

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on November 7, 2016. Please note that the video recording of this meeting is available at <http://vimeo.com/channels/40154>.

Council Members Present:

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

Council Members Absent/Excused:

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 service men 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. **Pat Lucas, 16 Main Street:** Asked why fishing and hunter and no longer permitted at the Cargill Reservoir. Advised that there is already something in the Code about tampering with water meters.
2. **Theresa Kraft, Liberty Street:** Asked that the height of the O'Donnell construction project be lowered in order to fit into the streetscape.
3. **April Farley:** Advised about the Spark Media Film Festival at the Bardavon and reminded everyone to vote.

Public Hearing No. 1:**Proposed Local Law to Amend the Code as it Relates to the Definition of Basement and Story**

Nick Ward-Willis explained that the local law was reviewed by both Dutchess County Planning Department and the City of Beacon Planning Board. He added that this local law would codify what is already in the NYS Building Code.

4. **Patty Klubnick, 27 Meade Avenue:** Moved here from Cold Spring and loves it in Beacon. The house being built does not meet current building codes. Dave Buckley from the Building Department said it would never get a CO. Why would the City amend the code just to accommodate this new development? Mrs. Klubnick advised of the chronology of the situation.
5. **Ronald Vogt, 27 Meade Avenue:** The problem is that there are different requirements for different areas. The third story is overpowering. The third story of this building looks down on my yard. The impact of these provisions changes when you are building on a large lot as opposed to building on a small lot. Changing the law would change the character of Beacon. Asking Council not to pass this

amendment because the current requirements works for beacon if the Building Department would apply them.

6. **Pete Pavelock, Spring Valley Street:** Advised that if he has been paying taxes on a two family house but it's not a two family, he will get a lawyer to request reimbursement of taxes.
7. George Mansfield asked about the consequences of not passing the law. And asked if the term "watchman could be removed"
8. Nick Ward Willis further explained that those properties approved over the last 20 years would be considered "pre-existing non-conforming use".
9. More discussion between the Council and Nick Ward Willis ensued.
10. Lee Kyriacou suggested that this be re-workshopped.
11. Mayor Casale suggested that the public hearing be adjourned until Dec. 5 with a workshop on Nov. 28.
12. Mr. Vogt advised that this issue has been going on since July when he brought it to the building department.
13. Motion to adjourn public hearing, Peggy Ross, second by Lee Kyriacou

Public Hearing 2:

Proposed local law to amend the Code as it Relates to the Storage and Display of Firearms

Nick Ward-Willis explained the changes to the local law.

14. **Chris Soleski, Wappinger Falls:** Has been following issue very this closely. Does not want a one size fits all requirement for this. Marcus Molinaro came out against this legislation last year. Does not live with children. Sometimes it is a millisecond between life and death. Alcohol claims more lives than guns.
15. **Joe Strada 230 Liberty Street:** Has been thinking about purchasing a firearm to protect himself and his wife – does not have children living at home. Has read the revised local law. Do we need a law to affect responsibility? Are there no laws already in place to protect children? Does this law really meet its purpose? The definition of a safe depository is probably a lock box which does not allow for immediate use. A few years ago on Liberty Street, there was a Sweet 16 party where shots were fired. These conditions regarding locking up the gun defeat the purpose for why one has a firearm. Also, questioned the State of Emergency portion of the law. Is the City prepared to defend this in a court? Recently became grandparent and he is very concerned with the safety of children. Believes that children can be taught to look both ways before crossing the street so they can be taught to not touch a firearm.
16. **Arintos Serrados, Village of Cold Spring:** Read a statement. Believes that this legislation will not protect anyone. It will only impact the sportsman and those with an earnest desire to protect their families. A lot can happen in 5 seconds. A neighbor of mine brought this proposal to you. This law will do nothing for anyone's family. The only true objective is to paint firearm owners as untrustworthy. This is a solution in search of a problem and would hinder our right to defend ourselves. Whose interest is being served here? This matter is outside this board's purview.
17. **William Cornett, 38 Victor Rd.:** Born and raised in Beacon. Retired Police Lt. where he served for 30 years. This is unnecessary, unenforceable and unconstitutional. The police chief has expressed that this law is unenforceable. This local law seeks to prevent what has never happened by substituting the judgement of the government for that of our citizen. Let's use education to achieve a goal that we all agree on; a safe environment for all our citizens.
18. **Jill Rubin:** Thinks that citizens can still bear arms but with restrictions for safety.
19. **Lou Amaroso, Jr.:** Thanked the council for this second chance to comment. Has an issue with a few areas of the law. Mentioned a few aspects of the law; who can touch the gun – this is unclear? State of Emergency- mentioned what happened in Louisiana. We have an epidemic in Beacon that no one is

acknowledging - there is a heroin epidemic. This law is ridiculous and shows that there is an agenda to restrict gun owners a little bit at a time. We don't need the City Council to tell us how to live in our houses. Is in favor of gun safety education.

- 20. Ben Nathan:** Lives in the community. Mentioned the restrictions in Israel and how it affects the number of gun accidents. Does not expect to have a full scale gun reform here in Beacon but we can institute a common sense. Showed information about safe gun locks and how they work. Mentioned some instances of accidental gun deaths.
- 21. Robin Wood:** Thanked the council for considering this legislation. As a citizen of Beacon, I applaud all the gun owners who practice gun safety. Thank you again for working on this.
- 22. Nick Castellano, Putnam County:** Believes that there is a larger agenda at work here. This law makes victims into perpetrators. It was discussed about how after Hurricane Katrina the guns were confiscated. The guns were actually confiscated from those least able to protect themselves; the poor. The rich people were able to keep their guns. The normal practice in gun ownership is to voluntarily lock them up. The discussion about gun ownership in Israel does not apply to a free country.
- 23. Mike DePapo, Ret. Army Col.:** Lived in Beacon a long time has thought about what would happen if a terrorist attack occurred here. This law is in direct violation of accepted law and Supreme Court decisions. If you want to save children, you should ban cars. Cars are responsible for more children's deaths than anything else.
- 24. Fred Antelock, 75 Knevels Avenue:** Was a council member for 8 years. Has 4 children and 8 grandchildren. Has 18 guns in his gun cabinet. Gun safety comes from the home not from the members of the city council. Has many questions about the proposal as it is written. Wonders if anyone owns a guns, have they hunted, target practiced as a hobby if they have not, I do not think they can give an unbiased opinion. Lives in the USA not Israel.
- 25. Pete Pavelock, 99 Spring Valley Street:** Opposes the safe gun law. Spent 25 years as a police officer, served in the military and am a member of the NRA. Have two children who were raised with firearms in the residence. When my two boys were at the proper age, I educated them about responsible gun handling. This local law gives the impression that our City is unsafe. It's already a state law to keep your guns locked up anyway. This law is totally ridiculous. Everyday a police officer is killed in this country.
- 26. Perry Pendleton:** Spoke at the last meeting. The Council has been discussing this since August. Has anyone asked the police chief when was the last time there was an accidental gun death in the City of Beacon.
- 27. Scott Wood, 69 Howland Avenue:** Grew up hunting with his father. Respects firearms and respects people with firearms. Has children and believes in this measure because he believes in safety in the community. This law can add a layer of safety. Recounted news stories of gun accidents with children. Trust your decisions and thanked council for their time.
- 28. Pat Lucas:** Sent an email to the board on this issue. Retired law enforcement officer. This law touches on a constitutional amendment. If we want to save lives, we can stop making cars. This particular law is to punish gun owners and is redundant.
- 29. Gregory Bull, Main Street:** Believes that education is important but does not think education is enough for some children. Some kids will listen but some kids will not. 99% of responsible gun owners will lock up their guns but there are some who will not and we need to take that seriously.
- 30. David Jensen, Beacon resident:** Attorney, father and gun owner. How would this law tie into Federal and State laws. We have a solution to a problem that does not exist. Both state and federal laws require a firearm locking device. This device does not satisfy this local law. Someone will have to purchase a safe. Someone could move here and unwittingly be in violation of the law. Mentioned the cannon on Main Street and the musket at Madame Brett House. The provision that gun owners must report a stolen gun is already in the State penal code. This local law would be counter- productive.

Mentioned the role of the Mayor in a State of Emergency. Appreciates what the city is trying to do but it is misguided. Education would be a better approach.

- 31. John Barry 227 E. Main Street:** Spoke at the last meeting. Came here from Va. In 1964. Was a gun owner in his 20s and still a gun owner. Taught all my children to shoot. Serves as a gun instructor. Feels that the secret to gun safety is education. Gave some instances of grey areas with the local law. The Poughkeepsie Journal talked about 1.5 million children were injured playing soccer last year – major injuries like blown knee caps or torn ACLs. I know of no instance in Beacon where a child has accidentally shot another child. I appreciate the City Council trying to do something but don't tell me not to have firearms in my house.
- 32. Clair, Middletown:** There is a new influx of people here who may be concerned about firearms in the homes where their children may visit. Suggests that Beacon adjust the long held values that people have. This community is evolving and needs to look out for one another's kids.
- 33. Carla Benson:** Nephew was in Sandy Hook School when it was attacked.
- 34. Carla Springer:** Learned to shoot a gun on top of Fishkill Mountain. Always felt safe here and always felt my children were safe. Does think that the two seconds it would take to unlock the gun may save a life. It's not just children, its mentally ill people who know who has a gun.
- 35. Joe Galbo, Beacon:** Lived here for 15 years and has carried here almost every day. Retired police officer from Westchester. Asks why he would have to be penalized for others who ignore proper gun safety procedures.
- 36. Steve Cohen, Liberty Street:** Two sons who graduated from Beacon High School. Both were raised with loaded guns in the house. They were boy scouts and they learned gun safety. They were not allowed to have toy guns. Lock up the kitchen knives, lock up the car keys. There are more ways that people can kill each other with the wires on the floor.
- 37. Lou Amoroso, Sr.:** Advised that the prison is just up the street. Every day they get visitors who bring them drugs and knives – we've got three school over there. Mentioned that there have been couple of prison breaks over the years and you might wish you had a firearm when that happens.
- 38. Motion to Close Public Hearing:** Omar Harper, second by George Mansfield 6-0

Council Member Reports:

- 39. Omar Harper:** Received a call about how well our fire department has been working with the schools.
- 40. Lee Kyriacou:** Appreciates everyone who spoke tonight.
- 41. George Mansfield:** Remind everyone about the comprehensive plan meeting on Nov. 17 at the Memorial Building.
- 42. Pam Wetherbee:** Get out and vote tomorrow.
- 43. Peggy Ross:** Gave details about the comprehensive plan process. Urges everyone to join them because this is very important.
- 44. Mayor Casale:** Chris Ruhe and Joe Galbo have resigned from the Human Relations Committee. Report from the Fire Department – as of Nov. 1, 2016 Terry Stanulwitz and Alex Bowan, Sr. will be exempt. Attended the Beacon Historical Society Hat event at the Howland Center. It was a great event and I was

happy with the attendance. Glad that there is new energy and that they are moving forward. On Nov. 11th there will be a Veterans Day ceremony at the Memorial Building.

- 45. Jerry Landisi, DC Legislator:** The County Executive will be at the Town Crier to present the DC Budget on Nov. 17.
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Resolutions, Ordinances and Local Laws:

46. Resolution to Adopt the Local Law to Amend Chapter 223 of the Code as it Relates to the Definition of Story and Basement

- Mayor Casale explained that Council decided to workshop this item again.

47. Resolution to Adopt the Local Law to Amend the Code as it Relates to the Safe Storage and Display of Guns

- Motion by Council Member Mansfield, second by Council Member Wetherbee **(rescinded)** Council expressed their desire to look into this further. It was decided that Council would discuss again in workshop

48. Resolution to Schedule a Public Hearing for December 5, 2016 to Receive Public Comments on the Proposed 2017 Budget

- Motion by Council Member Kyriacou, second Council Member Wetherbee
6-0

49. Resolution to Schedule a Public Hearing for November 21, 2016 Regarding the Beacon Historical Society's Request for a Special Use Permit for Property Located at 17 South Avenue

- Motion by Council Member Kyriacou second by Council Member Harper
6-0

50. Resolution to Authorize the Sale of City Owned Property Located at 23 Creek Drive

- Motion by Council Member Mansfield, second by Council Member Ross
6-0

51. Resolution to Authorize the Sale of City Owned Property Located at 36 North Cedar Street

- Motion by Council Member Ross, second by Council Member Mansfield
6-0

52. Resolution Declaring O'Donnell Construction Corp. in Default for Failure to Comply with the Terms and Conditions of the Contract of Sale and Setting Deadline for Compliance

- Motion by Council Member Wetherbee, second by Council Member Mansfield
6-0

53. Resolution Agreeing to Subordinate the City's Right of Reverter for Financing for Property Located at 344 Main Street

- Motion by Council Member Harper, second by Council Member Kyriacou

6-0

54. Resolution to Authorize an Easement at 445 Main Street

- Motion by Council Member Kyriacou, second by Council Member Mansfield

6-0

55. Resolution to Authorize the Renewal of an Agreement with Dutchess County SPCA for the Housing of Dogs in the City of Beacon

- Motion by Council Member Ross, second by Council Member Harper

6-0

Approval of Minutes:

56. Minutes of September 19, 2016 and October 3, 2016

- Motion by Council Member Wetherbee, second by Council Member Mansfield
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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.

Speakers:

- 57. Theresa Kraft:** Suggested that the City invite the County Executive to visit the Howland Cultural Center to view the BHS Hat Exhibit.

Adjournment:

- Motion by Council Member Harper, second by Council Member Mansfield
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Next Workshop: November 14, 2016

Next Council Meeting: November 21, 2016

Respectfully submitted,
Elizabeth Evans, Assistant to the Mayor