



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

May 9, 2016
City Council Workshop Agenda

1. Ron Sauer Bridge
2. Street Basketball Concerns
3. Discussion of a Local Law Regarding Double Utility Poles
4. Affordable Housing
5. Executive Session - Tax Certiorari Settlement

City of Beacon Workshop Agenda
5/9/2016

Title:

Ron Sauer Bridge

Subject:

Background:

City of Beacon Workshop Agenda
5/9/2016

Title:

Street Basketball Concerns

Subject:

Background:

City of Beacon Workshop Agenda
5/9/2016

Title:

Discussion of a Local Law Regarding Double Utility Poles

Subject:

Background:

ATTACHMENTS:

Description

LL Double Utility Pole

Type

Local Law

**LOCAL LAW AMENDING CHAPTER 191
OF THE CITY CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend
Chapter 191 of the Code of the
City of Beacon regarding Streets
and Sidewalks.

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

Section 1. Article V of Chapter 191, entitled “Double Utility Poles,” is hereby added as follows:

§ 191-25. Findings, purpose and applicability.

The City Council hereby finds that Double Utility Pole Conditions, as defined herein, are a problem throughout the City of Beacon. The City Council finds that the incomplete transfer of utilities and failure to remove old utility poles pose safety and aesthetic concerns for the City and its residents. Double Utility Pole Conditions clutter and obscure visibility on sidewalks and roadways. They are also unnecessary eyesores on City streets, obstructions for pedestrians and detriments to local aesthetics.

The City Council also finds that public safety can be compromised when utility lines and equipment remain affixed to utility poles that weathered or otherwise damaged. The City Council finds further that there is often an unreasonable delay of months to years before responsible utility providers relocate their Plant and remove a double utility poles on a City street. In some cases, the condition is never resolved. Accordingly, the City Council adopts this local law to prevent Double Utility Pole Conditions from persisting beyond the time reasonably necessary to relocate affected Plant to a new utility pole.

The City Council hereby enacts this local law for the express purpose of notifying pole owners and utility providers of the existence of Double Utility Pole Conditions on streets in the City of Beacon and, where appropriate, issuing violations for failure to abate the condition in a timely manner. A local law enacted for this purpose will help ensure the prompt and efficient removal of the obstructions caused by double utility poles and is therefore a necessary regulation for the health, safety and welfare of the City of Beacon and its residents.

The City Council deems this to be an exercise of the police power of the City of Beacon for the preservation and protection of public safety. The provisions of this article shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations. Nothing in this article shall be deemed to abolish, impair, supersede or replace existing remedies of the City, county or state or existing requirements of any other applicable state or local laws, ordinances, codes, regulations or programs, including the Public Service Commission’s SAFE-T Program. In case of conflict between any provision of this article and any applicable state or local law, ordinance, code, regulation or program, the more restrictive or stringent provision or requirement shall prevail.

This article shall apply to all utility poles located on any City highway, street, road or right-of-way, and to all utility poles installed hereinafter.

§ 191-26. Definitions.

DANGEROUS/DAMAGED POLE

Any utility pole that is structurally compromised due to weather, a traffic incident, and/or age and poses a potential threat to public safety.

DOUBLE UTILITY POLE CONDITION

A Double Utility Pole Condition occurs when a utility provider allows Plant, as defined herein, to remain on an old or Damaged/Dangerous utility pole after a replacement pole is installed adjacent thereto, or where the old or Damaged/Dangerous utility pole is not removed once a Plant has been relocated to the replacement pole.

PLANT

For purposes of this Article, Plant shall mean transformers, terminals, conductors, utility boxes, wires, cables, lights, antennas and any other fixtures used for the transmission of utilities and attached or affixed to a utility pole.

PUBLIC UTILITY

Any corporation, authority, or other entity that provides electric, telephone, cable television, or other service, including telecommunications service, to the residents of the City of Beacon.

§ 191-27. Street opening permit required.

No person, firm or corporation shall place or erect any pole for any purpose on any City highway, street, road or right-of-way, or change the location of any existing pole on any City highway, street, road or right-of-way, without first having obtained a street opening permit from the Highway Superintendent. Application for a permit under this section shall be made upon a form to be provided by the Highway Superintendent and upon payment of a permit fee to be set by resolution of the City Council.

§ 191-28. Double utility poles prohibited.

When the Highway Superintendent, or its authorized agent, issues a street opening permit for the installation of a new or replacement utility pole, or otherwise determines that a Double Utility Pole Condition exists in a City right-of-way, the Highway Department shall issue written notice to the owner of the pre-existing utility pole and the owner of any Plant located thereon demanding that the pre-existing utility pole be removed within 30 days subject to penalty for failure to comply. The last utility to remove its Plant is responsible for removing the Double Utility Pole. The pole owner shall have 30 days from the date of such written notice to complete the transfer of all Plant, if any, still located on the pre-existing utility pole and to remove the pre-existing pole, in its entirety, from the City right-of-way. If the pole owner fails to resolve the Double Utility Pole Condition within the 30-day period prescribed, it shall be liable to the City for a violation as prescribed in section 191-30. Every day in which the Double Utility Pole Condition remains after expiration of the 30-day period shall constitute a separate violation of this section.

§191-29. Damaged/Dangerous utility poles prohibited.

When the Highway Superintendent, or its authorized agent, determines that a utility pole on a City highway, street, road, or right-of-way is damaged and poses a potential threat to public safety, the Highway Superintendent shall issue written notice to any public utility with a plant on the damaged pole that it must remove its plant from the pole within 15 days or be subject to a penalty for failure to comply. The last utility to remove its Plant is responsible for removing the Damaged/Dangerous Utility Pole. If the pole owner fails to resolve the Damaged/Dangerous Utility Pole condition within the 30-day period prescribed, it shall be

liable to the City for a violation as prescribed in section 191-30. Every day in which the Double Utility Pole Condition remains after expiration of the 30-day period shall constitute a separate violation of this section. The effected public utility may present documentary evidence to the City in the form of a report from a licensed engineer certifying that the plant and/or pole is not a threat to public safety within 10 days from the date of the Highway Superintendent's notification. In the event the Highway Superintendent is satisfied that the plant and/or pole no longer poses a threat to public safety, he shall have the discretion to withdraw the removal notice.

§ 191-30. Penalties.

- A. Any person, firm, corporation or public utility convicted of a violation of the provisions of this chapter shall be guilty of a violation, for a first conviction, punishable by a fine not exceeding \$500; for a second or subsequent conviction, punishable by a fine not exceeding \$1,000. Every day that the violation continues shall be deemed a separate violation.
- B. If a person, firm or corporation or public utility violates the provisions of this article, the City Attorney may commence an action in the name of the City of Beacon in a court of competent jurisdiction seeking any remedy provided by law or equity, including any civil and/or injunction proceeding necessary to enforce compliance and/or enjoin noncompliance with this article. Such action may seek to remove damaged poles and/or double poles and may be commenced against a third-party Plant owner to remove Plant from such poles, the imposition of civil penalties as authorized by this article, the recovery of costs of the action and such other remedies as may be necessary to prevent or enjoin a dangerous condition from existing on a City highway, street, road, or right-of-way.

§ 191-31. Extensions of time.

- A. Notwithstanding any provision of this chapter to the contrary, the Highway Superintendent may extend the time frame of any written notice provided under this chapter for an additional period not exceeding the original statutory time frame set forth in this chapter. The public utility shall make a request for an extension in writing to the Highway Superintendent prior to the expiration of the time frame contained in the original written notice, together with the basis for the request. The Highway Superintendent shall determine whether the request for extension should be granted or denied, and provide a written response to the public utility. In such instances where the request is granted, the Highway Superintendent shall issue another written notice, which shall then be applicable instead of the previously issued notice.
- B. In the event of an emergency that affects the repair, replacement, removal or installation of utility poles or plants, the Highway Superintendent may temporarily suspend the deadlines described above for periods not exceeding 30 days.

Section 2. Severability. If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

Section 3. This local law shall become effective immediately upon filing with the Office of the Secretary of State.

City of Beacon Workshop Agenda
5/9/2016

Title:

Affordable Housing

Subject:

Background:

ATTACHMENTS:

Description

Affordable Housing

Type

Backup Material



CITY OF BEACON New York

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

OFFICE OF CITY ADMINISTRATOR

845-838-5000

To: Mayor Casale and City Council
From: Anthony J. Ruggiero, MPA, City Administrator
Date: May 5, 2016
Re: Affordable Workforce Housing

Attached for discussion regarding changes to the City's Affordable Workforce Housing are the following documents:

1. Article IVB, Affordable Workforce Housing §223;
2. Article VI Definitions and Word Usage, §223-63, definitions of Below Market Rate (BMR) Unit and BMR Unit Eligible Household;
3. Proposed revisions from Hudson River Housing:
 - a. Categories of Priority;
 - b. Rental Calculations Worksheet; and
 - c. City of Beacon Affordable Unit Application.

Please review and let me know if you have any additional questions. Thank you.

The following code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 223-41.8 Findings.

The City Council of the City of Beacon acknowledges the high cost of housing compared to average earnings in the City and County, and this trend has grown more noticeable as land and housing values have increased in recent years. Maintaining and ensuring a balanced mix of housing types and sizes that are affordable to a range of incomes is essential to ensuring the long-term health of the community. Such balanced housing stock enables a variety of residents to live and work in the City, maintain family ties, and participate in community services, such as emergency services. Balanced housing is also essential to attracting and maintaining an adequate workforce, a healthy business environment, and a balanced tax base that supports local services and the quality of life. It is therefore important for the City to maintain a mix of housing choices and to require the creation of new or rehabilitated below-market-rate (BMR) units in future renovation and development.

§ 223-41.9 Provision of BMR units; payment in lieu thereof.

To achieve the purposes above, the approval authority shall require that 10% of all projects containing 20 or more apartment dwellings and/or attached dwellings (townhouses) as defined in § 223-63 of this chapter, shall be comprised of below-market-rate units as defined and regulated in this article.

Notwithstanding the requirement immediately above, the City Council, at its discretion, may allow the applicant to make a payment to the City in lieu of the provision of some or all of the required BMR units, in an amount determined by the City Council to be the value of the waived BMR units; said payment shall be made into a trust fund dedicated to the provision of affordable-workforce housing in the City.

§ 223-41.10 Below-market-rate units.

- A. Finishes, amenities, size, distribution and mix. BMR units shall have exterior finishes and general amenities comparable to the market-rate units within the development. BMR shall be reasonably distributed throughout the project and the timing of the construction of the BMR units shall be in conjunction with the construction of the market rate units in the project. Further, the BMR units shall be provided in a mix of unit types in the same proportion as all other units in the development unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the City of Beacon.
- B. Minimum gross floor area. Notwithstanding other provisions of this chapter, the minimum gross floor area per dwelling unit shall not be less than the following:
 - (1) Studio/efficiency unit: 350 square feet.
 - (2) One-bedroom unit: 600 square feet.
 - (3) Two-bedroom unit: 800 square feet.
 - (4) Three-bedroom unit: 1,000 square feet.
- C. Occupancy standards. The minimum and maximum occupancy of a BMR unit shall be as follows:

Number of Bedrooms	Minimum Number of Persons	Maximum Number of Persons
Studio/ efficiency	1	1
1	1	2

Number of Bedrooms	Minimum Number of Persons	Maximum Number of Persons
2	2	4
3	3	6
4	4	8

- D. BMR unit eligible household. Households must meet the criteria established in § 223-63 of this chapter, within the definition of "BMR unit eligible household." Rental households shall be required to requalify with respect to said criteria on an annual basis.
- E. Maximum rent and sales price. The monthly rent including utilities for BMR units shall not exceed 30% of the maximum aggregate gross monthly income of an eligible household as defined in § 223-63, under "BMR unit eligible household," for the actual size of the household that will occupy such unit as set forth in Subsection C above. The maximum gross sales price for a BMR unit shall not exceed a figure based on a maximum household expense of 30% of the maximum aggregate gross monthly income of an eligible household as defined in § 223-63 for the actual size of the household that will occupy such unit as set forth in Subsection C above, relating to the sum of principal, interest, taxes, and insurance, based on industry-standard mortgage underwriting guidelines for a thirty-year fixed rate mortgage, prevailing interest rates, and a down payment of 5%.
- F. Categories of priority.
- (1) Households applying for BMR units shall be selected on the basis of the following categories of priority:
 - (a) Volunteer emergency responders for the City of Beacon who have served at least five years.
 - (b) City of Beacon municipal employees.
 - (c) All other residents of the City of Beacon.
 - (d) Employees of the Beacon School District.
 - (e) Other persons employed in the City of Beacon.
 - (f) The following relatives of residents of the City of Beacon: father, mother, son, daughter, brother, sister, grandparent, grandchild, father-in-law or mother-in-law.
 - (g) Other residents of Dutchess County.
 - (h) Other persons employed in Dutchess County.
 - (i) All others.
 - (2) Within each of the above categories, the following special groups shall receive priority in the following order:
 - (a) Households whose head of household or spouse is 62 years of age or older.
 - (b) First-time homebuyers.

- (c) Households whose head of household or spouse is 30 years of age or younger.
- (d) Civil servants.
- G. The deed, certificate of occupancy and/or rental agreement, as appropriate, for each BMR dwelling unit shall contain language, satisfactory to the City Attorney in form and substance, which states that the subject dwelling is a below-market-rate unit as defined in § 223-63 of the Code of the City of Beacon, New York, and is subject to all restrictions and limitations as set forth therein.
- H. Resale. In the case of owner-occupied BMR units, the title to said property shall be restricted so that in the event of any resale by the homeowner or any successor, the resale price shall not exceed the maximum sales price for said unit, as determined in Subsection E, plus the depreciated value of capital improvements based on their estimated life for up to 5% of the price of the unit.
- I. Lease of a BMR unit. Individual BMR unit owners may lease their units to BMR eligible unit households for a period not exceeding two years, with the consent of the City Council or its designee, for employment, health or other good reason as determined by the Council. Notwithstanding the sentence above, this time frame may be extended by the Council or its designee for good cause shown.
- J. Implementing regulations. The City Council may, by resolution, adopt specific regulations to foster the efficient and equitable implementation of this chapter.
- K. Administration. The City Council shall be responsible for administering these regulations and may designate a board, commission or other organization to monitor compliance.

BELOW-MARKET-RATE (BMR) UNIT

A new or rehabilitated housing unit which is restricted as to sale or rent to remain affordable to a BMR Unit Eligible Household, as defined below, by generally not exceeding 30% of the maximum aggregate gross income of the household for the actual size of the household that will occupy such unit. Said housing unit must be the primary residence of the household and shall not be sublet without the consent of the City Council or its designee.

[Added 11-15-2010 by L.L. No. 15-2010]

BMR UNIT ELIGIBLE HOUSEHOLD

A household whose aggregate gross annual income, including the total of all current annual income of members residing in the household from any source whatsoever at the time of application (excluding the earnings of working household members of 21 years of age or younger who are full-time students), does not exceed 100% of the Dutchess County median annual income for its household size [based on the United States Census and as updated by the Department of Housing and Urban Development (HUD)], and which household can afford the maximum rent or sales price specified in § 223-41.10E of this chapter. In addition, the net assets of the household at the time prior to purchase or lease may not exceed 75% of the purchase price of the unit, except where such households rely, due to age or disability, on the assets in lieu of income. Evidence of disability shall be the receipt of Social Security Disability Insurance (SSDI) payments. For example, for the year 2010, limitations are as follows:

[Added 11-15-2010 by L.L. No. 15-2010]

Persons in Household	1	2	3	4	5	6
Maximum eligible income (100% of median)	\$58,400	\$66,800	\$75,100	\$83,400	\$90,100	\$96,800
Maximum housing cost (30% of gross income)						
Annually	\$17,520	\$20,040	\$22,530	\$25,020	\$27,030	\$29,040
Monthly	\$1,460	\$1,670	\$1,878	\$2,085	\$2,253	\$2,420
Eligible unit types	Studio or 1 BDR	1 BDR or 2 BDR	2 BDR or 3 BDR	2 BDR, 3 BDR or 4 BDR	3 BDR or 4 BDR	3 BDR or 4 BDR

Categories of priority.

(1) Households applying for BMR units shall be selected on the basis of the following categories of priority:

- (a) Volunteer emergency responders for the City of Beacon who have served at least five years. **10 Points (Applicant must submit a letter from _____ Title.)**
- (b) City of Beacon municipal employees. **10 Points (Applicant must submit Paystubs).**
- (c) All other residents of the City of Beacon. **1 Point (Applicant must submit a current utility bill).**
- (d) Employees of the Beacon School District. **10 Points (Applicant must submit a letter from _____ Title.)**
- (e) Other persons employed in the City of Beacon. **5 Points (Applicant must complete the application listing their employers address).**
- (f) The following relatives of residents of the City of Beacon: father, mother, son, daughter, brother, sister, grandparent, grandchild, father-in-law or mother-in-law. **5 Points (Applicant must submit a notarized affidavit from the relative.)**
- (g) Other residents of Dutchess County. **1 Point (Applicant must submit a current Lease or Mortgage Statement).**
- (h) Other persons employed in Dutchess County. **1 Point (Applicant must complete the application listing their employers address).**
- (i) All others. **0 Points**

(2) Within each of the above categories, the following special groups shall receive priority in the following order:

- (a) Households whose head of household or spouse is 62 years of age or older. **3 Points (Applicant must submit a Birth Certificate or Driver's License.)**
- (b) First-time homebuyers. **(N/A)**
- (c) Households whose head of household or spouse is 30 years of age or younger. **2 Points (Applicant must submit a Birth Certificate or Driver's License.)**
- (d) Civil servants. **1 Point (Applicant must submit paystubs or letter from employer.)**

Rental Calculations

2016 HUD Income Limits-

<u>Household Size</u>	<u>80% AMI</u>
1 person-	\$46,000
2 people-	\$52,600
3 people-	\$59,150

1 Bedroom Unit- Based on 1.5 people at 30% Gross Monthly Income Affordability

Household Income- $\$49375 \times .30 = 14812.50 / 12 = \1234.38

HOME utility allowance: \$113.00

Final Rental Price: \$1,121.38

1.5 People is average of 1 and 2 people

2 Bedroom Unit- Based on 3 people at 30% of Gross Monthly Income Affordability

Household Income- $\$59250 \times .30 = 17775 / 12 = \$1481.25.00$

HOME utility allowance: \$151.00

Final Rental Price: \$1330.25

CITY OF BEACON AFFORDABLE UNIT APPLICATION

Applicant Information			
First Name	MI	Last Name	
Social Security #	DOB	AGE	FULL TIME STUDENT Y OR N
Phone	Work Phone	E-Mail Address	
Current Address			
Street Address	City	State	Zip
How Long Lived There?	Landlord Name	Landlord Phone#	
Mo. Rent	Reason For Moving		
Previous Address			
Street Address	City	State	Zip
Date In	Date Out	Landlord Name	Landlord Phone #
Employment & Income Information			
Occupation #1			
Employer Name		Employer Address	
Supervisor Name		Supervisor Contact #	
Position	Start Date / /	End Date / /	
\$ Gross Per Paycheck	How Often Are you Paid? (Circle One) Once Per Month Twice Per Month Once Per Week Every Two Weeks	Self employed?	
Occupation #2			
Employer Name		Employer Address	
Supervisor Name		Supervisor Contact #	
Position	Start Date / /	End Date / /	
\$ Gross Per Paycheck	How Often Are you Paid? (Circle One) Once Per Month Twice Per Month Once Per Week Every Two Weeks	Self Employed? Y or N	

CITY OF BEACON AFFORDABLE UNIT APPLICATION

Co-Applicant Information			
First Name	MI	Last Name	
Social Security #	DOB	AGE	
Phone	Work Phone		
Current Address			
Street Address	City	State	Zip
How Long Lived There?	Landlord Name	Landlord Phone#	
Mo. Rent	Reason For Moving		
Previous Address			
Street Address	City	State	Zip
Date In	Date Out	Landlord Name	Landlord Phone #
Employment & Income Information			
Occupation #1			
Employer Name		Employer Address	
Supervisor Name		Supervisor Contact #	
Position	Start Date / /	End Date / /	
\$ Gross Per Paycheck	How Often Are you Paid? (Circle One) Once Per Month Twice Per Month Once Per Week Every Two Weeks	Self employed?	
Occupation #2			
Employer Name		Employer Address	
Supervisor Name		Supervisor Contact #	
Position	Start Date / /	End Date / /	
\$ Gross Per Paycheck	How Often Are you Paid? (Circle One) Once Per Month Twice Per Month Once Per Week Every Two Weeks	Self Employed?	
Other Income Source Type		Monthly Amount \$	

Other Occupants to be Living in the Apartment						
Name		DOB		Age		
Pets						
Pets Y or N	Dog or Cat	# of Each	Breed	LBS	Breed	LBS
Vehicle Information						
Make, Model, Color		Year		Lic. Plate # State		
Make, Model, Color		Year		Lic. Plate # State		

Emergency Contact		
Full Name	Address	Phone #
Full Name	Address	Phone #
Other Informations:		
Are you or any member of your household a Volunteer Emergency Responder? Y or N		
If Yes, when did service begin		

I agree to authorize <DEVELOPER>, or any of its subsidiaries, agents, or assignees to use this copy of my signature as my consent and approval to verify my credit, employment, income, assets, former tenancies and criminal background, of any, in connection with my application for future tenancy in an apartment at, <DEVELOPMENT>. I understand that all information collected during the verification process will be used solely for the purposes of determining eligibility for residing at <DEVELOPER>. I also acknowledge that I have read and understand the <DEVELOPMENT>, Statement of Rental Policy.

Acknowledged & Agreed

Signature of Applicant: _____ Date: _____

Please Print Name _____

Signature of Co-Applicant: _____ Date: _____

Please Print Name: _____

City of Beacon Workshop Agenda
5/9/2016

Title:

Executive Session - Tax Certiorari Settlement

Subject:

Background:

ATTACHMENTS:

Description

K&B Settlement of Tax Cert Letter

Type

Cover Memo/Letter