



CITY OF BEACON, NEW YORK
ONE MUNICIPAL PLAZA
BEACON, NY 12508

Mayor Randy Casale
Councilman Lee Kyriacou, At Large
Councilman George Mansfield, At Large
Councilwoman Peggy Ross, Ward 1
Councilman Omar Harper, Ward 2
Councilwoman Pam Wetherbee, Ward 3
Councilman Ali Muhammad, Ward 4
City Administrator Anthony Ruggiero

February 1, 2016
City Council Agenda Regular Meeting

- **Call to Order**
- **Pledge of Allegiance**
- **Roll Call:**
- **Public Comment:**

Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight. Please sign in at the podium. This segment will last no longer than thirty minutes, with speakers recognized in the order they appear on the sign-in sheet. A second public comment opportunity will be provided later in the meeting for those who do not get to speak during this first segment.

- **Public Hearings:**

1. Public Hearing to Receive Comments Concerning the Adoption of a Local Law Amending Chapter 119 of the City Code as it Relates to the Uniform Fire Prevention and Building Code

- **Reports:**

- Ali Muhammad
- Omar Harper
- Lee Kyriacou
- George Mansfield
- Pam Wetherbee
- Peggy Ross
- City Administrator, Anthony Ruggiero
- County Legislators
- Mayor Randy Casale

- **Appointments:**

1. Resolution to Appoint Robert Lanier to the Zoning Board of Appeals
2. Resolution Appointing/Promoting Sergeant on a Contingent Permanent Basis

- **Local Laws and Resolutions:**

1. Adoption of the Local Law to Amend Chapter 119 of the City Code Regarding the Uniform Fire Prevention and Building Code
2. Resolution Approving a License Agreement with Common Ground Farm for the Operation and Management of the Beacon Farmers Market
3. Resolution to Enact the "Ban the Box" Legislation

- **Approval of Minutes:**

Minutes of January 19, 2016 Council Meeting

- **2nd Opportunity for Public Comments:**

Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight. This segment will last no longer than thirty minutes. Those who spoke at the first public comment segment are not permitted to speak again.

- **Adjournment:**

City of Beacon Council Agenda
2/1/2016

Title:

Public Hearing to Receive Comments Concerning the Adoption of a Local law Amending Chapter 119 of the City Code as it Relates to the Uniform Fire Prevention and Building Code

Subject:

Background:

ATTACHMENTS:

Description	Type
LL OTR	Local Law
OTR Memo	Cover Memo/Letter
OTR Section 12035	Backup Material

LOCAL LAW NO. ____ OF 2016

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW AMENDING
CHAPTER 119
OF THE CODE OF THE CITY OF BEACON

A LOCAL LAW to amend Chapter 119 of the Code of the City of Beacon concerning the Uniform Fire Prevention and Building Code.

A LOCAL LAW to amend Chapter 119 of the Code of the City of Beacon concerning the Uniform Fire Prevention and Building Code.

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

Section 1. Chapter 119, Section 15 of the Code of the City of Beacon is hereby amended as follows:

§119-15 Enforcement; penalties for offenses.

- A. Compliance orders. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall be in writing; be dated and signed by the Code Enforcement Officer; specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; and specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; ~~specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance;~~ If the compliance order refers to a violation of the Uniform Code, it must direct that full compliance be achieved within the specified period of time thirty (30) days after the date of the order, or such other time as may be promulgated by the New York State Department of State, and specify the date for full compliance.; ~~and state that an action or proceeding to compel compliance may be instituted if compliance is~~

~~not achieved within the specified period of time. Although the order for a violation of the Uniform Code requires full compliance within thirty (30) days, the City may order the person or entity in violation to begin to remedy the violation(s) immediately or within some other stated period of time less than thirty (30) days after the date of the order. In a compliance order for a violation of the Uniform Code, the Code Enforcement Officer may also require other protective actions as the Code Enforcement Officer may deem appropriate while such violations are being remedied.~~

- B. Service. The Code Enforcement Officer shall cause the compliance order for a violation of the Uniform Code, or a copy thereof, to be served on the person or entity in violation ~~owner of the affected property~~ personally or by certified or registered mail within five days of the date of the order. A compliance order for violations of the Uniform Code shall be deemed served on the date it is mailed by certified or registered mail. The Code Enforcement Officer shall be permitted, but not required, to cause a compliance order for violations that are not under the Uniform Code, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part of assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.
- C. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- D. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to a civil penalty of not more than \$1,000 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this City.
- E. Injunctive relief. An action or proceeding may be instituted in the name of this City, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order,

compliance order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this City, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions.

- F. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 119-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 119-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

Section 2. Effective Date

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

MEMORANDUM

TO: City of Beacon City Council

FROM: Keane & Beane, P.C.

RE: Proposed Local Law Amending Chapter 119 of the City of Beacon Code involving Orders to Remedy for violations under the NYS Uniform Fire Prevention and Building Codes

DATE: January 7, 2016

On November 17, 2015, the Department of State adopted a regulation, 19 NYCRR 1203.5, effective December 2, 2015, designating 30 days as the time period a person shall have to remedy violations under the NYS Uniform Fire Prevention and Building Code (the “Uniform Code”). Previously, no time frame had been specified by the Department of State. The regulation requires that an Order to Remedy state the person served with the Order must achieve full compliance within 30 days of the date of the Order.

New York Executive Law §382(2) provides that a person served with an Order to Remedy who fails to comply with that Order within the time fixed by the Department of State may be subject to a fine of up to \$1,000 per day of violation, imprisonment up to one year, or both. Before the new regulation, Section 1203.5, the Department of State did not set forth a fixed time period within which a person served with an Order to Remedy is required to comply with that Order.

Before Section 1203.5 was enacted, local governments issuing Orders to Remedy would determine a “reasonable time” within which compliance with the Order would be required. In a recent case, People v. Plateau Associates, LLC, the New York State Supreme Court, Appellate Term, Second Department held that without a fixed time period issued by the Department of State, local governments cannot charge individuals under Executive Law §382(2) for failure to comply with an Order to Remedy. The Court rejected the argument that local governments should be permitted to make the determination of “reasonable time” within which compliance with the Order to Remedy is required.

Under the new regulation, in addition to requiring compliance within 30 days, an Order to Remedy may require other protective actions such as vacating a building or barricading the area where violations exist. Under Section 1203.5(f)(1), an Order to Remedy may require the person served with the Order to begin to remedy the violations immediately or within a specified period of time which may be less than 30

days. An Order to Remedy may require that a person begin remedying the violations at a specified time and continue to diligently remedy the violations until full compliance is achieved. If a person served with an Order to Remedy fails to fully comply with the Order within 30 days, the municipality may charge the person with a violation of the Uniform Code by serving an Appearance Ticket to appear at Court.

Under the new regulation, the Department of State also included guidelines for service of Orders to Remedy. An Order must be served, either personally or by certified or registered mail, within 5 days of the date of the Order. According to the Department of State's Technical Bulletin, if the service is not made within the 5 days, a municipality must issue and serve a new Order to comply with the regulation.

The City Code currently does not fix 30 days as the period of time for compliance with an Order to Remedy as set forth in the new regulation. As such, in consultation with the Building Inspector, we prepared an amendment to Chapter 119 of the City of Beacon Code which involves Orders to Remedy for violations of the Uniform Code, to reflect the recent changes in the law. For your review, the proposed amended law is attached hereto.

http://www.nytimes.com/2016/01/07/books/review-in-when-breath-becomes-air-dr-paul-kalanithi-confronts-an-early-death.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=mini-moth®ion=top-stories-below&WT.nav=top-stories-below&_r=0

Compilation of Codes, Rules and Regulations of the State of New York <small>Currentness</small>
Title 19. Department of State
Chapter XXXII. Division of Code Enforcement and Administration
Part 1203. Uniform Code: Minimum Standards for Administration and Enforcement (Refs & Annos)

19 NYCRR 1203.5

Section 1203.5. Compliance with an order to remedy

(a) Introduction and purpose. [Section 381 of the Executive Law](#) provides for the administration and enforcement of the Uniform Code and authorizes the promulgation of this Part to establish minimum standards for such administration and enforcement. In addition, [subdivision 2 of section 382 of the Executive Law](#) provides, in part, that any person, having been served, either personally or by registered or certified mail, with an order to remedy any condition found to exist in, on, or about any building in violation of the Uniform Code, who shall fail to comply with such order within the time fixed by the regulations promulgated by the Secretary of State pursuant to [subdivision 1 of section 381 of the Executive Law](#), such time period to be stated in the order, shall be punishable by a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding one year, or both. The purpose of this section is to fix, for the purposes of [subdivision 2 of section 382 of the Executive Law](#), the time within which a person or entity served with an Order to Remedy is required to comply with such Order to Remedy.

(b) Definitions. In this section, the following terms shall have the following meanings:

(1) The term **Authority Having Jurisdiction** means any city, town, village, county, state agency or other governmental unit or agency responsible for administration and enforcement of the Uniform Code.

(2) The term **Order to Remedy** means an order to remedy any condition found to exist in, on, or about any building in violation of the Uniform Code.

(3) The term **comply with an Order to Remedy** means to remedy completely each violation described in the Order to Remedy.

(c) Time for compliance with Order to Remedy. For the purposes of [subdivision 2 of section 382 of the Executive Law](#), the time within which a person or entity served with an Order to Remedy is required to comply with such Order to Remedy is hereby fixed at 30 days following the date of such Order to Remedy.

(d) Statement to be included in Order to Remedy. For the purpose of complying with that part of [subdivision 2 of section 382 of the Executive Law](#) that provides “such time period to be stated in the order,” an Order to Remedy shall include a statement substantially similar to the following: “The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by _____ [specify date], which is thirty (30) days after the date of this Order to Remedy.”

(e) Service. An Order to Remedy shall be served personally or by certified or registered mail within five days of the date of the order. For the purposes of this section:

(1) if an Order to Remedy is served personally by any authorized means that requires more than one action by the person effecting service (such as service by “delivery and mail” similar to that authorized by [CPLR 308\(2\)](#)), the Order to Remedy shall be deemed to be served on the date on which the last required action is taken; and

(2) an Order to Remedy served by certified or registered mail shall be deemed to be served on the date it is mailed.

(f) Requiring immediate commencement of corrective action. Nothing in this section shall be construed as prohibiting any Authority Having Jurisdiction that issues an Order to Remedy from including in such Order to Remedy provisions ordering the person or entity served with such Order to Remedy:

(1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than 30 days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within 30 days of the date of such Order to Remedy; and/or

(2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by the code enforcement program of the Authority Having Jurisdiction or by any other applicable statute, regulation, rule, local law or ordinance, and which the Authority Having Jurisdiction may deem appropriate, during the period while such violations are being remedied.

(g) Other means of enforcing the Uniform Code. Nothing in this section shall be construed as requiring an Authority Having Jurisdiction to issue an Order to Remedy in a given situation where violations of the Uniform Code are found to exist if, in the judgment of the Authority Having Jurisdiction, such violations can be addressed adequately by the use of other enforcement tools or by other means. Nothing in this section shall be construed as limiting the authority of an Authority Having Jurisdiction to employ any other means of enforcing the Uniform Code and/or Energy Code, including, but not limited to:

(1) issuing notices of violation;

(2) issuing appearance tickets;

(3) commencing and prosecuting an appropriate action or proceeding pursuant to that part of [subdivision 2 of section 382 of the Executive Law](#) that provides that any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the “construction” (as defined in [subdivision 4 of section 372 of the Executive Law](#)) of any building who shall knowingly violate any of the applicable provisions of the Uniform Code or any lawful order of a city, village, town, county, state agency or the Secretary of State made thereunder regarding standards for construction, maintenance, or fire protection equipment and systems, shall be subject to a fine of not more than one thousand dollars per day of violation, or imprisonment not exceeding one year, or both;

(4) commencing and prosecuting an appropriate action or proceeding pursuant to [subdivision 3 of section 382 of the Executive Law](#) which seeks, in a case where the construction or use of a building is in violation of any provision of the Uniform Code or any lawful order obtained thereunder, an order from a Justice of the Supreme Court directing the removal of the building or an abatement of the condition in violation of such provisions;

(5) issuing stop work orders;

(6) revoking or suspending building permits, operating permits and/or certificates of occupancy pursuant to the procedures established in the code enforcement program of the Authority Having Jurisdiction or pursuant to any other applicable statute, regulation, rule, local law or ordinance;

(7) commencing and prosecuting an appropriate action or proceeding to impose such criminal and/or civil sanctions as may be provided in any applicable statute, regulation, rule, local law or ordinance;

(8) condemning and/or placarding a building in accordance with the applicable provisions of the Uniform Code;

(9) taking any action authorized by the procedures for identifying and addressing unsafe structures and equipment as established in the code enforcement program of the Authority Having Jurisdiction or by any other applicable statute, regulation, rule, local law or ordinance; or

(10) issuing orders to remedy violations of the Energy Code pursuant to [subdivision \(1\) of section 11-108 of the Energy Law](#).

(h) Office of Fire Prevention and Control. For the purposes of this section, the term “Order to Remedy” shall not include any order issued by the Office of Fire Prevention and Control pursuant to [section 156-e of the Executive Law](#) (or pursuant to any regulation promulgated thereunder) requiring the remedying of any condition found to exist in, on or about any building under the jurisdiction of a public college or independent college (as these terms are defined in [section 807-b of the Education Law](#)) which violates the Uniform Code. Nothing in this section shall be construed as fixing the time within which a public college or independent college shall have to comply with any such order, or as requiring any such order to include the statement prescribed

Section 1203.5. Compliance with an order to remedy, 19 NY ADC 1203.5

in subdivision (d) of this section.

Credits

Sec. added by renum. 444.5, Oct. 2002; repealed, filed Oct. 11, 2005 eff. Jan. 1, 2007; emergency rulemaking eff. Jan. 12, 2015, expired Apr. 11, 2015; emergency rulemaking eff. Apr. 10, 2015, expired June 8, 2015; emergency rulemaking eff. June 5, 2015, expired Aug. 3, 2015; emergency rulemaking eff. Aug. 7, 2015, expired Nov. 4, 2015; amd. filed Nov. 17, 2015 eff. Dec. 2, 2015.

Current with amendments included in the New York State Register, Volume XXXVII, Issue 51, dated December 23, 2015.

19 NYCRR 1203.5, 19 NY ADC 1203.5

End of Document

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City of Beacon Council Agenda
2/1/2016

Title:

Resolution to Appoint Robert Lanier to the Zoning Board of Appeals

Subject:

Background:

ATTACHMENTS:

Description	Type
ZBA Application Lanier	Application
Res. Appt. Lanier to ZBA	Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2016

**RESOLUTION CONFIRMING THE APPOINTMENT OF RICHARD LANIER TO THE
CITY OF BEACON ZONING BOARD OF APPEALS**

BE IT RESOLVED, that the City Council of the City of Beacon hereby confirms the appointment of Richard Lanier as a member of the Zoning Board of Appeals for a three-year term ending December 31, 2018.

Resolution No. _____ of 2016		Date: <u>February 1, 2016</u>					
<input type="checkbox"/> <input type="checkbox"/> Amendments		<input type="checkbox"/> On roll call		<input type="checkbox"/> 2/3 Required			
<input type="checkbox"/> <input type="checkbox"/> Not on roll call.				<input type="checkbox"/> 3/4 Required			
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
2/1/2016

Title:

Resolution Appointing/Promoting Sergeant on a Contingent Permanent Basis

Subject:

Background:

ATTACHMENTS:

Description
Res. PD appt

Type
Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2016

**RESOLUTION APPOINTING/PROMOTING SERGEANT ON A CONTINGENT
PERMANENT BASIS**

WHEREAS, Christian Alencastro is employed by the City of Beacon as a Police Officer for the City of Beacon Police Department; and

WHEREAS, there is currently a temporary vacancy for a Sergeant position within the City of Beacon Police Department; and

WHEREAS, the Chief of Police has recommended that Officer Christian Alencastro be promoted to the temporarily vacant Sergeant's position on a contingent permanent basis in accordance with procedures set by the Dutchess County Department of Budget, Finance and Personnel; and

WHEREAS, Police Officer Christian Alencastro is eligible for promotion to fill the temporarily vacant position on a contingent permanent basis; and

WHEREAS, based on the recommendation of the Chief of Police, the Mayor has appointed/promoted Police Officer Christian Alencastro to the position of Sergeant in the City of Beacon Police Department on a contingent permanent basis; and

WHEREAS, the City Council wishes to approve the Mayor's appointment/promotion of Police Officer Christian Alencastro to the position of Sergeant in the City of Beacon Police Department on a contingent permanent basis;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council approves the Mayor's appointment/promotion of Police Officer Christian Alencastro to the position of Sergeant in the City of Beacon Police Department on a contingent permanent basis, effective as of February 2, 2016.

IT IS FURTHER RESOLVED that such appointment/promotion is subject to a probationary period of twenty-six (26) weeks.

Resolution No. ____ of 2016

Date: February 1, 2016

Amendments

2/3 Required

Not on roll call.

On roll call

3/4 Required

Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
2/1/2016

Title:

Adoption of the Local Law to Amend Chapter 119 of the City Code Regarding the Uniform Fire Prevention and Building Code

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. Adopting LL Chap 119	Resolution
LL OTR Chap 119	Local Law



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2016

**RESOLUTION ADOPTING THE LOCAL LAW TO AMEND CHAPTER 119 OF THE
CODE OF THE CITY OF BEACON CONCERNING THE UNIFORM FIRE
PREVENTION AND BUILDING CODE**

BE IT RESOLVED, that the City Council of the City of Beacon hereby adopts the local law amending Chapter 119 of the Code of the City of Beacon concerning the Uniform Fire Prevention and Building Code.

Resolution No. _____ of 2016		Date: _____ 2016					
<input type="checkbox"/> <input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> <input type="checkbox"/> Not on roll call.		<input type="checkbox"/> On roll call				<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
		Motion Carried					

LOCAL LAW NO. ____ OF 2016

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW AMENDING
CHAPTER 119
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend Chapter 119 of the Code of the City of Beacon concerning the Uniform Fire Prevention and Building Code.

A LOCAL LAW to amend Chapter 119 of the Code of the City of Beacon concerning the Uniform Fire Prevention and Building Code.

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

Section 1. Chapter 119, Section 15 of the Code of the City of Beacon is hereby amended as follows:

§119-15 Enforcement; penalties for offenses.

- A. Compliance orders. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall be in writing; be dated and signed by the Code Enforcement Officer; specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; and specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; ~~specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance;~~ If the compliance order refers to a violation of the Uniform Code, it must direct that full compliance be achieved within the specified period of time thirty (30) days after the date of the order, or such other time as may be promulgated by the New York State Department of State, and specify the date for full compliance.; ~~and state that an action or proceeding to compel compliance may be instituted if compliance is~~

~~not achieved within the specified period of time. Although the order for a violation of the Uniform Code requires full compliance within thirty (30) days, the City may order the person or entity in violation to begin to remedy the violation(s) immediately or within some other stated period of time less than thirty (30) days after the date of the order. In a compliance order for a violation of the Uniform Code, the Code Enforcement Officer may also require other protective actions as the Code Enforcement Officer may deem appropriate while such violations are being remedied.~~

- B. Service. The Code Enforcement Officer shall cause the compliance order for a violation of the Uniform Code, or a copy thereof, to be served on the person or entity in violation ~~owner of the affected property~~ personally or by certified or registered mail within five days of the date of the order. A compliance order for violations of the Uniform Code shall be deemed served on the date it is mailed by certified or registered mail. The Code Enforcement Officer shall be permitted, but not required, to cause a compliance order for violations that are not under the Uniform Code, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part of assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.
- C. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- D. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to a civil penalty of not more than \$1,000 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this City.
- E. Injunctive relief. An action or proceeding may be instituted in the name of this City, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order,

compliance order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this City, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions.

- F. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 119-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 119-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

Section 2. Effective Date

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

City of Beacon Council Agenda
2/1/2016

Title:

Resolution Approving a License Agreement with Common Ground Farm for the Operation and Management of the Beacon Farmers Market

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. Farmers Market License Agmt	Resolution
Farmers Market K&B Memo	Cover Memo/Letter
Farmers Market Agreement	Backup Material



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2016

**RESOLUTION APPROVING A LICENSE AGREEMENT WITH COMMON GROUND
FARM, INC. TO OPERATE THE FARMERS MARKET FOR 2016**

RESOLVED, that the Mayor or City Administrator are authorized to enter into a license agreement with Common Ground Farm, Inc. to operate the Farmers Market and its related activities and events at the Ferry Landing at the City of Beacon Waterfront on Sundays from 8:00 a.m. to 4:00 p.m. from March 1, 2016 to December 31, 2016.

Resolution No. _____ of 2016		Date: <u>February 1, 2016</u>					
<input type="checkbox"/> <input type="checkbox"/> Amendments		<input type="checkbox"/> On roll call				<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> <input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Muhammad, Ali					
		Harper, Omar U.					
		Kyriacou, Lee					
		Mansfield, George					
		Wetherbee, Pamela					
		Ross, Peggy					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Farmers Market License Agreement

This Agreement made as of the ____ day of February, 2016, by and between the City of Beacon (the “City”), a New York municipal corporation with offices at 1 Municipal Plaza, Beacon, New York 12508 (“City”), and Common Ground Farm, Inc. (“CGF”), a New York domestic not-for-profit corporation with offices at P.O. Box 443, Beacon, NY 12508.

WHEREAS, this Agreement sets forth the rights and obligations of the parties in connection with the operation of the Farmers Market.

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

1. Grant of License. The City hereby grants CGF a license (“License”) to operate the Farmers Market and its related activities and events within the City of Beacon at the location and times specified below.

2. Term of License. The term (“Term”) of this Agreement shall be from March 1, 2016 to December 31, 2016.

3. Location of Market. CGF shall operate the Farmers Market at the Ferry Landing at the City of Beacon Waterfront on Sundays only from 8:00am to 4:00 pm, including setting up and breaking down.

4. Operation of Market. CGF shall promote and advertise the Market. CGF shall operate and manage the Market in accordance with the CGF’s Rules and Regulations, subject to any and all Federal, State and local laws having jurisdiction over CGF and the Farmers Market. A copy of the current rules and regulations shall be attached as an Exhibit to this Agreement, and CGF shall provide the City with updated rules and regulations as they are amended from time to time. CGF shall be solely responsible for the coordination and management of farmers, producers, and vendors. All Farmers Market participants (i.e. vendors, farmers, etc.) shall complete an indemnification agreement in favor of the City of Beacon and an application in the form annexed hereto as Exhibit “A”.

5. Additional Activities Permitted. CGF may provide music, and noise shall be kept to a reasonable volume level in consideration of the proximity of other activities at the Waterfront and in accordance with the City’s noise ordinance. Cooking demonstrations shall be permitted, provided propane tanks are properly secured and not left open to the public. Wine and beer tasting is permitted by vendors selling wine at Farmers Market where said vendors possess all required licenses. No open consumption of alcoholic beverages is otherwise permitted. CGF may also provide activities of interest to children.

6. Products Sold. CGF shall permit its vendors to sell only those products that are pre-approved by CGF, or its designee.

7. Cancellations. The City reserves the right to suspend this License on any given scheduled market day when snow fall, hurricane, or other severe weather event renders the Licensed Area unsafe or unsuitable for use by the Farmers Market and the City cannot make the Licensed Area safe or suitable in time for use on the scheduled market day or the City needs the licensed area for a public purpose. The City shall incur no liability to the Farmers Market, its agents, vendors, invitees or employees, by exercising its right pursuant to this paragraph.

8. License Fee. A fee of \$100.00 per month that the Market is operated, without being pro rated, shall be paid on July 1st and December 1st.

9. Personnel and Equipment.

(a) A Market Manager, or a designated representative of CGF will be present and supervising the Farmers Market, its vendors and activities during all hours of operation. CGF shall provide all necessary equipment to operate the Farmers Market.

(b) Farmers Market participants shall be required to provide their own means of trash removal and shall not use any City receptacles for disposal of garbage or recyclables generated from their operation at the Farmers Market.

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

10. Within thirty (30) days of this Agreement being signed, CGF shall form a Farmer's Market Committee and provide the City's Recreation Director with the name, phone number and e-mail address of the Committee members.

11. Insurance and Indemnity.

(a) CGF will provide the City with evidence of all necessary insurance, as of the date hereof, which will include, at a minimum, General Liability Insurance in the sum of One Million and 00/100 (\$1,000,000.00) Dollars each occurrence and Two Million and 00/100 (\$2,000,000.00) Dollars annual aggregate. The City shall be named as an Additional Insured on said policies.

(b) If CGF hires any employees during the term of this Agreement, it shall obtain statutorily required Workmen's Compensation Insurance.

(c) CGF and the Market Manager shall indemnify and hold the City harmless against any and all claims or causes of action made by any person, arising out of, or resulting from the operation of the Farmers Market arising out of any other alleged conduct of the CGF or its vendors in connection with the Farmers Market.

(d) CGF shall cause the Market Manager to provide the City Clerk with (i) the original indemnification agreements obtained from each vendor; and (ii) copies of all certificates of insurance provided by each vendor to CGF.

12. Conduct of CGF. CGF and the Market Manager and their employees and vendors will at all times conduct business in a courteous and hospitable manner during operation of the Farmers Market.

13. Modifications and Notices.

(a) Wherever in this Agreement notices are required to be delivered by one party to the other, then the same shall be in writing by first-class mail or personal delivery and addressed to the City at City Hall at 1 Municipal Plaza, Beacon, New York 12508, and to CGF at the address set forth above. Any modifications to this Agreement are required to be in writing and executed by both parties. This Agreement contains the entire understanding between the parties.

(b) The emergency contacts for CGF are: [INSERT NAME, CELL PHONE NUMBER AND E-MAIL ADDRESS]

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

15. Authorities. CGF will secure all necessary permits, licenses and certificates from the appropriate regulatory agencies, including the City and the Dutchess County Department of Health, if any are required, and shall maintain compliance with all local, federal and state laws ("Government Approvals"). CGF will furnish all necessary documentation to the City, upon request, demonstrating compliance by it or its vendors with Government Approvals. CGF will keep accurate records of its enforcement of the Rules and Regulations, and acknowledges the right of the City to review its records for purposes of assuring continued compliance with Government Approvals, the Rules and Regulations, and the terms of this Agreement. All such records shall be made available for review by the City upon the City's request upon reasonable notice.

16. Maintenance. CGF will keep the License Area in a clean and orderly condition at all times and will leave the License Area in broom clean condition and will remove all of its equipment by 4 p.m. of each Sunday during the Term.

17. Breach of Agreement.

(a) In the event that CGF fails to pay any fees due the City under this Agreement or otherwise breaches any of the terms of this Agreement, or if the Licensed Area is needed for a public purpose, then and in said event, and upon five (5) business days written notice to CGF, the City may terminate this Agreement. The parties acknowledge that this Agreement is not a lease agreement and that the relationship between the parties is not a landlord/tenant relationship. The parties

acknowledge that this Agreement is a license agreement between the parties which may be terminated pursuant to the terms herein.

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

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

COMMON GROUND FARM, INC.

CITY OF BEACON

By: _____

By: _____

ACKNOWLEDGEMENTS

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

On the ____ day of _____, in the year 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

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

On the ____ day of _____, in the year 2016, 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 signatures on the instrument, the individual, and the person upon behalf of which the individual acted, executed the instrument.

Notary Public

EXHIBIT A

HOLD HARMLESS AND INDEMNITY AGREEMENT

For Use by Individual Vendors:

_____ (“Indemnitor”) hereby agrees, in exchange for permission to participate in the Common Ground Farm, Inc.’s Farmers Market (“Market”) located in Beacon Market, to defend, indemnify and hold the City of Beacon and its employees, officers and agents (the “City”) harmless from any and all claims, liabilities, suits, proceedings, actions, costs and expenses, including attorney’s fees, of whatever name or nature as the same may relate, arising from Indemnitor’s participation in the Market. Said indemnification and defense by Indemnitor to the City apply to any claim, liability, suit, proceeding and action in which the City may be named as a party, and notwithstanding that Indemnitor may deem said claim, liability, suit, proceeding or action frivolous or without merit.

Signature

Name

Date

For Use by Participating Business Entities:

_____ (“Indemnitor”), through its designated agent, _____, and in exchange for permission to participate in the Common Ground Farm, Inc.’s Farmers Market (“Market”) located in Beacon, hereby agrees to defend, indemnify and hold the City of Beacon and its employees, officers and agents (the “City”) harmless from any and all claims, liabilities, suits, proceedings, actions, costs and expenses, including attorney’s fees, arising from Indemnitor’s participation, or the participation of Indemnitor’s employees or agents, in the Market. Said indemnification and defense by Indemnitor of the City shall apply to any claim, liability, suit, proceeding and action in which the City may be named as a party, notwithstanding that Indemnitor may deem said claim, liability, suit, proceeding or action frivolous or without merit. By affixing their signature hereto, the undersigned hereby represents that he or she is designated agent of Indemnitor, authorized to enter into and bind Indemnitor to this agreement.

Vendor Name

By: _____
Agent Signature

Date

City of Beacon Council Agenda
2/1/2016

Title:

Resolution to Enact the "Ban the Box" Legislation

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. Ban the Box	Resolution
Ban the Box Memo	Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2015

**AMENDING CITY EMPLOYMENT APPLICATION
TO NO LONGER REQUIRE DISCLOSURE
OF PAST CRIMINAL HISTORY
DURING INITIAL JOB APPLICATION PROCESS**

WHEREAS, “Ban the Box” is a National movement with the goal of increasing employment opportunities for people with past criminal convictions by removing questions from the employment application regarding past criminal history; and

WHEREAS, many other cities and counties throughout the United States have adopted new employment application practices in support of the “Ban the Box” initiative; and

WHEREAS, the County of Dutchess has adopted a policy effective February 1, 2016 whereby the Dutchess County Department of Human Resources will discontinue use of questions about criminal history or employment dismissals on exam and recruitment application forms. Dutchess County advises that effective February 1, 2016 appointing authorities such as the City of Beacon, whom rely upon the County Civil Service list, will be solely responsible for performing pre-employment screening and background checks on applicants according to their own policy; and

WHEREAS, the City recognizes there is an increasing need for employers to work with public and private agencies to find employment opportunities for ex-offenders while ensuring that public safety is still protected; and

WHEREAS, positions of employment with vulnerable populations including children and the elderly and safety sensitive job positions will continue to require full criminal background investigations on job applicants.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Beacon that the City declares a commitment to increase job opportunities for individuals with previous criminal convictions and the City will amend its employment application to no longer require disclosure of past criminal history during the initial job application process for certain job positions within the City; and

BE IT FURTHER RESOLVED that the City Administrator is directed to revise the City’s application policy to ensure that such questions are removed from the initial job application

process, but that consideration of the criminal history is evaluated and taken into account after an application has been submitted and before the individual is considered for hiring.

Resolution No. _____ of 2016		Date: <u>February 1, 2016</u>					
<input type="checkbox"/> <input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> <input type="checkbox"/> Not on roll call.		<input type="checkbox"/> On roll call				<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
		Motion Carried					



COUNTY OF DUTCHESS
HUMAN RESOURCES

TO: Appointing Authorities in Dutchess County Civil Divisions
Dutchess County Department Heads

FROM: Steven J. Rector, Commissioner of Human Resources 

DATE: January 15, 2016

RE: Removal of Pre-Employment Screening Questions from Application Process

To advance the County Executive, Marcus Molinaro's efforts to ensure a more open and diverse workforce, Dutchess County will be removing pre-screening questions related to an individual's criminal history and other matters on County employment and examination applications. This practice, which is commonly known as "Ban the Box," promotes fairness and opportunity for all applicants by removing barriers that may impede otherwise qualified individuals from applying for employment. The "Ban the Box" practice does *not* eliminate the process of gathering information about an applicant's criminal history or employment dismissals as this information can be obtained at a later stage in the hiring process.

Effective February 1, 2016, the Dutchess County Department of Human Resources will discontinue use of questions about criminal history or employment dismissals on exam and recruitment application forms. Please see the other side of this page for a list of the questions being eliminated.

Implications for Dutchess County Departments

Dutchess County will remove questions about criminal or employment history from examination and employment applications. Upon a conditional offer of employment to a potential employee, Dutchess County will obtain the applicant's criminal and employment history, fingerprint record report, and any additional background/ history information required for a specific position, or for any position where it is mandated by statute or policy.

Implications for Appointing Authorities

Upon implementation of this change, appointing authorities will be solely responsible for performing pre-employment screening and background checks on applicants according to the policy of their agency. All appointing authorities should re-evaluate hiring policies and procedures to assure compliance with existing regulations and to align with this change in County policy. The County can provide technical assistance with developing application procedures to agencies upon request.

We request you provide questions, comments and feedback about this change prior to February 1, 2016. Communications can be sent to Donna Lehnert, Confidential Administrative Assistant at (845) 486-2183 or dlehner@dutchessny.gov and all correspondence will be reviewed and responded to as appropriate. Pending any issues identified from your feedback, the procedural change will take effect February 1, 2016.

7. Check the appropriate line to the right of each question.

	Yes	No
A. Have you ever been dismissed from work for other than lack of work or funds?	_____	_____
B. Have you ever been convicted of any crime (felony or misdemeanor)?	_____	_____
C. If you served in the Armed Forces of the United States, did you receive a dishonorable discharge?	_____	_____
D. Have you surrendered a professional license or had it revoked?	_____	_____
E. If you answered "Yes" to any of the above, have you filed specifics with this office within the last 4 calendar years?	_____	_____
F. If you answered "Yes" to E above, do you have any new dismissals or convictions that were not reported to us?	_____	_____

City of Beacon Council Agenda
2/1/2016

Title:

Minutes of January 19, 2016 Council Meeting

Subject:

Background:

ATTACHMENTS:

Description

2016-01-19 draft minutes

Type

Backup Material

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on January 19, 2016. Please note that the video recording of this meeting is available at <http://vimeo.com/channels/40154>.

Council Members Present:

Randy Casale, Mayor
George Mansfield, At Large
Lee Kyriacou, At Large
Peggy Ross, Ward One
Omar Harper, Ward Two
Pamela Wetherbee, Ward Three

Council Members Absent:

Ali Muhammad, Ward Four

Also Present:

Anthony Ruggiero, City Administrator
Nick Ward Willis, City Attorney

A moment of silence was observed for past and present servicemen and women.

First Opportunity for Public Comments: Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight.

Speakers:

- 1. Diane Nicols:** Thanked the council for their excellent work and all they do. She was here tonight because of her concern about the two proposed developments. She purchased property on South Ave. 8 years ago because of the wonderful things she read in newspapers about Beacon. Has concerns about the increased traffic as a result of these proposed projects. She asks council to consider this more carefully.
- 2. William Connett, Victor Road:** Expressed opposition to the construction of a multi-unit development proposed for the 9D. This corridor and Beacon in general is a community of mostly single-family homes. A high-rise will be out of place and oversized. Two generations ago, urban renewal was allowed to destroy homes and neighborhoods. We need what is best for the community not what is best for the developers.
- 3. Lisa Gallina, Hammond Plaza:** Handed out petitions about the project.
- 4. Carla Goldberg, Hammond Plaza:** Has watched the Town change and for the most part it is wonderful. The traffic and parking have gotten very bad. Often has to wait 10 or 15 minutes to get out of her building complex. Anticipates that it will only get worse. Hoping the Council will consider these factors when reviewing these development projects.
- 5. Garianne Carapola, Hammond Plaza:** With all the construction proposed there is a major concern, she has concerns regarding traffic and how these projects will be constructed. How will the run off affect the buildings below it? There is evidence of continuing to add fill to the property. What impact will it

have on infrastructure, police and services? I believe development should be scaled to fit the size of the city. This project would have a negative impact to put something so large into such a small space.

6. **Dennis Pavelock:** I visited residents by Desoto and Townsend who said that they were not properly notified about the planning board. The City should be involved with saving the old Knights of Columbus Building. That building should not be taken down.
7. **Clair Agre,** concerned about a few properties in the linkage zone. Both Parcel L and the two other properties which are for sale. The petition contains a majority of signatures from most of the adjacent property owners. We feel like these properties were zoned in error. Parcel L is directly next to the DRC which was designed by one of the giants in American architecture, Frederick Clark Withers. The proposed plan would go right up the church and obliterate the view of the church from the River. We ask that scale be considered, adjacencies to the historic fabric be considered. With regard to the other parcels, we don't know that there are any plans, but this is in the heart of another single family neighborhood. The packet contains materials to help explain visually.
8. **Elizabeth Barrett, 1076 Wolcott Avenue:** Has been homeowner since 1992. I have renovated and restored four historic homes and one commercial property. Deeply committed to investing in Beacon, and its historic character. Over 20 years ago, the Parcel L was slated for 35 units. An association was formed to oppose the commercial redevelopment plan. The City rezoned the district for three historic single family homes. The current plan would greatly deteriorate the neighborhood and the protected view shed. Traffic, parking and the aesthetic considerations need to be reviewed before this proposal is approved or denied. I oppose this construction and ask that the City Council protect the historic integrity of the neighborhood.
9. **Dawn Powell-Manzo, 19 Hammond Plaza:** Lived in Beacon most of her life. Want to make sure that the neighborhoods are kept as neighborhoods and not corporate. You might think there is no traffic problem at noon, but what about during commuting hours. There is room for compromise. We need you to look at this closely.
10. **Mark Roland:** With regard to the matter regarding 344 Main. There was some controversy about this. Wanted to say that at this point, I hope the City Council is ready to reflect this request. I understand that the developer is trying to get additional parking from the bank so he can double the amount of units. I ask that all of his approvals be rescinded and the process should start over.

Public Hearings:

11. Consideration of a Special Use Permit for 35 Orchard Place:

Nick Ward Willis: Explained the details of the item.

Aryeh Siegel – Explained the specifics of the project. He also assured council that the applicant would be changing the deed to reflect private individual ownership of the property rather than a corporation. **Councilman Mansfield** asked about the intended use and whether it would be long-term lease. Aryeh Siegel answered that the owner would live in the main building and that there would be a long-term lease for the tenant. The discussion continued with the council asking questions and applicant (the applicant was assisted by a translator) and the lawyers answering. The owner's lawyer spoke as well.

Mayor Casale asked if it would be possible to add special conditions to the approval of the permit. The owner agreed to the special conditions.

Kenneth Stenger, Attorney for Mary Pagonis: The Code explains that the purpose and intent of this provision. The code answers all the questions. The code states that the applicant needs to be an occupant. There is no occupant at the property. The application should not be considered until it is filed correctly. Aryeh Siegel explained that the applicant is already changing the name on the deed.

Mark Epstein, 15 Orchard Place: The owner has made visible efforts to move in. Does not look like its going to be owned for the purpose of owner occupancy. I oppose it.

Jerry White, 55 Cross Street: Asked about the zoning of the property. Nick Ward Willis explained about the special permit application process. Mr. White was glad that it reverted to a one-family dwelling.

Andrew Bell, 55 Verplanck Avenue: Believe that there was a parking issue with this property. Did the planning board resolve the parking issue first?

Mayor Casale explained the options that the Council has at this point. Recommends closing the public hearing and making a decision.

The discussion continued.

Mayor Casale asked the public to have faith in the council and the process. He said that if they make a decision to add conditions to the approval, they will make sure that it is followed through that way.

Motion to close hearing: George Mansfield, seconded by Peggy Ross
6-0

12. Consideration of a Local Law Amending Chapter 223 of the Code of the City of Beacon Regarding Accessory Buildings on Residential Lots:

Nick Ward-Willis: Explained the amendment.

There were no comments.

Motion to close hearing: George Mansfield, seconded by Omar Harper
6-0

13. Consideration of a Local Law to Amend Chapter 211 of the Code of the City of Beacon as it Relates to Stop Signs:

There were no comments.

Motion to close hearing: Pam Wetherbee, seconded by George Mansfield
6-0

Council Member Reports:**14. Ali Muhammad – Ward Four:**

Absent

15. Omar Harper – Ward Two:

Received a Facebook message in reference to a foundation that is looking for members for Shred Foundation. Helping kids to get opportunities in certain professions (like snowboarding and skateboarding).

16. Lee Kyriacou – At Large:

I am in an interesting position. I live in the area of the petition and that was my wife who spoke. So just wanted to make sure I disclosed this fact. I also signed the petition. Gave a history of the RD3 zone and how it was tearing up neighborhoods. There was a petition 21 years ago from a local group. The end result was that 10 historic homes survived the wrecking ball and as a result the historic overlay zone was established. I do know that when the linkage zone happened to pick up 7 parcels in the historic overlay zone. The Councilman gave a verbal illustration of what the plan would look like if permitted.

17. George Mansfield – At Large:

With regarding to accessory apts., each time we discuss this, it brings up more questions. I would like to revisit the accessory buildings and the historic overlay district. The public's passion and concerns give us the opportunity to improve our legislation. Another issue triggered by the Beacon Theatre. Ned brought up a 1964 parking regulation sort of loophole. Variances granted in perpetuity in terms of parking, I would like to see if these things should be reviewed as well as should variances remain with the property in perpetuity or should they be revised. We are expecting snow on Saturday – gave some snow removal tips for the newcomers to Beacon.

18. Pam Wetherbee – Ward Three

Just to add to the snow discussion. Remember to clear your sidewalks and please do not push the snow into the roads. I also would like to address the definition of "owner" as well as George. Clarified that Air B&Bs are illegal.

19. Peggy Ross – Ward One:

I also have an unusual perspective in that I worked on the zoning. I was chair of that committee but cannot speak for the committee now. Perhaps I can request that we widen the extension. I feel it was a mistake and that we overextended the breadth of the zone. The intention was not to continue Main Street down 9D. I think it would be worthwhile to revisit this. Asked about how we can widen our reach to get committee members. Might we consider putting cameras in our municipal parking lots?

20. Mayor Casale's Report:

Beacon Speaks out will have a meeting on Feb. 6 at 1pm at the Memorial Building. The linkage zone probably did go over the boundaries, but at the time, we had many public meetings about it and wish someone had said something sooner. The Elks Club will honor an emergency responder on Feb. 6. The DCDHR will hold an open Firefighter Exam on March 19. Mentioned the DC Ride the Van for Free program and gave the schedule. The 2016 Fire Police appointees. Tony Piccone, Robert Meeker, Richard Kolakoski, John Pomarico, Robert Simmonds and John Stella. The Martin Luther King Celebration was a great community event.

21. City Administrator's Report:

The drought is over. The parking regulations are on the website. We will be starting department head reports from time to time to give a snapshot about what is going on with each department.

22. County Legislator Report:

Absent because of committee meetings

23. Department Head Report:

Gary Van Voorhis, Fire Chief.: see the Chief's address at the end of these minutes.

Resolutions, Ordinances and Local Laws:**24. Approval of the Mayor's Designation of George Mansfield as Acting Mayor.**

Motion by Councilwoman Wetherbee, second by Councilwoman Ross

6-0

25. Adoption of a Local Law to Amend Chapter 223 of the Code of the City of Beacon as it Relates to Accessory Buildings on Residential Lots.

Motion by Councilman Mansfield, second by Councilwoman Ross

Councilman Kyriacou asked for a summary of the changes.

Nick Ward Willis summarized the changes to the requirements.

Tim Dexter assisted in explaining the changes.

Councilman Kyriacou is fine with the no building in the front provision but does not agree with the side setbacks or the bureaucracy of the process.

More discussion took place.

Councilman Kyriacou asked for a motion to remove the setback changes. No seconds.

5-1

Councilman Kyriacou voted no

26. Adoption of a Local Law to Amend Chapter 211 of the Code of the City of Beacon as it Relates to Stop Signs.

Motion by Councilwoman Wetherbee, second by Councilman Mansfield

Councilman Kyriacou expressed his feelings that a three way stop at the Rombout/School St. intersection is unnecessary.

More discussion. Council agreed that the neighbors know best what they need in the neighborhood and would leave it as is.

All in favor

6-0

27. Approval of the Agreement with Central Hudson for a Gas Line Right-of-Way.

Motion by Councilman Harper, second by Councilman Mansfield

All in favor

6-0

28. Approval of the Agreement with Central Hudson for the Street Light Attachment Conversion Project.

Motion by Councilwoman Wetherbee, second by Councilwoman Ross

All in favor

6-0

29. Scheduling a Public Hearing for February 1, 2016 to Receive Public Comment Concerning a Local Law Amending Chapter 119 Regarding the Uniform Fire Prevention and Building Code.

Motion by Councilwoman Wetherbee, second by Councilman Harper

All in favor

6-0

30. Rejecting the Request of O'Donnell Construction Corp. to Extend the Time by which Certain Terms and Conditions of Sale are to be Met.

Nick Ward-Willis explained the situation that the City could declare the owner in default.

Sean O'Donnell spoke about his negotiations with Citizens Bank to obtain more parking spots for the project. If those spots are granted, he will be having construction documents drawn on the new specifications of the project. Council agreed that the applicant should have been ready to move forward with the project. It was decided to vote to declare him in default. He will have 30 days at least to remedy the situation. Council can revisit then. Councilman Kyriacou advised the O'Donnell should submit the changes and pay the cost of those changes.

Nick Ward-Willis reminded Council that at this time all they are doing are giving him the 30-Day Notice to Cure.

Motion by Councilman Mansfield, second by Councilwoman Ross

All in favor

6-0

31. Resolution Regarding Decision on 35 Orchard Place.

Motion by Councilwoman Wetherbee, second by Councilman Harper

Mayor Casale advised that we heard both sides of the situation tonight and I recommend that we grant it with special conditions; it should be his primary residence, at least a one-year lease on the accessory apartment occupancy.

Motion to Table, Councilman Kyriacou, second by Councilwoman Ross

It was agreed that this will be workshopped again.

All in favor

6-0

Approval of Minutes of the December 21, 2015 and the January 4, 2016 Meetings

32. Motion by Councilman Mansfield, seconded by Councilman Kyriacou Muhammad

All in favor

6-0

Budget Amendments:

33. Motion by Councilwoman Wetherbee, second by Councilman Harper

All in favor

6-0

Second Opportunity for Public Comments: Each speaker may have one opportunity to speak for up to three minutes on any subject matter on which the Council can take action.

34. Tom (no last name given): Stop signs need to be enforced. City can't keep putting up stop signs and not enforcing them.

Executive Session:

35. Motion by Councilwoman Ross, second by Councilwoman Wetherbee

All in favor

6-0

Announcements/Introductions:

None

Next Workshop: January 25, 2016

Next Council Meeting: February 1, 2016

Respectfully submitted,
Elizabeth Evans, Assistant to the Mayor

Council Address - January 19, 2016

Largest Department in the City

Man power

Volunteers 42

- 6 fire police
- 19 exterior FF
- 17 interior FF

Career 24 hour shift

- 12 EMT / firefighters
- 1 Lieutenant-Tim Dexter

The City of Beacon Fire Department has the quickest response time of any fire department in Dutchess County.

1,608 Incidents in 2015 1,069 were EMS

Busiest City apparatus responded to 1,006 incidents

91 different incident types

Building fires, cooking fires, MVA, elevator rescues, flooded basements, smoke/CO detector incidents, gas leaks, etc.

Mutual aid given was at 14 incidents to neighboring departments.

Mutual aid was received at 41 Beacon incidents

Healthy year for our firefighters from illnesses to injuries.

Equipment

New Ladder truck

- purchased under projected cost
- multifunction apparatus
- safety features on apparatus, roll over protection, governed to 58 MPH, rear and side cameras

Hose replacement

- Replacing outdated hand lines and supply hoses

Grants received

- SCBA air compressor and fill station to replace current 1988 unit.

Randy Casale, Mayor
City of Beacon
One Municipal Plaza
Beacon, New York 12508
845-838-5010 - Office
845-838-5012 - Fax



www.cityofbeacon.org

February 1, 2016

New York State Senator Sue Serino
4254 Albany Post Road
Hyde Park, NY 12538

NYS Assembly Member Frank Skartados
145 North Plank Road, Suite 2
Newburgh, NY 12550

Dear Senator Serino and Assemblyman Skartados:

On behalf of the City of Beacon, I am writing to you both again to request your support on an issue that impacts not only Beacon, but 37 other cities throughout the State of New York. I believe that there are 38 cities that have arterial maintenance agreements with the State of New York. Pursuant to these agreements, the cities maintain certain designated State owned arterial highways and the State compensates those cities for this service. Unfortunately, the reimbursement rate of \$.85 per square yard paid to cities has not been increased since 1987. While these agreements are most certainly, cost effective for the State, they do not reimburse the cities anywhere near the actual cost of providing such services.

The disparity in reimbursement rates was demonstrated most recently in December 2015 as the City received an estimate from the regional NYS DOT office inquiring if the City was interested in participating in the State's 2016 Regional Pavement Markings Contract, or if we would be hiring our own vendors to refresh pavement markings. The total estimated cost for epoxy long line and special pavement markings is approximately \$125,000 based on estimated 2016 West Region-04 Pavement Markings Contract. Fortunately, the City will not need special pavement markings; however we will be contracting with the DOT for lone line markings. This will cost the City approximately

Not only are current reimbursement rates inequitable for cities, it will soon no longer be fiscally practical or advantageous for communities to continue to provide these services on behalf of the State.

The New York Conference of Mayor's is proposing an inflationary adjustment from the current \$.85 per square yard to \$1.80 per square yard, which would provide a much needed increase to the cities participating in this state-local share service program, and would represent an additional state expenditure of approximately \$11.8 million. As shown in the attached spreadsheet, this would amount to a \$_____ increase in needed reimbursement from the State to the City of Beacon. In terms of tax