling units, or artist live/work spaces, when it determines that such larger number is warranted by one or more of the following:
 - (a) Building(s) size.
 - (b) Building(s) configuration.
 - (c) The nature of the proposed preservation and/or adaptive reuse of the building(s).
 - (d) The historic nature and context of the building(s) and the need for preservation and/or adaptive reuse.
 - (2) In approving any such special permit, the ~~City Council~~ Planning Board shall establish such limitations on the number of seats, employees, dwelling units, artist live/work spaces, or accessory uses and structures as it deems warranted.
- D. Findings.

(1) The ~~City Council~~ Planning Board must make the following findings before special permit approval is granted:

- (a) Any exterior restoration shall maintain the architectural and historic integrity of the structure. Any new construction shall be compatible with neighboring structures.
- (b) The proposed use is compatible with the neighborhood, and activities permitted within the structure can be adequately buffered from any surrounding residential homes.
- (c) The resulting traffic generation will not overburden existing roads, and adequate parking can be provided without unduly destroying the landscape or the setting of the structure.
- (d) The proposed use is appropriate to the structure, will aid in the preservation of the structure and will not result in undue alterations or enlargement of the structure.

(2) These standards shall be in addition to the general special permit standards set forth in § 223-18 and the standards set forth in § 134-7.

E. A site plan shall be submitted to ~~the Planning Board to~~ accompany any special permit application under this section. The site plan shall be accompanied by schematic architectural drawings which shall show the existing conditions of the property and any existing structure and the proposed restoration or construction. The Planning Board must approve a certificate of appropriateness in order to grant site plan approval as set forth above.

Section 5. Section 41.18.G(3) of Chapter 223, Article XVD of the Code of the City of Beacon entitled “Central Main Street (CMS) District” is hereby amended as follows:

Article XVD Central Main Street (CMS) District

§ 223-41.18 Regulations.

...

G. Parking location and quantity.

- (3) The requirements in Subsection G(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:
 - (a) That the projected operational characteristics of the proposed use require a different amount of parking.

- (b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and within the CMS or PB Districts.
- (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand.
- (d) That there is sufficient public parking available within 800 feet of the site and within the CMS or PB Districts to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.
- (e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and within the CMS or PB Districts and voluntarily dedicate such land to the City for public parking.
- (f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.
- (g) The application involves a designated historic property as defined in Chapter 134 of the City Code.

...

Section 6. Section 41.18.J(15) of Chapter 223, Article XVD of the Code of the City of Beacon entitled “Central Main Street (CMS) District” is hereby amended as follows:

Article XVD Central Main Street (CMS) District

§ 223-41.18 Regulations.

...

J. Design Standards

...

- (15) The Planning Board may waive setback requirements for designated historic properties as defined in Chapter 134 of the City Code, landmark civic buildings, including government buildings, schools, libraries, or places of worship, and for pedestrian-oriented places, such as public greens or plazas and outdoor eating areas.

Section 7. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 134 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 8. 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 9. 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 10. 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
09/28/2020

Title:

River Ridge Pocket Park

ATTACHMENTS

Memorandum from the City Attorney's Office Regarding the River Ridge Park Easement

Memorandum from the City of Beacon Planning Board Regarding the River Ridge Pocket Park

Letter from Paul Supple Regarding River Ridge Pocket Park

River Ridge Pocket Park Plan

Photo 1

Photo 2

Photo 3

Photo 4

Photo 5

Photo 6

Photo 7

Photo 8

Photo 9

Photo 10

Photo 11

Photo 12

Photo 13

Photo 14

MEMORANDUM

TO: Mayor Lee Kyriacou and City Council Members

FROM: Keane & Beane, P.C.

RE: River Ridge Pocket Park

DATE: August 19, 2020

The owners of the River Ridge townhouse development under construction on property commonly known as “Parcel L” extending from Wolcott Avenue to Beekman Street have offered to grant the City of Beacon an easement over a portion of their property for public park purposes. The map enclosed with your agenda materials shows the location of the easement area.

As originally proposed, the owner intended to offer a fee simple dedication – meaning title to the property would be conveyed to the City, rather than an easement. The owner met with the Planning Board on August 11, 2020 for preliminary discussions of the subdivision that would be necessary to effectuate the transfer of title. At that time, it was discovered that the subdivision would render the remaining lot non-compliant with Zoning Code requirements. Therefore, the owner is instead offering a permanent easement for public park purposes.

In the event the City Council is amenable to accepting the easement for park purposes, the owner intends to return to the Planning Board to seek a reduction or elimination of the recreation fees required to be paid to the City pursuant to the Planning Board’s March 2018 Resolution approving the project. The owner intends to cite the park easement and his construction of the Ferry Street sidewalk linking Ferry Street to Wolcott Avenue as the basis to reduce or eliminate the recreation fee payment.

It would be helpful to the Planning Board to receive the City Council’s opinion as to whether the City Council is amenable to accepting the offered easement and whether the City Council considers the proposed easement area to be suitable for park purposes.

BEACON PLANNING BOARD
ONE MUNICIPAL PLAZA - SUITE 1
BEACON, NEW YORK 12508

Phone (845) 838-5002 Fax (845) 838-5026

John Gunn, Chairman

August 12, 2020

Mayor Kyriacou & City Council Members
 One Municipal Plaza - Suite One
 Beacon, New York 12508

RE: River Ridge Pocket Park

Dear Mayor Kyriacou & Council Members:

At its August 11, 2020 meeting, the Planning Board reviewed a proposal to subdivide a portion of the River Ridge parcel along Beekman Street to create a public pocket park. After a lengthy discussion, members voted unanimously to favorably recommend the City Council acceptance of any forthcoming offer of dedication of the property for park purposes, as long as the proposal has no negative impact or unintended consequences. Discussion of the use of that portion of the River Ridge property as a passive park was previously discussed by the Planning Board during its prior review of the River Ridge townhouse site plan and subdivision application. Members felt consideration should be given to concerns previously presented during this discussion including the following: (1) Hammond Plaza residents expressed concern regarding their privacy; (2) security concerns due to the lack of visibility from Beekman Street; (3) difficulty of access from Beekman Street; (4) whether a need for parkland exists in this area; and (5) potential damage/vandalism that could occur to the adjacent cemetery because it can't be seen from the street. In addition, it should be noted the entire property, including the area proposed to be subdivided, was used in calculating density for the River Ridge project and subdividing may create the need for one or more variances.

If you have any questions regarding the Planning Board's action, please call me.

Yours truly,



John Gunn, Chairman

LYONS & SUPPLE
ATTORNEYS AND COUNSELORS AT LAW
5 CLIFF STREET
PO BOX 227
BEACON, NEW YORK 12508

GREGORY D. SUPPLE*
PAUL B. SUPPLE

(845) 831-1234
FAX (845) 831-2268

Wappingers Falls Office:
92 E. Main Street, PO Box 46
Wappingers Falls, NY 12590

(845) 297-0600
(845) 297-8877

Please reply to Beacon office

Legal Assistants:
Felicia McKeon
Amy E. DeCarlo

James J. Lyons, Retired

*ALSO ADMITTED IN CA
** ALSO ADMITTED IN FL

August 28, 2020

City of Beacon
City Council
Attn: Etha Grogan
1 Municipal Plaza
Beacon, New York 12508

Re: River Ridge Views Conveyance to the City of Beacon
For Pocket Park

Dear Etha:

Please put on the calendar for Monday City Council meeting the above matter. My clients intend to convey an easement to the City of Beacon for a pocket park in the above described property. We would ask for the City Council's support and if the City Council is in favor, we would ask for an expedited meeting on September 8, 2020 before the Planning Board. We make this request as we understand the Planning Board generally requires two weeks notice.

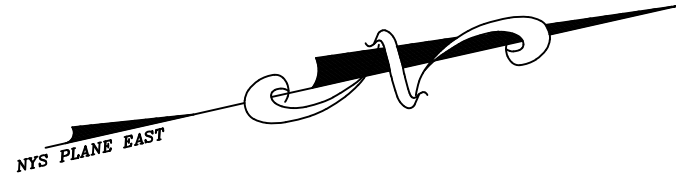
Thank you for your assistance in this matter.

Very truly yours,

LYONS & SUPPLE

PAUL B. SUPPLE
PBS/aedc

cc: Nick Ward Willis, Esq.
Jennifer Gray, Esq.



PREPARED FOR:
RIVER RIDGE VIEWS, LLC
50 RED SCHOOLHOUSE ROAD
FISHKILL, NY 12524
SHEET 1 OF 1

POCKET PARK PLAN
SCALE: 1" = 100'
DATE: AUGUST 8, 2020



PREPARED BY:
HUDSON LAND DESIGN
PROFESSIONAL ENGINEERING
174 MAIN STREET
BEACON, NY 12508
PH: 845-440-6926





























City of Beacon City Council Agenda
09/28/2020

Title:

River Ridge Access and Utility Easement

ATTACHMENTS

[Memorandum from the City Attorney Regarding an Access and Utility Easement](#)

[Grant of Access and Utility Easement](#)

■ **Main Office**
445 Hamilton Avenue
White Plains, NY 10601
Phone 914.946.4777
Fax 914.946.6868

■ **Mid-Hudson Office**
200 Westage Business Center
Fishkill, NY 12524
Phone 845.896.0120

■ **New York City Office**
505 Park Avenue
New York, NY 10022
Phone 646.794.5747

MEMORANDUM

TO: Mayor Lee Kyriacou and City Council Members

FROM: Keane & Beane, P.C.

RE: River Ridge – Access & Utility Easement

DATE: September 25, 2020

The River Ridge townhouse development under construction on property commonly known as “Parcel L” extending from Wolcott Avenue to Beekman Street includes the installation of water and sewer infrastructure that is being dedicated to the City of Beacon. Since the utility infrastructure will be located under private property owned by the River Ridge Homeowners Association, River Ridge is providing the City with an easement for that infrastructure. A copy of the Access & Utility Easement is included in your agenda materials. It has been reviewed by the City Engineer, Water/Wastewater Superintendent and the City Attorney’s office.

If the Access & Utility Easement is acceptable to the City Council a resolution will be prepared for the Council to accept the easement and authorize it to be signed on behalf of the City.

GRANT OF ACCESS & UTILITY EASEMENT

(SEE FILED MAP NO. 11501 A - RIVER RIDGE VIEW)

THIS GRANT OF ACCESS AND UTILITY EASEMENT (this “Easement”) made this ____ day of _____, 201____, granted by River Ridge View, LLC, a New York limited liability company formed pursuant to the Business Corporations Law of the State of New York, with an address at 50 Red Schoolhouse Road, Fishkill, NY 12524 (“Grantor”) in favor of the City of Beacon, a municipal corporation with an address at 1 Municipal Plaza, Beacon, NY 12508 (“Grantee”).

W I T N E S S E T H:

WHEREAS, Grantor is the owner of all those certain plots, pieces and parcels of land situated in the City of Beacon and State of New York being shown and designated on a certain map entitled River Ridge View and filed in the Office of the Clerk of the County of Dutchess on January 22, 2019 as Map No. **11501 A** consisting of Sheets 1-8 (the “Subdivision Plat”), more particularly described as set forth in **Schedule “A”** (the “Property”); and

WHEREAS, pursuant to the Resolution of Preliminary & Final Subdivision Plat Approval adopted by the City of Beacon Planning Board on March 13, 2018 (the “Approval”), Grantor desires to establish and create an easement for the benefit of Grantee for the purposes of operating, maintaining, repairing, reconstructing, replacing and inspecting pipes, lines, mains, conduits and appurtenances for the transportation and disposal of potable water and sanitary sewage through the Property; and

WHEREAS, in addition, the Property is subject to a Utility Easement per Filed Map 11501 and shown on the Subdivision Plat as “to be extinguished” because such Utility Easement is no longer necessary and, therefore, it is the intent of the parties to terminate and extinguish such Utility Easement upon the recording of this document in the Office of the Dutchess County Clerk.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, releases and conveys unto Grantee an easement as follows:

1. GRANT OF EASEMENT

Subject to the terms, conditions and limitations set forth in this Easement, Grantor hereby grants unto Grantee an easement in, on, under and through the Property as more particularly described at Schedule "A" ("Easement Area"), for the purposes of operating, maintaining, repairing, reconstructing, replacing and inspecting pipes, lines, mains, conduits and appurtenances for the transportation and disposal of potable water and sanitary sewage in the locations shown on the Utility Plan, prepared by Hudson Land Design, Beacon NY, and filed with the Subdivision Plat as Sheet 4 of 8, and for accessing the curb valve through any curb boxes to turn the water supply and sewer line off/on (the "Easement Purposes"). With respect to potable water supply, Grantee shall be responsible for all water mains and hydrants. Grantor shall be responsible for the water service lines into the unit up to the water main. With respect to the sanitary sewer, Grantees shall be responsible for all sanitary sewer system manholes and mains. Grantor shall be responsible for the interior sewage plumbing and the service line up to the main. Without limiting the generality of the foregoing, Grantee's rights shall include:

(a) The right of ingress and egress within the Property for persons, motor vehicles and construction equipment necessary to perform the Easement Purposes; and

(b) The right to clear, excavate, fill, grade, or cultivate the Property and/or otherwise improve the same for the Easement Purposes, provided, however, that nothing shall prevent Grantor's use of the Access Road shown on the Subdivision Plat.

2. PROHIBITION OF STRUCTURES; LIMITATIONS & CONSENT (a) Grantor is hereby prohibited from constructing and/or maintaining any type of permanent structure, fences or trees on the surface of the Property in the location of the pipes, lines, mains, conduits and appurtenances, as such location is shown on the Utility Plan, prepared by Hudson Land Design, Beacon NY, and filed with the Subdivision Plat as Sheet 4 of 8, without Grantee's written permission.

(b) Grantor may however construct and/or maintain driveways or roads consistent with any approvals granted by the City of Beacon on the surface of the Property and any type of subsurface structure or improvement including, but not limited to, underground pipes and conduits to, under and through the subsurface of the Property provided the same do not obstruct or interfere with the underground potable water pipes or sewage pipes to be constructed therein without Grantee's written permission.

(c) Grantee hereby agrees that the rights granted to the Grantee hereunder shall not interfere with the proposed development of the Property and the Access Road , as shown on the Subdivision Plat providing ingress and egress from Route 9D.

3. RESTORATION

All areas disturbed by Grantee by the exercise of this Easement conferred herein shall be restored by Grantee to the extent reasonably practicable and at Grantee's expense, to as near to the same condition that existed prior to the disturbance.

4. CONNECTION

Grantor, its successors and/or assigns, shall have the right to connect to Grantee's pipes, lines, conduits and appurtenances within the Property provided that all necessary approvals have been secured by Grantor.

5. TERMINATION

Upon the recording of this document, the Utility Easement per Filed Map 11501 shall become null and void in its entirety.

6. DURATION

The provisions of this Easement shall be covenants running with the land in perpetuity and shall bind and inure to the benefit of Grantee's and Grantor's respective successors and assigns.

7. MODIFICATION

This Easement shall not be modified unless accepted in a writing executed and acknowledged by Grantor and Grantee and recorded in the Office of the Dutchess County Clerk. Upon the completion of the construction and installation of the pipes, lines, mains, conduits and appurtenances for the transportation and disposal of potable water and sanitary sewage through the Property, this Easement may be modified by recording a written amended utility and access easement agreement executed and acknowledged by Grantor and Grantee for the purpose of modifying the description of the Easement Area from that which is described at Schedule "A" to a more specific description of the as-built location of the pipes, lines, mains, conduits and appurtenances installed and constructed for the transportation and disposal of potable water and sanitary sewage.

7. ENFORCEMENT

Grantee shall have the right to enforce these covenants, restrictions and easements by proceeding at law or in equity, against any person or persons violating or attempting to violate any covenant, restriction, or easement, to restrain violation, to require specific performance and/or to recover damages. Failure by Grantee to enforce any covenant, restriction, or easement herein contained shall in no event be deemed a waiver of the right to do so thereafter.

8. RECORDING

Grantor shall record this Agreement at its sole cost and expense in the Office of the Dutchess County Clerk.

9. REFERENCES TO GRANTOR

References herein to Grantor shall include Grantor's successors and/or assigns.

IN WITNESS WHEREOF, the parties have executed this Easement as of the date first appearing above, intending the same to be recorded in the Office of the Dutchess County Clerk.

River Ridge View, LLC

The City of Beacon

By: _____
Member

By: _____

STATE OF NEW YORK }
 }s.s.:
COUNTY OF DUTCHESS }

On the ____ day of _____ in the year 201__ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK }
 }s.s.:
COUNTY OF DUTCHESS }

On the _____ day of _____ in the year 20__1, before me, the undersigned, a notary public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD AND RETURN TO:

Keane & Beane, P.C.
445 Hamilton Avenue, 15th Flr
White Plains, New York 10601
Nicholas M. Ward-Willis, Esq.

SCHEDULE “A”

THE PROPERTY

City of Beacon City Council Agenda
09/28/2020

Title:

Home Rule Legislation Request to Amend the General City Law to Permit the City to Sell Its Excess Sewage Capacity

ATTACHMENTS

General City Law 57

Memorandum from the City Attorney's Office Regarding Home Rule Legislation Request

General City Law 57 L. 1993 c. 661 adding Beacon

Home Rule Form

Bill Jacket 1993 CH 639

McKinney's Consolidated Laws of New York Annotated
General City Law (Refs & Annos)
Chapter 21. Of the Consolidated Laws
Article 4. Plumbing and Drainage (Refs & Annos)

McKinney's General City Law § 57

§ 57. Article limited

Effective: October 29, 2019

Currentness

1. This article shall not apply to any of the following cities: New York, Binghamton, Schenectady, Elmira, Beacon, Hornell, Olean and Poughkeepsie.

2. This article, with the exception of section fifty-six-a thereof, shall not apply to the city of Glens Falls and the city of Middletown.

Credits

(L.1909, c. 26. Amended L.1913, c. 753; L.1950, cc. 632, 706; L.1956, c. 843, § 1; L.1973, c. 965, § 1; L.1981, c. 1046, § 1; L.1989, c. 181, § 1; L.1993, c. 639, § 1; L.1993, c. 661, § 1; L.2016, c. 274, § 1, eff. Sept. 18, 2016; L.2019, c. 419, § 1, eff. Oct. 29, 2019.)

McKinney's General City Law § 57, NY GEN CITY § 57

Current through L.2019, chapter 758 and L.2020, chapters 1 to 56, 58 to 168. Some statute sections may be more current, see credits for details.

End of Document

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MEMORANDUM

TO: City of Beacon City Council

FROM: Keane & Beane, P.C.

RE: Home Rule Legislation Request to Amend the General City Law to Permit the City to Sell Its Excess Sewage Capacity

DATE: September 23, 2020

Prior to 1993, the City of Beacon, pursuant to General City Law (“GCL”) Section 56A, had the ability to sell its excess sewer capacity to private corporations outside of its jurisdiction. An amendment to the GCL Section 57 in 1993 to exclude the City from the application of Article 4 revoked the authority granted under GCL Section 56A. The City has excess sewage capacity at its treatment plant and the sale of such excess capacity by allowing an out of City property to connect to the City’s sewer system creates revenue for the City.

After reviewing the legislative history to determine the intent of the 1993 amendment to GCL Section 57 we determined the purpose for the amendment was to exclude the City of Beacon from the requirement to maintain a Plumbing Board under Gen. City Law 40-a (also within Article 4) as requested by the City of Beacon upon the City’s finding that a Plumbing Board was unnecessary pursuant to the revised City Charter adopted in 1992. While the Legislative intent was clear and limited, it appears there was an error in drafting the amendment in 1993, as the City should only have been excluded from the requirement to maintain the Plumbing Board and not the entire Article. A copy of the existing GCL Section 57 and the legislative history is attached.

There are no other statutes which grant the City the authority to contract with a private corporation outside of the City limits for the sale of excess sewer capacity, although we note General Municipal Law Section 119 authorizes a city to contract to sell excess sewage capacity to a sewer district or government entity. To restore the City’s authority to sell the City’s excess sewage capacity, we recommend the City make a home rule request to the State to have GCL Section 57 amended to except GCL Section 56-A, as applied to Beacon, from the exclusion under GCL Section 57.

Once the City decides that it would like to move forward and submit a home rule law request, the City Council must pass a resolution to request that the State Legislature introduce the Home Rule Legislation. The resolution is then transmitted the City’s

Senator and Assemblyperson with a request to introduce the legislation. The Administrator has advised the elected officials' staff of this potential request.

Once a Bill is introduced, the City must pass another resolution in support of the proposed legislation and submit Home Rule Request documents. The State has prepared a Home Rule Request form that must be filled out and sent to the Senate and Assembly. This form is attached hereto. The second resolution will specifically request that the New York State Legislature adopt the request for Home Rule Legislation and offer support for the Bill. This resolution is also sent to the Senate and Assembly offices.

1993 Sess. Law News of N.Y. Ch. 639 (S. 5374, A. 7823) (McKINNEY'S)

McKINNEY'S 1993 SESSION LAW NEWS OF NEW YORK

216th Legislature

Additions are indicated by <<+ Text +>>; Deletions by <<- Text ->>

Changes in tables are made but not highlighted.

CHAPTER 639

S. 5374, A. 7823

PLUMBING AND DRAINAGE—BEACON, CITY OF—EXCLUSION

Approved and effective Aug. 4, 1993

AN ACT to amend the general city law, in relation to excluding the city of Beacon from provisions concerning plumbing and drainage

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Subdivision 1 of section 57 of the general city law, as amended by chapter 181 of the laws of 1989, is amended to read as follows:

<< NY GEN CITY § 57 >>

1. This article shall not apply to any of the following cities: New York, Binghamton, Schenectady, Elmira<<+, Beacon+>> and Poughkeepsie.

§ 2. This act shall take effect immediately.

NY LEGIS 639 (1993)

End of Document

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IMPORTANT: READ INSTRUCTIONS ON REVERSE SIDE

HOME RULE REQUEST

(Request by a Local Government for Enactment of a Special Law)

To the Legislature:

Pursuant to Article IX of the Constitution, the _____ of _____ requests the enactment of _____ bill (no. _____),

(county, city, town or village)

(name)

Senate
Assembly
(strike out one)

entitled “

”

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

- ☐ The local government does not have the power to enact such legislation by local law.
- ☐ Other facts, as set forth in the following “Explanation” establish such necessity.

EXPLANATION

(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

- ☐ The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)
- ☐ The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

READ BEFORE SIGNING

A If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, *both* the chief executive officer *and* the clerk of the local legislative body must sign below. In such case use the word “majority” below even though the vote may have been greater.

B. If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, *only* the clerk of the local legislative body must sign below. In such case use the words “two-thirds” below.

CHIEF EXECUTIVE OFFICER’S SIGNATURE

(Signed)_____

(chief executive officer)

(Print or type name below signature)

Date: _____, 20 _____

(Title of chief executive officer)

CLERK’S CERTIFICATION

I, _____, do hereby certify that I am Clerk of the _____

(print or type name)

(local legislative body)

_____ of the _____

(county, city, town or village)

of _____ and that on the _____ day of _____,

(name)

20____, such legislative body, at least _____ of the total membership having voted in favor thereof,

two-thirds
a majority
(strike out one)

approved the foregoing request.

(Signed)_____

(SEAL OF LOCAL GOVERNMENT)

(clerk)

(Print or type name below signature)

Date: _____, 20 _____

INSTRUCTIONS

Copies required:

Two signed copies of this form, specifying the final bill number and title must be filed with *each* House of the Legislature.

Examples:

- (a) If the bill has been introduced in only *one* House of the Legislature, four copies of the request form must be filed, i.e., two with the Senate and two with the Assembly.
- (b) If the identical bill has been introduced in *both* Houses, eight copies of the request form must be filed, i.e., two with the Senate and two with the Assembly for the Senate bill and the same for the Assembly bill.

Date of request:

The signing of a home rule request or the adoption of a resolution by the local legislative body approving such request cannot precede the date on which the bill is actually introduced in the Legislature. In the case of prefiled bills, the actual date of introduction is the first day of the legislative session. The request may be signed or the resolution adopted the same day as the date of introduction.

Amended bills:

Each time the bill is amended a new request must be filed (with the appropriate number of copies) and the new request must correctly identify the bill number as last amended. The signing of the request, and the date of the supporting resolution, cannot precede the date of the amendment.

Transmittal:

The signed forms should be sent as follows:

To the Senate:

Home Rule Counsel
Senate Post Office
208 Legislative Office Building
Albany, N. Y. 12247

To the Assembly:

Home Rule Counsel
Assembly Post Office
210 Legislative Office Building
Albany, N. Y. 12248

Definition of terms:

Chief executive officer.

In the case of a county, the elective or appointive chief executive officer, if there be one, or otherwise the chairman of the board of supervisors; in the case of a city or village, the mayor (not manager); and in the case of a town, the supervisor. (Municipal Home Rule Law §40)

Local legislative body.

The board of supervisors, board of aldermen, common council, council, commission, town board, board of trustees or other elective governing board or body vested by state statute, charter or other law with jurisdiction to initiate and adopt local laws or ordinances. (Municipal Home Rule Law §2)

Local government.

A county, city, town or village (Const. Art. IX, §3; Municipal Home Rule Law §2)

Special law

A state statute which in terms and in effect applies to one or more, but not all, counties (other than those wholly included within a city) cities, towns or villages. (Const. Art. IX §3; Municipal Home Rule Law §2)

Total membership.

The total voting power of a legislative body. (Municipal Home Rule Law, § 20, 40)

LAW OF 1993

MEMORANDUM NO. _____

SENATE BILL

5374

ASSEMBLY BILL _____

S. 5374

A. 7523

1993-1994 Regular Session

SENATE — ASSEMBLY

IN SENATE -- Introduced by _____, read twice and ordered printed, and when printed to be committed to the Committee on Cities.

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of W. of A. Bennett) -- read once and referred to the Committee on Cities.

AN ACT to amend the general city law, in relation to excluding the city of Beacon from provisions concerning plumbing and drainage

DATE RECEIVED BY GOVERNOR:

7/26

ACTION MUST BE TAKEN BY:

8/6

DATE GOVERNOR'S ACTION TAKEN:

C-1

AUG 4 1993

NAI VOTE 55 Y 0 N

HOME RULE MESSAGE Y ☒ N

DATE 6-14-93

BILL IS DISAPPROVED

ASSEMBLY VOTE 125 Y 0 N

DATE _____

050632

DATE 7-7-93

PRINTED TO THE STATE ARCHIVE

CALENDAR NO. 1040

STATE OF NEW YORK

S. 5374

Printed & Placed on
MAY 10 1993
Desks of SENATORS

1993-1994 Regular Sessions

SENATE - ASSEMBLY

May 5, 1993

A. 7823
IN SENATE
Committee Discharged
JUN 8 - 1993
and Committed to
RULES

IN SENATE -- Introduced by Sen. SALAND -- read twice and ordered
printed, and when printed to be committed to the Committee on Cities

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of
A. Bennett) -- read once and referred to the Committee on Cities

IN SENATE
JUN 23 1993
DIRECT
To Third Reading

AN ACT to amend the general city law, in relation to excluding the city
of Beacon from provisions concerning plumbing and drainage

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

- 1 Section 1. Subdivision 1 of section 57 of the general city law, as
- 2 amended by chapter 181 of the laws of 1989, is amended to read as
- 3 follows:
- 4 1. This article shall not apply to any of the following cities: New
- 5 York, Binghamton, Schenectady, Elmira, Beacon and Poughkeepsie.
- 6 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[] is old law to be omitted.

LSD10765-01-3

1993

SENATE JOURNAL

JUN 14 1993

PAGE 51

SENATE

The Senate Bill
by Sen. SALAND
Entitled: "

Calendar No. 1040Senate No. 5374

Assem. Rept. No. _____

S 5374

SALAND

An act to amend the general city law, in relation
to excluding the city of Beacon from provisions
concerning plumbing and drainage

"was read the third time

The President put the question whether the Senate would agree to the final passage of said bill, the same having been printed and upon the desks of the members in its final form at least three calendar legislative days, and it was decided in the affirmative, a majority of all the Senators elected voting in favor thereof and three-fifths being present, as follows:

AYE	Dist.		NAY	AYE	Dist.		NAY
	19	Mr. Babbush	EXCUSED		23	Mr. Mega	
	43	Mr. Bruno			28	Mrs. Mendez	EXCUSED
	25	Mr. Connor			18	Ms. Montgomery	
	40	Mr. Cook			42	Mr. Nolan	
	61	Mr. Daly			53	Mr. Nozzolio	
	49	Mr. DeFrancisco			27	Mr. Ohrenstein	
	54	Mr. Dollinger			14	Mr. Onorato	
	32	Mr. Espada			36	Mrs. Oppenheimer	
	44	Mr. Farley			11	Mr. Padavan	
	33	Mr. Galber	EXCUSED		37	Mr. Pataki	
	13	Mr. Gold			29	Mr. Paterson	EXCUSED
	31	Mr. Gonzalez	EXCUSED		56	Mr. Present	
	26	Mr. Goodman			41	Mr. Saland	
	21	Mr. Halpern			17	Ms. Santiago	
	6	Mr. Hannon			47	Mr. Sears	
	48	Ms. Hoffmann			50	Mr. Seward	
	38	Mr. Holland			60	Mr. Sheffer	
	4	Mr. Johnson			9	Mr. Skelos	
	55	Ms. Jones			12	Miss Smith	
	52	Mr. Kuhl			22	Mr. Solomon	
	2	Mr. Lack			35	Mr. Spano	
	39	Mr. Larkin			58	Mr. Stachowski	
	1	Mr. LaValle			45	Mr. Stafford	
	30	Mr. Leichter			16	Mr. Stavisky	
	8	Mr. Levy			3	Mr. Trunzo	
	51	Mr. Libous			7	Mr. Tully	
	15	Mr. Maltese			34	Mr. Velella	
	24	Mr. Marchi			59	Mr. Volker	
	5	Mr. Marino			10	Mr. Waldon	EXCUSED
	20	Mr. Markowitz			46	Mr. Wright	
	57	Mr. Masiello					

AYES 55NAYS 0

Ordered, that the Secretary deliver said bill to the Assembly and request its concurrence therein.

C 33-33

NEW YORK STATE ASSEMBLY
TWO HUNDRED SIXTEENTH SESSION

5.5374

REPRINT
DATE 07/07/93

DATE 07/07/1993
TIME 01:00:35 PM

BILL 55374

(A7823)

R R NO 1153 SPONSOR SALAND

Exempts city of Beacon from requirement that it maintain a
plumbing board

Y	Abbate PJ	EOR	Genovesi AJ	Y	Oaks RC
Y	Alesi JS	Y	Glick DJ	Y	O'Neil CA
Y	Anderson RR	Y	Gottfried RN	Y	Orloff C
Y	Aubry JL	Y	Graber VJ	Y	O'Shea CJ
Y	Balboni MA	Y	Grannis A	Y	Parment WL
Y	Barbato FJ	Y	Green RL	Y	Parola FE
Y	Barraga TF	Y	Greene A	Y	Perry NN
Y	Becker GR	Y	Griffith E	Y	Pheffer AI
EOR	Behan JL	Y	Gromack AJ	EOR	Pillittere JT
Y	Bennett LE	Y	Gunther JE	Y	Pordum FJ
Y	Bianchi IW	EOR	Harenberg PE	Y	Prescott DW
Y	Bonacic JJ	Y	Healey PB	Y	Pretlow JG
Y	Boyland WF	Y	Hevesi AG	Y	Proskin AV
Y	Bragman MJ	Y	Hickey EM	EOR	Ramirez R
Y	Brennan JF	EOR	Hikind D	Y	Rappleyea CD
Y	Brodsky RL	Y	Hill EH	Y	Ravitz J
Y	Brown HC	Y	Hochberg AG	Y	Reynolds TM
Y	Butler DJ	EOR	Hoffman EC	EOR	Rivera PM
Y	Cahill KA	Y	Hoyt WB	Y	Robach JE
Y	Calhoun N	EOR	Jacobs RS	EOR	Rosado D
Y	Canestrari RJ	Y	Jenkins C	Y	Sanders S
Y	Casale AJ	Y	John SV	Y	Sawicki J
Y	Casale PM	Y	Johnson J	Y	Schimminger RL
Y	Christensen JK	Y	Kaufman SB	Y	Seabrook L
EOR	Clark BM	Y	Keane RJ	Y	Seminario AS
Y	Cochrane JC	EOR	King JP	Y	Sidikman DS
Y	Colman S	EOR	Koppell GO	Y	Silver S
Y	Connelly EA	Y	Lafayette IC	Y	Singer CD
EOR	Conte JD	Y	Lasher HL	Y	Straniero RA
Y	Cook VE	Y	Leibell VL	Y	Stringer SM
Y	Crowley J	Y	Lentol JR	Y	Sullivan EC
Y	D'Andrea RA	Y	Lopez VJ	Y	Sullivan FT
Y	Davidson DR	Y	Luster MA	Y	Sweeney RK
EOR	Davis G	Y	Magee B	Y	Tallon JR
Y	Del Toro A	Y	Matusow NC	Y	Talomie FG
Y	Destito RM	EOR	Mayersohn N	Y	Tedisco J
Y	Diaz HL	Y	McEneny JJ	EOR	Tocci RC
Y	DiNapoli TP	Y	McGee PK	Y	Tokasz P
Y	Dugan EC	Y	McLaughlin BM	Y	Tonko PD
Y	Englebright S	Y	Meeks GW	Y	Towns DC
Y	Eve AO	Y	Miller RH	Y	Townsend DR
EOR	Farrell HD	Y	Morelle JD	Y	Vann A
Y	Faso JJ	Y	Murtaugh JB	Y	Vitaliano EN
Y	Feldman D	Y	Muscarella VT	Y	Warren GE
Y	Ferrara D	Y	Nesbitt CH	Y	Weinstein HL
Y	Fessenden DJ	Y	Nicoletti JA	Y	Weisenberg H
ABS	Flanagan JJ	EOR	Nieves JA	Y	Wertz RC
EOR	Friedman G	Y	Nolan CT	Y	Winner GH
Y	Galef SR	EOR	Norman C	EOR	Wright KL
Y	Gantt DF	Y	Nortz HR		Mr. Speaker

YEAS: 125

NAYS: 0

CONTROL: 53414422

CERTIFICATION: /S/ FRANCINE M. MISASI
CLERK OF THE ASSEMBLY

LEGEND: Y=YES, NAY=NO, NV=ABSTAIN, ABS=ABSENT,
ELB=EXCUSED FOR LEGISLATIVE BUSINESS, EOR=EXCUSED FOR OTHER REASONS.

5.5374

1040

5374

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI, § 1

(X) Memo on original bill
() Memo on amended bill

SENATE BILL #: S.

ASSEMBLY BILL #: A.

SENATE SPONSOR(S): Saland

ASSEMBLY SPONSOR(S): Bennett

TITLE:

AN ACT to amend the general city law, in relation to excluding the city of Beacon from provisions concerning plumbing and drainage.

PURPOSE:

To amend Subdivision 1 of Section 57 of the general city law, as amended by Chapter 181 of the laws of 1989, to include the city of Beacon, thereby exempting the City from the requirement that it maintain a plumbing board.

SUMMARY OF PROVISIONS:

Exempts the city of Beacon from the requirement that it maintain a plumbing board.

EXISTING LAW:

Currently the city of Beacon is subject to section 40-a of the general city law, requiring that it maintain a plumbing board.

JUSTIFICATION:

This legislation has been drafted at the request of the City of Beacon City Council which has determined that the plumbing board no longer serves a useful function under its new city charter which took effect January 1, 1992. Existing responsibilities of the plumbing board would be transferred to the Building Department.

LEGISLATIVE HISTORY:

New bill

FISCAL IMPLICATIONS:

None

LOCAL FISCAL IMPLICATIONS:

Undetermined savings

EFFECTIVE DATE:

Immediately

STEPHEN M. SALAND
SENATOR - 4th DISTRICT

CHURMAN
AGING & FAMILIES
COMMITTEES
AGING
ALCOHOLISM & DRUG ABUSE
BANKS
CODING
CRIME VICTIMS - CRIME & CORRECTION
ELECTIONS
STUDIES



THE SENATE
STATE OF NEW YORK
ALBANY 12247

July 14, 1993

PLEASE REPLY TO:
ALBANY OFFICE
ROOM 940
LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
518-435-2411
FAX 435-4920
DISTRICT OFFICES
290 MILL STREET
PUERTO RICO, NEW YORK 12601
914-434-1360
FAX 432-0032
307 FAIRVIEW AVENUE
ELIZON, NEW YORK 12534
518-628-1529
FAX 628-1607

Hon. Elizabeth D. Moore
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

Re: S.5374

Dear Ms. Moore:

Enclosed please find a copy of my Senate Bill 5374, which is now before the Governor for executive action.

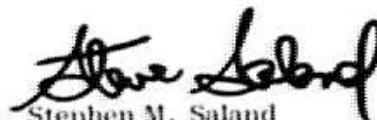
This bill would amend subdivision 1 of Section 57 of the General City Law, as amended by Chapter 181 of the Laws of 1989 to include the City of Beacon, thereby exempting the City from the requirement that it maintain a plumbing board.

This legislation was drafted at the request of the City of Beacon, City Council which has determined the plumbing board no longer serves a useful function under its new city charter, which took effect January 1, 1992. Existing responsibilities of the plumbing board would be transferred to the Building Department.

I would, therefore, respectfully request that you urge the Governor to take affirmative action on S.5374.

Thank you for your time and consideration of this matter.

Sincerely,


Stephen M. Saland
Senator

SMS:jpl
Enc.



6-11-93

S.5374

TO COUNSEL TO THE GOVERNOR

RE: SENATE 5374
ASSEMBLY

Inasmuch as this bill does not appear to relate to the functions of the Department of Law, I am not commenting thereon, at this time. However, if there is a particular aspect of the bill upon which you wish comment, please advise me.

ROBERT ABRAMS
ATTORNEY GENERAL

Dated:

July 13, 1993

C-111-B

5. 5374

PLT

B-203 (12/75) BUDGET REPORT ON BILLS Session Year 1993

SENATE

NO RECOMMENDATION

ASSEMBLY

No. 5374

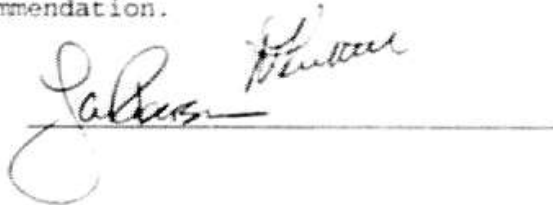
No.

Law: General City Law

Title: AN ACT to amend the above law, in relation to excluding the city of Beacon from provisions concerning plumbing and drainage

The above bill has been referred to the Division of the Budget for comment. After careful review, we find that the bill has no appreciable effect on State finances or programs, and this office does not have the technical responsibility to make a recommendation on the bill.

We therefore make no recommendation.



0-1-1-9

5.5374



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY NY 12231-0001

GA. S. SHAFER
SECRETARY OF STATE

MEMORANDUM

DATE: July 16, 1993

TO: Hon. Elizabeth D. Moore
Counsel to the Governor

FROM: James N. Baldwin
Executive Deputy Secretary of State

SUBJECT: S.4129-B/A.6519-B (Sens. Montgomery.../Clark)
S.4241-B/A.6781-B (Sen. Johnson/Tocci)
S.4379 (Sen. Velella)
S.4470/A.7598 (Sens. Gonzalez, Galiber/Rules)
S.4638 (Sen. Sheffer, II)
S.4624/A.7658 (Sen. Lack/Rules - Englebright)
S.4734 (Sens. Saland, Tully)
S.4862-A (Sens. Spano, Velella)
S.4999/A.7800 (Sen. Velella/Rules - Lasher)
S.5374/A.7823 (Sen. Saland/Rules - Bennett)
S.5652/A.7901 (Sens. Farley.../Rules - Tonko)
S.5665/A.7895 (Sen. Padavan/Rules - Lentol)
S.5766 (Sen. Saland)
S.5880 (Committee on Rules)
S.5887 (Sen. Present)
S.5985-A (Sen. Mega)
S.5988 (Sen. Lack)
S.6003 (Sen. Cook)
S.6110 (Sen. DeFrancisco)
S.6111 (Committee on Rules)
S.6126 (Committee on Rules)
S.6136 (Sens. Lavalley, Cook)
S.6163/A.8823 (Sen. LaValley/Rules - DiNapoli)
S.21002 (Assembly Bill No. 3446 - Koppell)
S.21003 (Assembly Bill No. 440-B - Koppell)

The Department of State offers no comments on the subject bills.

JNB:ub

6-10-93

printed on recycled paper

EDWARD A. BOGDAN, JR.
KERRY D. MARSH
THOMAS W. FAIST

NANCY E. MCGRAW
LEGISLATIVE DIRECTOR
DEBORAH J. TALAR
OPERATIONS DIRECTOR

**BOGDAN
MARSH &
FAIST, P.C.**
COUNSELORS AT LAW

111 WASHINGTON AVENUE, SUITE 750
ALBANY, NEW YORK 12210-2215

TEL: (518) 434-9000
FAX: (518) 426-7092

MEMORANDUM IN OPPOSITION

S. 5374 (Saland)
Senate Third Reading
Calendar # 1040

A. 7823 (Rules Reg. Bennett)
Assembly Cities Committee

AN ACT to amend the General City Law, in relation to excluding the City of Beacon from the provisions of Article 4 of such law, which relates to plumbing and drainage.

Article 4 of the General City Law requires that each city shall have an Examining Board of Plumbers consisting of five persons appointed by the Mayor, two of them to be employing or master plumbers, one of them a journeyman plumber, one of them the city's Chief Inspector of Plumbing and the fifth member the Chief City Engineer. The Board's duties include examining and certifying persons as master plumbers or plumbing inspectors and formulating, in conjunction with the local Health Department a code of rules regulating the work of plumbing and drainage in the city.

This bill would exempt the City of Beacon from the requirements of Article 4. Our client, the **New York State Association of Plumbing-Heating-Cooling Contractors, Inc** **OPPOSES** the bill.

Beacon seeks to constitute a new board by replacing the master plumbers and journeyman with members outside of the plumbing profession.

The health and welfare of the citizens of Beacon is too important to be entrusted to political appointees with no experience in the plumbing profession. Only persons versed in the profession of plumbing are qualified to promulgate rules governing the use of materials in the installation and repair of equipment which transports our potable water. Replacing experts in plumbing with lay political employees will not enlarge the number of plumbers in Beacon but it certainly will increase the likelihood of pollution and disease for the populace.

This proposal is dangerous to the health of the residents of Beacon and should be **DEFEATED**.

Respectfully submitted, *JUN 15 1993*

BOGDAN, MARSH & FAIST, P.C.
Legislative Counsel

June 14, 1993

JUN 14 1993

S. 5374



**THE CITY OF NEW YORK
OFFICE OF THE MAYOR**

111 Washington Avenue
Albany, New York 12210
(518) 462-5611

52 Chambers Street
New York, NY 10007-1255
(212) 788-2619

JOHN BOZZELLA
Director
State Legislative Affairs

M E M O R A N D U M

TO: Honorable Elizabeth Moore
Counsel to the Governor

FROM: John Bozzella

DATE: July 18, 1993

RE: S.5374 - by Senator Saland

AN ACT to amend the general city law, in relation to excluding the city of Beacon from provisions concerning plumbing and drainage

You have requested the comments and recommendation of the Mayor concerning the above bill which is before the Governor for executive action.

Please be advised that the Mayor has no recommendation to this legislation.

n/r

/

6-11-93

S. 5374

THE
ASSOCIATION OF TOWNS
OF THE
STATE OF NEW YORK

JEFFREY HABER

146 State Street
Albany, N. Y. 12207

A. KEVIN CRAWFORD
President

Telephone:
Area Code 518 - 465-7900
Fax # 518 - 465-0721

July 14, 1993

Honorable Mario M. Cuomo
Governor, State of New York
Executive Chamber
State Capitol
Albany, New York 12224

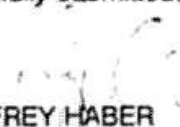
Memorandum of No Recommendation
S.5374
By Senator Saland

Sir:

This is in response to your request for comments and recommendations on subject bill.

The Association of Towns does not have any particular information concerning subject bill nor any observation to make in connection therewith. Consequently, we make no recommendation.

Respectfully submitted,


G. JEFFREY HABER
Executive Director

GJH:dmm

6-11-93



CITY OF BEACON
NEW YORK

S.5374

MAYOR

Clara Lou Gould

ADMINISTRATOR

Joseph H. Braun

COUNCIL MEMBERS

Mark Loughran

Denise Van Buren

Albert Romanelli

Ronnie Beth Sayers

John McElduff

Joseph Guarnieri

July 16, 1993

Honorable Elizabeth D. Moore
Counsel to the Governor
Albany, New York

RE: Legislation S.5374 A.7823

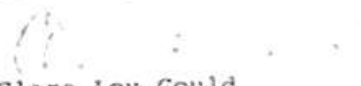
Dear Ms. Moore:

This legislation was requested by a resolution of the Beacon City Council adopted unanimously on 4/5/93.

The City has adopted the New York State Building Codes. Our Building Inspector does the plumbing inspections. He is qualified by Civil Service to give the test to license plumbers. We believe it is in the best interests of the City for him to give the test on a frequent basis to respond to need. The plumbing board will act in an advisory capacity.

We urge the Governor to sign this bill.

Sincerely,


Clara Lou Gould
Mayor

CLG:at

City of Beacon Administration Offices, 427 Main Street, Beacon, New York 12508 (914) 831-0302

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New York State Conference of Mayors and Municipal Officials

119 Washington Avenue, Albany, New York 12210 (518) 463-1185
Toll free number for NYCOM members 1-800-446-9266
Fax # (518) 463-1190

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Mayor, Fredonia

Executive Director
Edward C. Farrell

July 30, 1993

Hon. Elizabeth D. Moore
Counsel to the Governor
Executive Chamber
State Capitol - Room 225
Albany, New York 12224

RE: S. 5374

Dear Ms. Moore:

This legislation amends the general city law to exempt the City of Beacon from the requirements of Article 4 of the general city law regarding plumbing and drainage. As the Conference of Mayors feels this entire article is outdated and should be left to local control, we support any individual city exemptions from the article. The provisions of this article impose an unnecessary state mandate on governments.

Sincerely,

Edward C. Farrell
Executive Director

ECF/BJS/wjb

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City of Beacon City Council Agenda
09/28/2020

Title:

Proposed Agreement with the Village of Fishkill Regarding Water

ATTACHMENTS

[Agreement with the Village of Fishkill Regarding Water](#)

THIS AGREEMENT, made the ____ day of October, 2020, by and between the Village of Fishkill, a municipal corporation with its Village Hall located at 1095 Main Street, in the Village of Fishkill, Town of Fishkill, County of Dutchess and State of New York, hereinafter referred to as the "Village", and the City of Beacon, a municipal corporation having its City Hall and principal place of business situate located at 1 Municipal Plaza, in the City of Beacon, County of Dutchess and State of New York, hereinafter referred to as the "City".

WITNESSETH:

WHEREAS, the Village owns, maintains and operates a central water supply and distribution system (hereinafter called "the System") which produces and furnishes water to the Village of Fishkill residents for a consideration, and

WHEREAS, the Village estimates that the source water supply of the existing System presently exceeds the requirements of the Village users, and

WHEREAS, the City desires to purchase part of the existing and future unused capacity of the Village water supply under an agreement that will benefit the parties, and

WHEREAS, the City hired WSP USA, formerly known as Leggette, Brashears & Graham to research other possible water sources, and perform a water evaluation study to assess the system's existing capacity and potential future needs; and

NOW, THEREFORE, in consideration of these mutual promises and covenants, and other good and valuable consideration, the parties hereby agree as follows:

FIRST: The duration of this Agreement shall be for a period of ten years from the date of its execution, unless sooner terminated. The City shall have a right to terminate this Agreement for any reason, provided that the City serves a written notice of such intention to terminate to the Village not less than thirty (30) days prior to the stated date of termination. Notice of such termination must be delivered to the Village Mayor and Village Clerk, either personally or by certified mail. Such termination shall be without penalty to the City.

SECOND: The Village will provide the City with a supplemental water supply of up to one million two hundred thousand (1,200,000) gallons per day upon signing this Agreement. Upon completion of the Village of Fishkill Well Capital Improvement Projects, the Village will provide the City with a supplemental water supply of up to one million five hundred thousand (1,500,000) gallons per day.

THIRD: The City shall be responsible, at its sole cost and expense, for obtaining all requisite permits or approvals from any county or state agency pertaining to the subject matter of this Agreement. Copies of any applications for permits or approvals from such agencies shall be provided to the Village simultaneous with filing same with the county or state agency. The provisions of this agreement shall be contingent upon the City's obtaining all requisite permits or approvals from the county or state agencies having jurisdiction over the subject matter of this

Agreement. The City shall be responsible for all expenses related to compliance with the State Environmental Quality Review Act concerning the subject of this agreement, and the City shall be designated as the "lead agency" with respect to such review.

FOURTH: The term "Beacon Rate" as used below will be defined as the rate the Village of Fishkill charges the City of Beacon for water produced by the Village. This rate is currently \$2.39 / 1,000 gallons per day. The Village reserves the right to change the Village rate from time to time, as operational costs, such as electrical, chemical and utilities, change. The Village shall provide the City with thirty (30) days advance written notice of any change in the rate and such rate shall not take effect until thirty (30) days after the City's receipt of such notice.

FIFTH: All costs sustained by the Village under this contract are included in the purchase price stated herein. There shall be no additional costs charged to the City.

SIXTH: Between the effective date of this agreement and the end of the calendar year, and for each calendar year thereafter, the City shall guarantee the purchase of a minimum of two hundred thousand (200,000) gallons per day, average daily use over a calendar year period. Both parties shall jointly determine if the terms of the guaranteed minimum purchase has in fact, been met at the end of each calendar year. If the usage is below said minimum requirement, the City shall pay the equivalent amount for the water not purchased, within thirty (30) days of the determination.

SEVENTH: The water meter, (which shall be owned and maintained by the Village), shall be read quarterly, and charges for consumption shall be billed by the Village on a quarterly basis. In the event that the meter is read incorrectly or is out of service, the Village shall bill the City for each day the meter is not functioning at the average daily consumption rate as determined by the records for the previous four (4) charges for consumption of water actually consumed by the City. The City shall have the right to inspect the meter upon request to the Village and make its own water readings.

EIGHTH: The City agrees to provide an emergency supply of water to the Village at any time that the Village is unable to supply water from its own water supply system of sufficient quantity and quality to meet the needs of its users. Water provided to the Village pursuant to this paragraph will be charged at the same rates the City charges its own residents for water usage. Such use is further subject to the right of the City to discontinue said use in the event of a water emergency in the City and further subject to the provisions of New York State law dealing with the sale of excess water by a City to outside users, as set forth in §20 of the General City Law. The Village agrees to provide an emergency supply of water to the City at any time that the City is unable to supply water from its own water supply system of sufficient quantity and quality to meet the needs of its users. Such use is further subject to the right of the Village to discontinue said use in the event of a water emergency in the Village and further subject to the provisions of New York State law dealing with sale of excess water by a Village to outside users, as set forth in §11-1120 of the New York State Village Law. Water provided to the City pursuant to this paragraph will be charged at the same rates set forth in paragraph "**FOURTH**" above.

NINTH: The Village shall assume all electrical and other utility costs incurred in conjunction with the operation of the well supplying the water to the City. Other than paying the rate set forth in

paragraph Four above, the City shall have no responsibility for the cost incurred by the Village to provide water to the City in accordance with this agreement.

TENTH: The Village shall endeavor to protect the quality of the water in the aquifer and its system, which at a minimum includes enforcement of the Watershed Rules and Regulations of the State of New York. This contract is contingent upon the Village maintaining its water quality at, or above, New York State Board of Health standards for "ground water", at all times during the pendency of this agreement. It is the understanding of the parties to this Agreement that the Village shall not be obligated to chemically treat the water supplied to the City under this Agreement. In the event the Village does not maintain its water quality at, or above, said Board of Health standards, the City shall be relieved of its obligation to purchase water during the period the Village is not in compliance with this provision. The Village shall advise the City within two (2) days of the Village's receipt of notice that its water does not meet New York State Board of Health standards for "ground water."

ELEVENTH: The Parties acknowledge their obligation to promote water conservation measures in their respective jurisdictions. This commitment to conservation coincides with the policy imperatives contained in the Environmental Conservation Law that all agencies must conduct their affairs with an awareness that they are stewards of the air, water and land and that they have an obligation to protect the environment for the use and enjoyment of future generations. The specific scope and methods of water conservation are left to each Party to be satisfied as dictated by local authority. This agreement shall not be interpreted to require any specific conservation measures in order to achieve the goal of water conservation except where the Village has declared a water emergency or in the case of the Village purchasing water from the City pursuant to paragraph Eighth, the City's declaration of a water emergency

In the event that the lawful authority of the Village declares a water shortage or emergency and imposes water usage restrictions on Village water users, it is expressly prohibited from limiting the supply of public water delivered to the City during such period except in accordance with paragraph **"TWELFTH"** below.

TWELFTH: Where the Village has declared a water emergency and has imposed mandatory supply and usage reductions on its residents, the Village shall serve official written notice on the City Administrator of the City of Beacon of said emergency declaration, citing specifically the reasons for mandatory conservation measures, the nature of restrictions imposed and the official date of commencement of such restrictions. The City shall then decide whether to impose the same, or similar, water restrictions on City residents served pursuant to this agreement, and in addition, shall set forth specific conservation measures as are practicable, and shall otherwise regulate water use within the City in a manner consistent with applicable conservation regulations.

In the event that water consumption in the City falls below the minimum usage established in paragraph **"SIXTH"** above, due to a formal declaration of water emergency by the City or the Village, the minimum consumption requirements shall be suspended until such water emergency order is rescinded by the City and the Village.

THIRTEENTH: The Village hereby represents and warrants that all Village water facilities, including without limitation, its pipes, well mechanisms and pumping stations, have the mechanical capacity and shall be maintained adequately so that they draw and transmit the water purchased under this Agreement and the design capacity is sufficient to service the reserved capacity to the City as provided herein, the facilities are in compliance with all applicable laws, rules and regulations of any state, federal or municipal agency or body having jurisdiction and all permits, licenses and approvals issued pursuant to same. The Village shall maintain and operate its supply facility and distribution system in full compliance with all applicable laws, rules and regulations of any state, federal or municipal agency or body having jurisdiction and all permits, licenses and approvals issued pursuant to same. The Village shall provide the City with notice of any unusual occurrences, County, State or Federal communications, notices or violations concerning the quality of the Village's water supply, system malfunctions or improvements, which may affect normal service. The Village covenants that all reasonable steps will be taken to keep its distribution systems in good repair, so as to prevent substantial water loss during the term of this Agreement.

FOURTEENTH: The City shall maintain and operate its respective distribution systems in full compliance with all applicable laws, rules and regulations of any state, federal or municipal agency or body having jurisdiction and all permits, licenses and approvals issued pursuant to same. The City shall provide the Village with notice of any unusual occurrences, system malfunctions or improvements, which may affect demand for water supply under this Agreement. The City covenants that all reasonable steps will be taken to keep its distribution systems in good repair, so as to prevent substantial water loss during the term of this Agreement.

FIFTEENTH: The City shall indemnify, defend and hold harmless the Village, its agents and employees, from and against all losses, damage, suits, claims, judgements and decrees, including reasonable attorneys' fees and court costs, resulting from breach by, and any material inaccuracy of the representations of the City set forth herein, or breach by the City of any material provision of this Agreement.

The Village shall indemnify, defend and hold harmless the City, its agents and employees, from and against all losses, costs, damages, suits, claims, judgements, decrees, including reasonable attorney's fees and litigation costs, resulting from breach by, and any material inaccuracy of the representations of the Village set forth herein, or breach by the Village of any material provision of this Agreement.

SIXTEENTH: The Parties shall comply with all applicable laws, rules, and regulations of any county, state or federal agency with respect to the water pipes and facilities within their municipal boundaries. Each party shall exercise due diligence to prosecute, or seek prosecution for the violation of such laws, rules and regulations against persons or entities who damage the distribution system or facility within such parties' boundaries or who endanger any portion of the water supply as transmitted through the respective distribution system belonging to the Parties.

In the event that the Village becomes aware that a maximum contaminant level is exceeded under the regulations contained in Chapter I of the New York State Sanitary Code Subpart 5-1, Section-1.52 Tables 1 through 7 as amended, the Village shall immediately notify the City Administrator

about the source and nature of the contaminant. The Village covenants that it will transmit such notice by telephone in advance of, or concurrently with, the transmission of such notice to the Department of Health in accord with the notification requirements indicated in that same Subpart Section 5-1.52 Table 13.

SEVENTEENTH: This Agreement may not be assigned by a party without the express written consent by the other parties hereto.

EIGHTEENTH: Should any provision of this Agreement be found by a court of competent jurisdiction to be for any reason whatsoever, invalid, void or unenforceable, it shall be deemed severed from the balance of this Agreement and the balance of the Agreement shall remain in full force and effect.

NINETEENTH: The Waiver by either party of the breach of any one or more of the covenants of this Agreement is not a waiver of any other provision hereof or of a subsequent breach of the same covenant or covenants.

TWENTIETH: This document contains the entire Agreement among the parties and may not be changed, modified or in any way amended, except by agreement in writing.

TWENTY-FIRST: All notices hereunder shall be in writing sent by certified mail, return receipt requested, or by personal delivery to the address of the respective parties set forth above and hereafter designated by such party in the manner required for the giving of notice hereunder.

TWENTY-SECOND: This agreement is executed by and on behalf of the Village and by and on behalf of the City by virtue of express authorization given by their respective Boards and Councils at either regular or special meetings, in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, the parties hereto have caused their corporate seals to be hereunto affixed, and, these presents to be signed by their duly authorized officers the day and year first written above.

City of Beacon City Council Agenda
09/28/2020

Title:

Police Chief Search Process Update

ATTACHMENTS

City of Beacon City Council Agenda
09/28/2020

Title:

Requests for Proposal for Professional Services

ATTACHMENTS

Memorandum from the City Administrator Regarding RFPs for Professional Services

Consultant RFP's



CITY OF BEACON New York

Anthony J. Ruggiero, M.P.A.
City Administrator

OFFICE OF CITY ADMINISTRATOR

845-838-5000

To: Mayor Kyriacou and City Council

From: Anthony J. Ruggiero, MPA, City Administrator

Date: September 28, 2020

Re: Request for Proposals – City Planner, City Engineer and City Attorney

The City Council requested Request for Proposals (RFP) be distributed for the positions of City Planner, City Engineer and City Attorney. The RFP's were distributed and posted on NY Bidnet on August 14, 2020 with a return date of September 4, 2020. For these types of RFP's, a three-week turnaround time is generally standard, and this was confirmed by contacting the Dutchess County Mayors and Supervisors Association and the Westchester Municipal Administrators Association.

Attached for your convenience, are three spread sheets regarding the proposals received for City Planner, City Engineer and City Attorney. Please advise if you would like to review the proposals.

Pursuant to the City Charter, Article 3, Mayor; Administrator, Section 3.00 A., Power and Duties of Mayor, "The Mayor shall appoint, subject to Council approval, all city employees, department heads and administrative officers provided for by this Charter, created by the Council, authorized or approved by the Council or required by State Law."

At this time, the Mayor believes the City is being best served with its current City Planner, City Engineer and City Attorney and desires to reappoint them during the January re-organizational meeting.

2020 RFP Responses

Hourly Rates	Hinson Straub Albany, NY	Keane & Beane, PC White Plains, NY
Principals & Shareholders	\$250	\$275
Associates	\$225	\$225
Paralegals	\$100	n/a
Monthly Retainer	\$12,000	\$15,250
Monthly Traffic Retainer		\$2,000
Per Meeting Fee	\$1,500	n/a

Hourly Rates	John Clarke				
	DMR Planning	FP Clark	Planning	LaBella Associates	MJ Engineering
	Hasbrouck Hgts., NJ	Associates	Rhinebeck,	Delmar, NY	Clifton Park, NY
		Rye, NY	NY		
City Projects	\$180		\$125		
Escrow Reimbursed Projects	\$190		\$125		
Principal		\$250		\$90/\$130	\$165
Project Manager		\$225		\$80/\$120	\$130
Principal Engineer / Planner		\$215		\$90/\$110	\$95
Senior Engineer / Planner		\$175		\$70/\$110	\$130
Engineer / Planner / Landscape Arch		\$145			\$110
Jr. Engineer		\$125			\$110
Engineering Planning Aide		\$75			
Senior Drafter		\$130			
CADD / GIS		\$90			\$95

Hourly Rates	CPL Architecture, Engineering & Planning - Newburgh, NY	H2M Engineers - Suffern, NY	LaBella Associates - Delmare, NY	Lanc & Tully - Goshen, NY	Walden Environmental - Hopewell Junction, NY	Weston & Sampson - Albany, NY
Partner/Principal	\$150		\$175	\$103	\$170	\$215
Licensed Engineer/PE	\$123		\$150	\$103	\$155	\$110
Engineer	\$87		\$95	\$76	\$100	\$100
Licensed Surveyor	\$106		\$110	\$91		\$130
Project Director		\$190	\$130			
Project Manager		\$180	\$130	\$97		
CADD Technician	\$80	\$125			\$110	
Project Professional		\$100				
Jr. Project Professional		\$95				

City of Beacon City Council Agenda
09/28/2020

Title:

Proposed Budget Amendments

ATTACHMENTS

[Proposed Budget Amendments](#)

Council Budget Amendments
October 5, 2020 Meeting

1. Amend the 2020 General Fund Council Budget for the increased hours for the Climate Smart Coordinator to work on various projects. Below is the proposed budget amendment:

Transfer to:

A -01-1010-452000-	CONSULTANT	<u>\$ 9,500</u>
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Transfer from:

A -00-0000-090900-	FUND BALANCE	<u>\$ 9,500</u>
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2. Amend the 2020 General Fund Public Building Budget to provide for unanticipated additional funds needed to repair the HVAC system at City Hall. Below is the proposed budget amendment:

Transfer to:

A -01-1620-447301-	REPAIR OF MUNICIPAL CENTER	<u>\$ 20,000</u>
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Transfer from:

A -05-5110-413000-	GAS & DIESEL	<u>\$ 20,000</u>
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3. Amend the 2020 General Fund Recreation budget to provide for improvements to the Recreation Center using Planning recreation fees reserved for this purpose. Improvements will include: Replacement of rear ramp, replace gym floor and replace a partition wall. Below is the proposed budget amendment:

Increase to:

A -07-7140-250000-	PURCHASE EQUIPMENT	<u>\$ 34,700</u>
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Increase to:

A -07-7140-208900-	PLANNING RECREATION FEES	<u>\$ 34,700</u>
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4. Amend the 2020 General Fund Police budget to account for overtime due to protests not originally anticipated as well as reduced staffing due to: positions not filled, officer's workers compensation and vacation schedules due to COVID-19. Below is the proposed budget amendment:

Transfer to:

A -03-3120-105000-	OVERTIME	<u>\$ 60,000</u>
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Transfer from:

A -03-3120-100300-	POLICE CAPTAIN SALARY	\$ 29,640
A -03-3120-105018-	OT-EVENTS	15,000
A -03-3120-413000-	GAS & DIESEL	<u>15,360</u>
	Total	<u>\$ 60,000</u>

Respectfully submitted,
Susan K. Tucker CPA

City of Beacon City Council Agenda
09/28/2020

Title:

Committee Appointments

ATTACHMENTS

[Board and Committee Open Positions 9.28.20](#)

Board/Committee Open Positions

9/28/2020

Board/Committee	Open Positions	Term Expires
PB	1	12/31/2020
CAC	1	12/31/2020
Rec	2	12/31/2023
BAR	1	12/31/2020

City of Beacon City Council Agenda
09/28/2020

Title:

Diversity and Inclusion Statement

ATTACHMENTS

[Draft Diversity and Inclusion Statement](#)

DIVERSITY AND INCLUSION MISSION STATEMENT



The City of Beacon is an equal opportunity workplace – and proudly so. We do not just accept differences – we embrace, support and celebrate them – knowing that diversity improves our performance and better serves our community.

The City of Beacon's mission is to represent and serve all of our residents, including providing them with high quality services at reasonable taxes and fees, along with excellent customer service. The way we accomplish this is by representing everyone, listening to all ideas, and through the hard work and dedication of our employees.

We want to represent everyone. To do that well, we need a workforce that is representative of the community.

The City of Beacon is committed to creating a diverse and inclusive workforce. Our employees thrive when we achieve this. We aim to create a workplace that reflects and recognizes the diversity of our employees, and residents. We strive to provide services that benefit everyone in the community by including perspectives from backgrounds that vary by race, ethnicity, social background, religion, gender, age, disability, sexual orientation, gender identity, trans-gender status, veteran status, and national origin.

Having a diversified workforce builds a better team, enhances our skills, broadens our ideas, and is integral to effective performance.



City of Beacon City Council Agenda
09/28/2020

Title:

Personnel

ATTACHMENTS