



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

Mayor Randy Casale  
Councilmember Lee Kyriacou, At Large  
Councilmember George Mansfield, At Large  
Councilmember Terry Nelson, Ward 1  
Councilmember John E. Rembert, Ward 2  
Councilmember Jodi M. McCrede, Ward 3  
Councilmember Amber J. Grant, Ward 4  
City Administrator Anthony Ruggiero

**City Council Workshop Agenda**  
**April 29, 2019**  
**7:00 PM**

**Workshop Agenda Items:**

1. Building Proposal Regarding 2 Cross Street
2. Presentation From Hudson River Housing
3. Presentation from Local Governments for Sustainability Regarding Climate Smart Communities
4. Farmers Market
5. Resolution to Declare Fairview Tank Replacement Project a Type II Action Under SEQRA
6. Resolution Concerning Fairview Water Tank Bond
7. Promotion of Water Department Working Supervisor
8. Fishkill Avenue Supplemental Agreement
9. Teller Avenue Supplemental Agreement
10. Protect Our Courts New York State Legislation Discussion
11. Main Street Pedestrian Improvements Recommendation of Award
12. U.S. Army Corps of Engineers Issuance of Regional General Permit
13. Accessory Apartments Special Use Permits
14. Linkage Zone and Protected Viewsheds

**Upcoming Agenda Items and Meetings:**

1. Certificate of Occupancy Law
2. Historic Overlay
3. City of Beacon Noise Ordinance

**Executive Session:**

1. Real Estate

**City of Beacon Workshop Agenda**  
**4/29/2019**

**Title:**

**Building Proposal Regarding 2 Cross Street**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
2 Cross Street Concept Design Study	Presentation



2 CROSS STREET, BEACON NY  
CONCEPT DESIGN STUDY

APRIL 29, 2019



# VICINITY



2 CROSS STREET, BEACON NY  
CONCEPT DESIGN STUDY

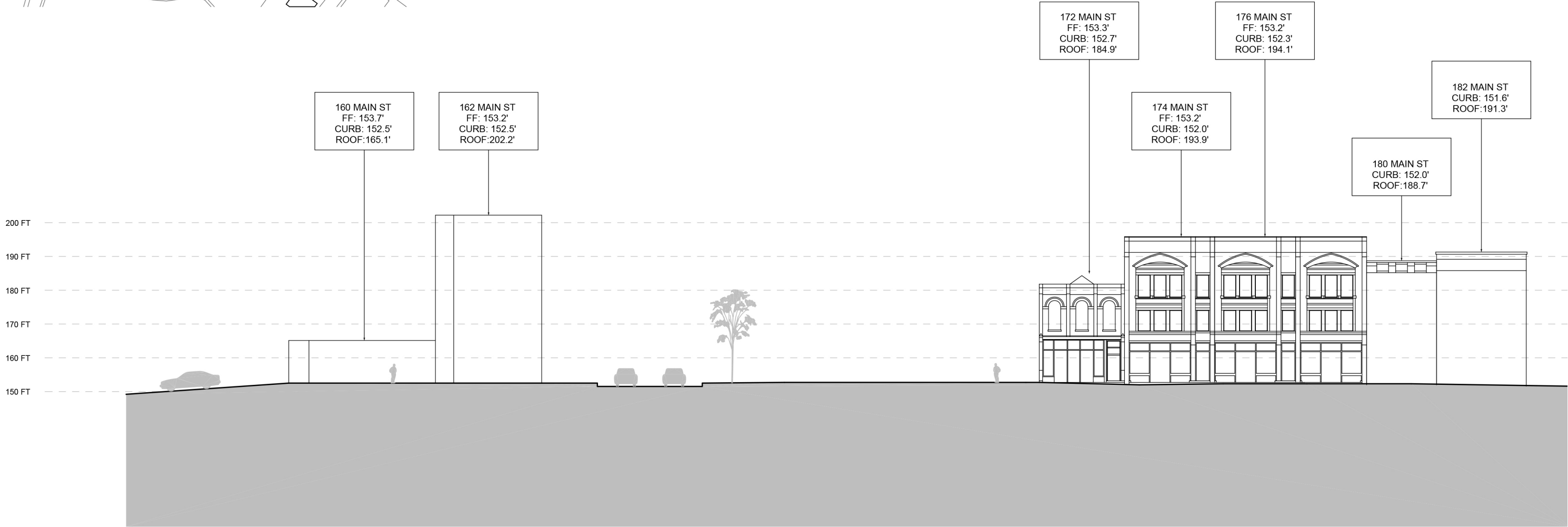
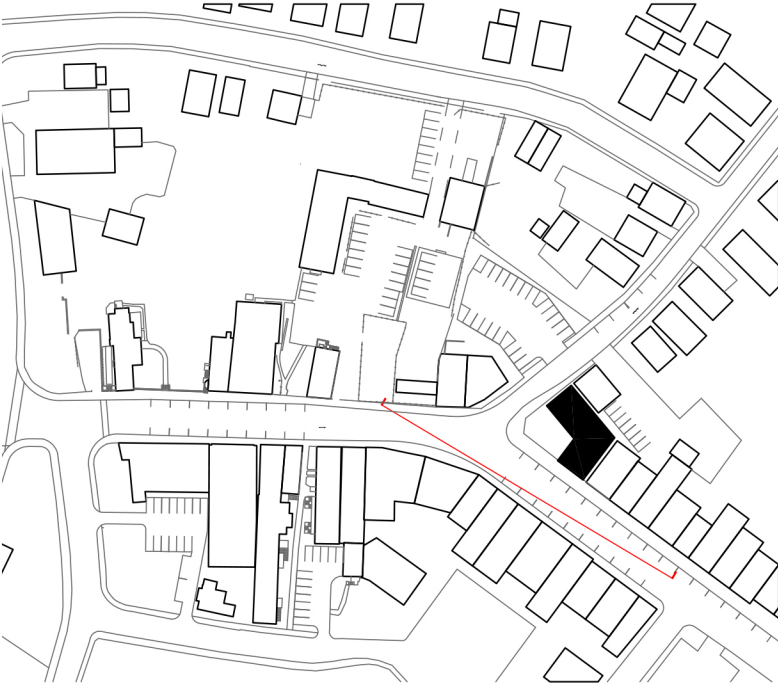
Imagery ©2019 Google, Map data ©2019 Google 100 ft



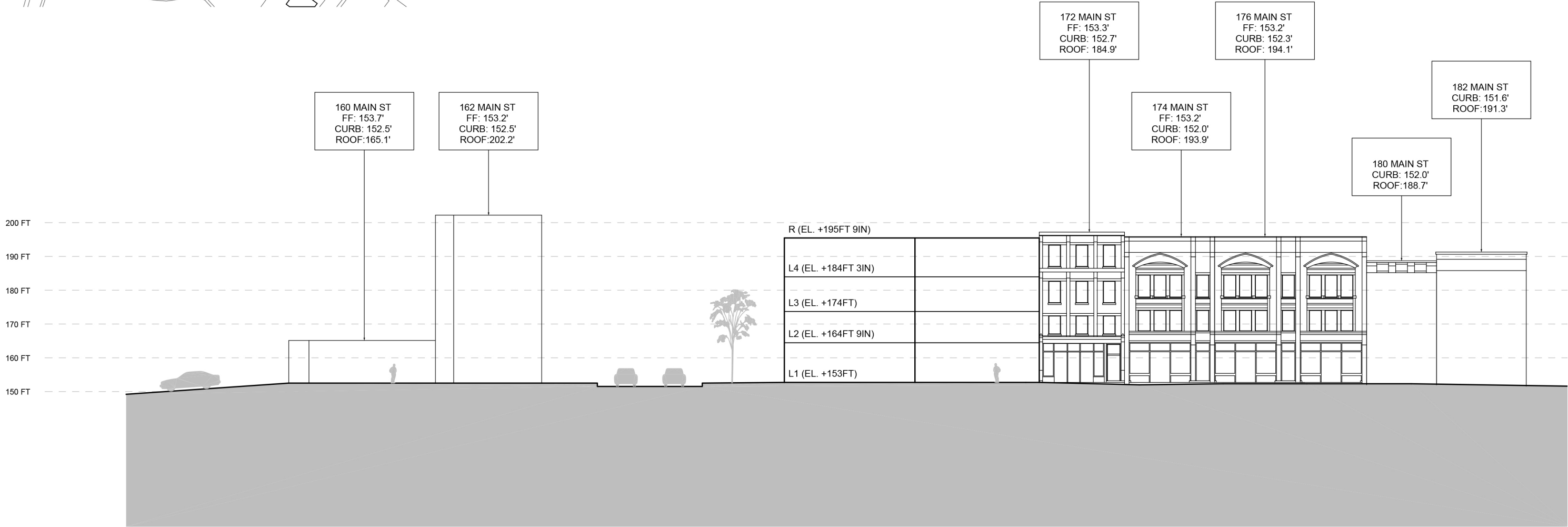
# SITE



# EXISTING ELEVATION



# PROPOSED ELEVATION





VIEW WEST



2 CROSS STREET, BEACON NY  
CONCEPT DESIGN STUDY



# VIEW EAST





CLOSE UP



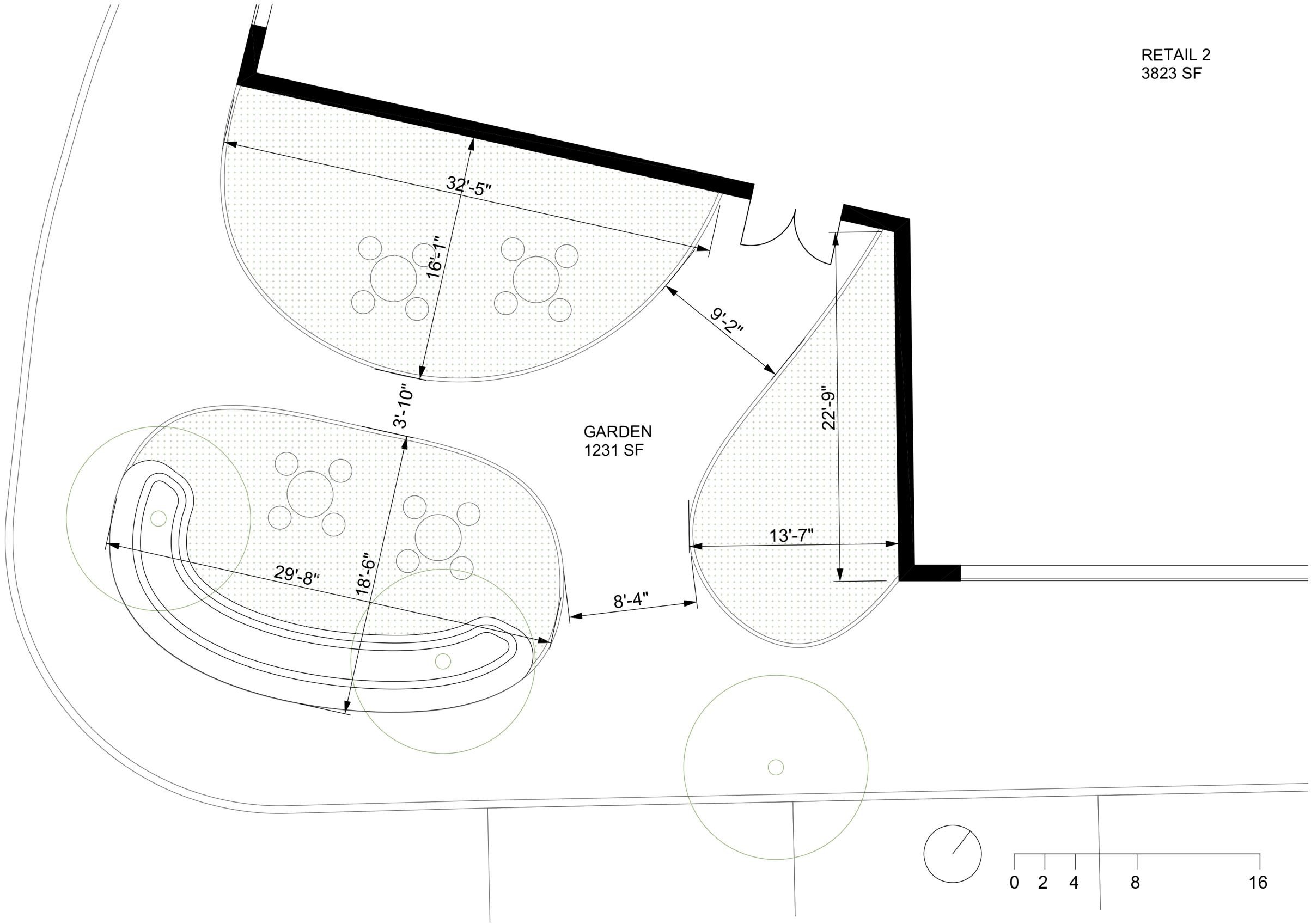
2 CROSS STREET, BEACON NY  
CONCEPT DESIGN STUDY



# PLAZA PLAN

CROSS STREET

RETAIL 2  
3823 SF



# PLAZA PLAN

CROSS STREET

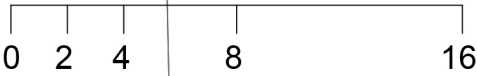
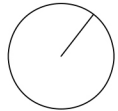
RETAIL 2  
3823 SF

OUTLINE OF BEACON COURTROOM  
INTERIOR DIMENSIONS

GARDEN  
1231 SF

32'

40'





**City of Beacon Workshop Agenda**  
**4/29/2019**

**Title:**

**Presentation From Hudson River Housing**

**Subject:**

**Background:**

**City of Beacon Workshop Agenda**  
**4/29/2019**

**Title:**

**Presentation from Local Governments for Sustainability Regarding Climate Smart Communities**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Beacon Climate Action Planning April 2019	Presentation
Beacon Green House Gas Inventory Proposal ICLEI USA	Backup Material



# Advancing Local Sustainability Action

April 17, 2019



CLIMATE SUMMIT OF LOCAL  
AND REGIONAL LEADERS  
12 NOV 2017 | COP23 | BONN

ICLEI has a unique role in  
global climate action





## U.S. POPULATION IN ICLEI MEMBER CITIES AND COUNTIES

**60,436,272**

POPULATION UNDER 100,000

**62%**

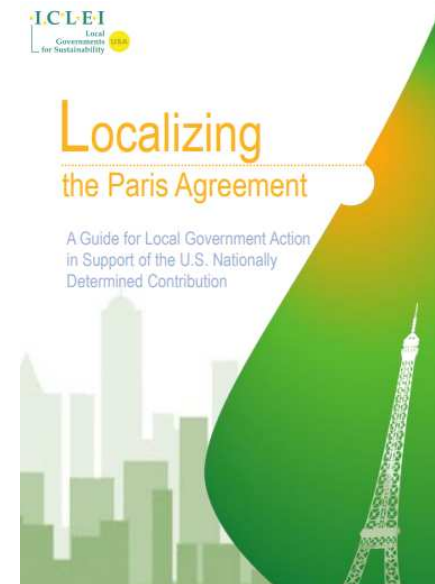
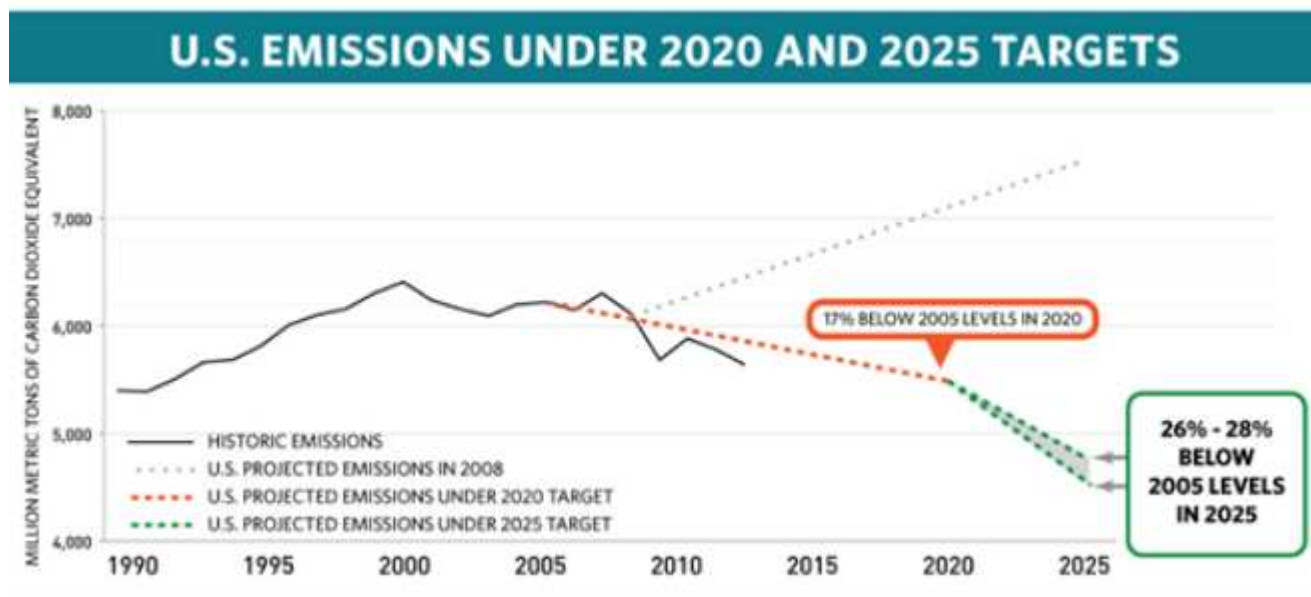
ICLEI USA network



# U.S. NDC calls for 26-28% below 2005 levels by 2025

*Cities and counties are raising this bar*

Figure 1: U.S. GHG emissions projections for NDC target (Source: [U.S. NDC](#))



<http://icleiusa.org/publications/>

# ICLEI's Sustainability Framework

**SCALE UP**  
AND EXPAND THE MODEL OF  
**SUSTAINABLE**  
CITIES AND REGIONS

MAKE SUSTAINABILITY A  
**FUNDAMENTAL**  
PART OF ALL LOCAL AND  
GLOBAL DEVELOPMENT

TACKLE THE MOST  
**PRESSING ISSUES**  
OF OUR TIME TO PROTECT THE  
LONG-TERM INTERESTS OF  
**CITIZENS**

UNDERTAKE A  
**COLLECTIVE**  
**EFFORT**  
FOR GLOBAL CHANGE ACROSS ALL  
SECTORS AND LEVELS OF GOVERNMENT

**LOW EMISSION**  
DEVELOPMENT



**RESILIENT**  
DEVELOPMENT



**CIRCULAR**  
DEVELOPMENT



**EQUITABLE AND**  
**PEOPLE-CENTERED**  
DEVELOPMENT



**NATURE-BASED**  
DEVELOPMENT



ICLEI brings sustainability planning into communities through:

- Convenings
- Peer-city networks
- Cohort Trainings
- Tools & Protocols
- Resources and Best Practices



# ICLEI is your peer-city network

Global

**100% Renewable Energy**

Cities and Regions Network

**Renewable Energy**



**Biodiversity and nature-based solutions**



**Regional food systems**



**Sustainable procurement**

# Opportunities for Action: ICLEI Cohort Training Series



**ICLEI**  
Local Governments for Sustainability **USA**

**Apply by February 8**

**2019 ICLEI Climate Action Planning Cohort Training Session**

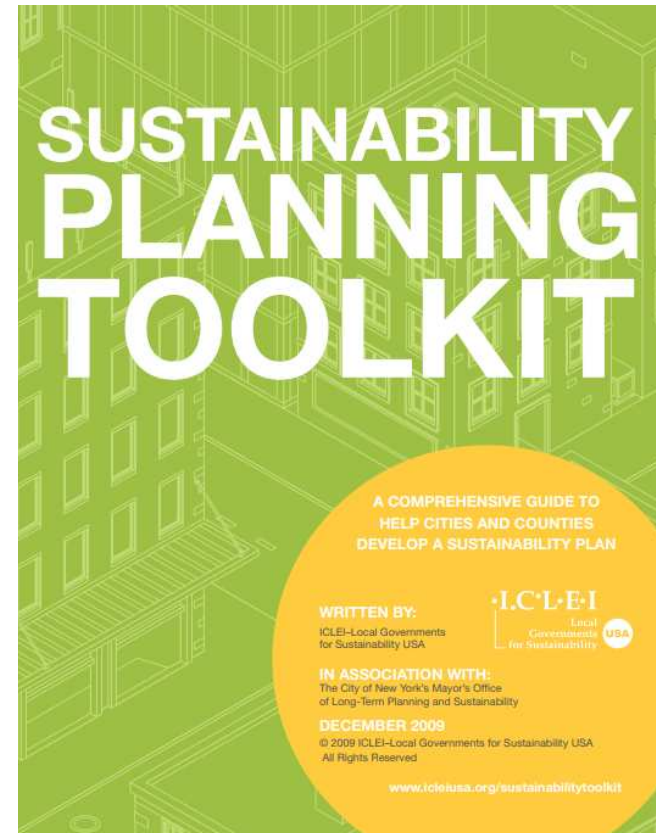
*A 12-week technical assistance offering free to ICLEI member local governments*

Photo by Eamonn O. Mulri on Flickr





# Sustainability Toolkit



# Sustainability Toolkit

## TOOLS/TEMPLATES

- [Measure Analysis Template](#) (in your toolkit folder)
- ICLEI's [Climate and Air Pollution Planning Assistant \(CAPPA\)](#) decision support tool for assessing the emissions reductions for various measures
- [Sustainability Strategies Matrix](#)
- [Sample Outline](#)
- [Outreach and Communications Guide](#)
- [Playbook for Green Buildings + Neighborhoods website](#)

Visit the [Action Center](#) on the ICLEI USA website for a variety of guidebooks, best practices, and implementation tools, including:

- [ICLEI's Solid Waste and Recycling Guide](#)
- [ICLEI's Revolving Energy Fund Guide](#)
- [ICLEI's Outreach and Communications Guide](#)
- [ICLEI's Environmentally Preferable Purchasing Guide](#)
- [Model Ordinances](#)



# Sustainability Toolkit

STRATEGY	LEAD ACTOR			PRIMARY IMPACT			TIMEFRAME		POLICY AREA																
	Government	Business	Community	Government	Business	Community	Long Term	Short Term	Climate Change Mitigation	Climate Change Adaptation	Air Quality	Green Buildings	Energy	Food	Forestry	Housing	Land Use	Open Space	Procurement	Renewables	Transportation	Waste	Water	Economic, Social, Outreach & Misc	
	Use life cycle cost analysis in city purchasing decisions	x			x			x		x		x		x						x					
Purchase environmentally friendly (non-VOC) cleaning products	x			x				x			x								x						
Purchase environmentally friendly (non-VOC) paints	x			x				x			x								x						
Use environmentally friendly materials in construction	x			x				x											x						
Purchase furniture and flooring from sustainable sources	x			x				x	x										x						
Implement recycling and environmentally friendly purchasing in municipal shop operations (oil and fuel reuse etc)	x			x				x	x										x						
Buy recycled products where possible (eg paper for office printing)	x			x				x	x										x						
Implement a healthy school lunch program and buy local foods	x					x		x						x											x
Adopt a 'buy local' purchasing policy	x			x		x		x	x										x		x				x
Purchase only ENERGY STAR equipment and appliances for City use (including computers, kitchen equipment, vending machines etc). Negotiate prices by purchasing in bulk where feasible.	x			x				x	x				x						x						
Establish a hydrogen energy dispensing facility	x	x			x	x	x		x		x		x							x					
Generate electricity from wastewater methane	x	x			x	x	x		x		x		x							x				x	
Install an anaerobic digester at wastewater facilities	x	x			x	x	x		x		x		x							x				x	
Generate electricity from landfill methane	x	x			x	x	x		x		x		x							x					
Generate electricity from biomass	x	x			x	x	x		x		x		x							x					
Install a biodiesel fuel processor or biorefinery	x	x			x	x	x		x		x		x							x	x				
Install a cogeneration plant (generates																									



# ClearPath

AN ICLEI **USA** TOOL



# ICLEI Community portal

**Grow** knowledge with a targeted resource library

**Learn** via a self-paced training platform

**Connect** with peers and experts through topic workstreams

**Learning Tracs**

- Inventory Training (NOT STARTED)
- Forecasting (IN PROGRESS)
- ClearPath Inventories (47 hrs 50 mins, 0%)
- SEEC Inventories (49 hrs 40 mins, 0%)
- Inventory Session Cohort (NOT STARTED)
- SEEC Inventory Sess... (26 hrs, 0%)

**Groups Active Groups**

NAME	LAST ACTIVITY	MEMB...	OWNER
100 RE	4/5/2018 5:34 PM		
Temperate (Private)	4/5/2018 1:24 PM		
Open Discussion	3/30/2018 6:07 PM		
ClearPath Discussion	3/30/2018 6:04 PM		
GHG Protocols	3/29/2018 7:47 AM		
Climate Equity	3/23/2018 1:54 PM		

**GHG Protocols Members**

PHOTO	NAME	TITLE
	Michael Shankoff	Program Manager, Tools and Technical Innovation
	Helen Ackley	Program Officer
	Angie Fyfe	Executive Director
	Hoi-Fai Mak	Program Officer
	Kate Roberts	Program Officer, Network Relations

# GHG Inventory Case: Red Hook, NY

Sector	Total Tons CO2e
Gov. Operations	755
School District	2,791
Waste	3,488
Commercial	8,334
Bard College	16,571
Residential	45,929
Transportation	57,672
<b>Total</b>	<b>135,540</b>
<b>20% Reduction</b>	<b>108,432</b>

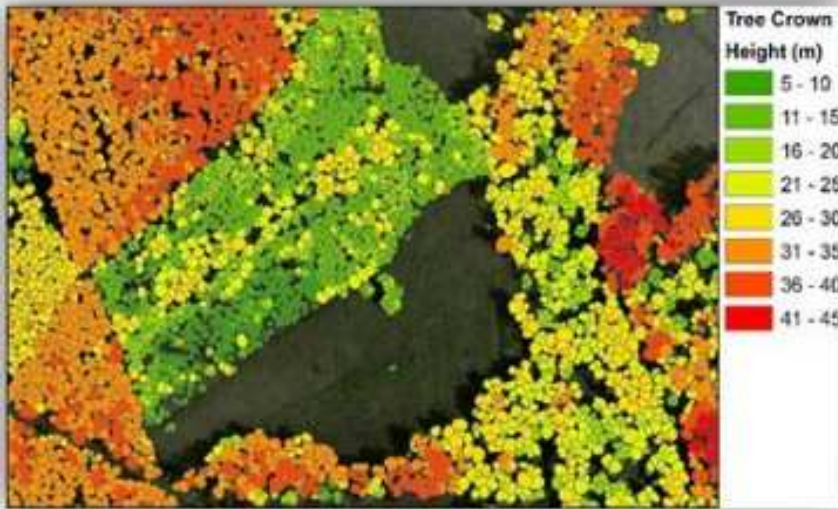
Gov. Operations	0.56%
School District	2.1%
Waste	2.6%
Commercial	6.1%
Bard College	12.2%
Residential	33.9%
Transportation	42.5%
	<hr/>
	100%





# Forestry Protocol Case: Philipstown, NY

Tree tops  
and crowns  
with  
detected  
tree heights  
and crown  
projections





# Resilience Case: New Paltz, NY

2020 ADAPTIVE PLAN

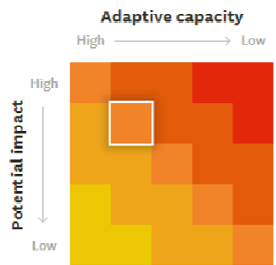
## Dashboard

Overview

Vulnerability assessment

**How is adaptive need calculated?**

Adaptive need represents a risk's priority, from yellow (lowest) to deep red (highest). Its value depends on the risk's **potential impact** and your city's **adaptive capacity** to manage it.



**Adaptive capacity**  
High → Low

**Potential impact**  
High ↓ Low

**City profile**

Enter information about your city, including any long-term goals you hope to achieve

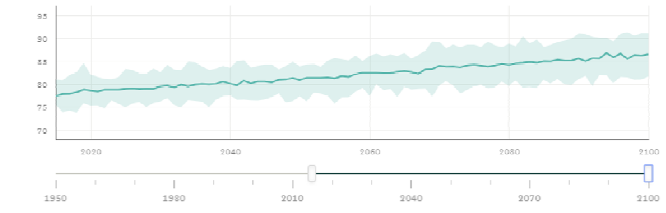
0/5 0%

**Extreme hot days - 4 risks**

Vulnerability assessment 25% **Assess** Action steps

**Average High Temperature**

Scenario: Low emissions | High emissions | All available models | Units: F | Dataset: LOCA | NEX-GDDP



— F Range between min/max of selected models

Aggregated average high temperature, generated from daily data using all requested models

Kale Roberts  
Senior Program Officer,  
Network Relations

845-464-3682

[kale.roberts@iclei.org](mailto:kale.roberts@iclei.org)

Garrison, New York



ICLEI USA Headquarters  
1536 Wynkoop St #901  
Denver, CO 80202

(510) 844-0699

[icleiusa.org](http://icleiusa.org)

@ICLEI\_USA



# Proposal for Services

Beacon, New York

**ICLEI - Local Governments for Sustainability USA**

---

April 23, 2018

## Introduction

---

The City of Beacon, New York, is committed to addressing climate change to ensure a healthy, resilient community for its 14,289 residents. The City's 2017 Comprehensive Plan Update incorporated sustainability considerations, particularly to encourage smart growth development practices that support a walkable, bikeable downtown and usher in community solar and increased solid waste diversion. During the 2012 – 2018 time period, Beacon prioritized upgrades to improve resilience and efficiency of City-owned facilities and infrastructure. Improvements recently completed include the conversion of all street lights in the city to LED and a project with BQ Energy to construct and install a solar farm on the former landfill south of the sanitation facility. The City is now striving to fulfill commitments to achieve designation under New York Department of Environmental Conservation's Climate Smart Communities program.

Beacon's commitment to community engagement led to the formation of the Conservation Action Committee (CAC). The CAC is charged with advising the Planning Board and the City Council on matters affecting the preservation, development and use of the natural and man-made features in the City. The Committee advises on major environmental threats and maintains an inventory of natural resources and an index of all open spaces. The Committee consists of nine members appointed for a two-year term.

Beacon desires to create the City's first greenhouse gas (GHG) emissions inventory in order to advance its Climate Smart Communities goals while establishing a baseline of emissions necessary to establishing data-driven reduction targets and track progress over time. The City recognizes the importance of quantifying the GHG reduction potential and feasibility of the actions recommended by the CAC and to quantify the many steps toward climate action to date.

To support its climate action vision and help solidify Beacon as a sustainability leader in the Hudson Valley the City is joining the ICLEI USA network. Through ICLEI membership, the City will gain access to ICLEI's GHG and climate action methodologies, resources, and technical support. To supplement CAC volunteer and staff capacity building activities available via membership, the City has requested a proposal of options for ICLEI to provide deep-dive technical services, particular to complete a local government operations GHG inventory and community-scale GHG inventory during 2019.

Task 1: ICLEI completes the Community-scale GHG inventory

Task 2: ICLEI completes the local government operations GHG inventory

Task 3: ICLEI produces final GHG inventory report and presents results to Beacon City Council and additional stakeholder groups, such as the CAC, as requested (optional)

Task 4: ICLEI provides reporting services to global climate reporting platform, such as CDP (*optional*)

*These tasks will be delivered at a discounted service rate following Beacon joining ICLEI as a full member.*



# Task 1: Community-scale GHG Inventory

~~Greenhouse gas (GHG) inventories provide the foundation for performance management of climate~~ disrupting gases that result from the activities of both the operations of municipal government as well as the wider community. While an important goal on its own, a comprehensive GHG management strategy should take advantage of the opportunity to address other performance indicators for a community. Inefficient buildings and transportation systems, waste generation, and other sources of emissions also represent unnecessary expenditures by both the government and from community stakeholders, undermining the economic resilience of the community as a whole.

Often GHG inventories are created in isolation with a goal of simply gathering data and executing calculations. While this approach will provide a total emissions footprint, it will not position a community in the best way to develop a climate action plan and subsequently monitor progress towards an emissions reduction target. ICLEI USA is pleased to provide a proposal to develop a local-government operations and a community-scale inventory for Beacon and equip the community with the lessons we have developed in nearly 30 years of leadership on local climate action and sustainability.

## Scoping

The U.S. Community Protocol for Emissions Inventories (USCP) recommends that an inventory begin with a scoping exercise. This may be as simple as an interview with key staff and may also include engagement with community stakeholders to place the effort in the larger context of related sustainability and resilience goals. ICLEI will use input from the scoping exercise to guide the approach to data collection in order to best inform policy and action decisions that may be included in a subsequent climate action plan. For example, in order to address equity in a climate action plan, it may be useful to gather information of the cost of energy use for members of the community so that future actions can prioritize those actions that would provide the most relief for low-income community members.

This is one example of the kind of approach that ICLEI would take, depending on the results of the scoping exercise. Connections to urban forestry, waste reduction goals, or encouraging active transportation are other examples.

ICLEI USA is the architect and sole provider of the ClearPath software and developed both the USCP, the Local Government Operations Protocol and co-developed the Global Protocol for Community Scale GHG emissions accounting (GPC), on which the software is built. GHG protocols provide authoritative guidance for communities to account for carbon pollution accurately and consistently.

## Data Collection

The most time-intensive task in developing a GHG inventory is the data collection phase. This is also a critical component to ensuring a reliable base for long-term performance management through subsequent re-inventories and analysis. ICLEI has performed some initial research to scope this effort and understand the local context and possible sources of data.

Data collection for the community will rely partially on past data-collection efforts, including City of Beacon energy audit or scoping activities associated with Climate Smart Communities applications. ICLEI has reviewed activities that are probable to include in the inventory and likely sources for that data.

Inventory Sector	Anticipated Data Source
Residential and Commercial Energy	Central Hudson
On-road Transportation	Dutchess County Public Transit; New York State DOT
Rail	Metro North Railroad
Solid Waste	Royal Carting Service Company
Water & Wastewater Treatment	City of Beacon Water Department

## Data Entry and Documentation

All calculations will be performed in ICLEI's ClearPath Software. ClearPath features are designed to facilitate long-term management of emissions data and periodic re-inventory. As a cloud-based software, all data from this inventory is stored safely with daily backups made. Without spreadsheets to lose, future inventory efforts will be able to move seamlessly into re-inventory.

Each calculation in ClearPath contains a field to record the data source or other qualifying information. ICLEI shall diligently use this feature to document the source of each piece of input data such that future updates can be easily obtained. Each record also allows for file attachments which ICLEI will use to include documents directly. These features of the tool will allow Beacon staff to easily repeat the inventory in the future. (See Figure 1 below)

Figure 1: Example of an outputs table in ClearPath

Name	Value
Electricity Energy Equivalent (MMBtu) ?	15529
Energy Cost (\$)	0
CO2 (MT)	881.26
CH4 (MT)	0.059852
N2O (MT)	0.020638
CO2e (MT) ?	888.91
MMBtu per Household ?	1.3503
CO2e per Household (MT) ?	0.077296
MMBtu per Person ?	0.62116
CO2e per Person (MT) ?	0.035556
GPC Scope ?	Scope 2
GPC Reference Number ?	I.1.2
US-CP Reporting Category	Activity

Notes

Data Source: Jane Doe, Analyst - Local Utility  
 By Email: Date - July 1, 2018. Subject: "Residential Accounts"

Attach a new document

Choose File data (8).csv

Save Save A Copy

## Protocol Compliance

ICLEI will use ClearPath to complete a community-wide GHG emissions inventory using both the USCP and the GPC. The GPC is the standard reporting format now adopted by CDP (formerly Carbon Disclosure Project) and other registries. It is the required standard for participation in initiatives such as the Global Covenant of Mayors for Climate & Energy and is designed to allow for maximum comparability across cities over the globe. Even if Beacon determines the City will not participate in a leadership campaign such as the Global Covenant of Mayors, organizing the inventory results according to the GPC will allow for greater integration with other communities in the region.

## Timeline

The timeline for data collection, entry and initial findings shall be completed within six months of the start date (anticipated start date to occur during Summer 2019). To accommodate timing and availability of Beacon leadership and other stakeholders, final presentations may occur after this time, but within the calendar year 2019. This timeline is primarily dependent on the availability of reliable, quality data. The City is responsible for data requests, as privacy rules limit providers' ability to release information to third parties. Access to reliable, complete, and accurate data is the step in the process that is most likely to cause delays in developing the final inventory product.

## Proposed Costs

Task 1: ICLEI Member Pricing	<b>\$ 6,100</b>
<b>Steps / Outputs included in base price</b>	
Review existing conditions: documents, reports, plans related to community-wide climate action	
Assist City with data gathering, including data request letters, identifying the data needed	
Complete Master Data Workbook and document data sources for clarity and ease of replication in future years	
Receive, evaluate, refine data and input data into ClearPath Community GHG inventory track	
Review local emissions factors for applicability and accuracy	
Quality control / manager review of data and ClearPath input	
Refine data input, ClearPath results as needed via review	
Draft final narrative report, including charts and tables exported from ClearPath	
Review results with City stakeholders. Refine draft report as needed for clarity, ease of use.	
Provide City with final <b>Draft</b> Narrative report, ClearPath inventory, completed Master Data Workbook	
Price includes up to three in-person meetings attend by ICLEI expert, Kale Roberts and phone calls as needed with ICLEI Quality Control team.	

## Task 2: Local Government Operations GHG Inventory

Beacon's municipal operations appear straightforward in the services it directly provides as there is no significant transit operations operated directly by the municipal government. This will make the government operations portion of the inventory relatively straightforward as well, but ICLEI will take consideration to account for special facilities in a way that best guides future action planning. ICLEI will Review existing conditions, for example it is our understanding that will include a 2012 audit and an overview of major updates to facilities and street lights made prior to 2014.

### Data Collection

<b>Inventory Sector</b>	<b>Anticipated Source</b>
Buildings and Facilities	Finance, Facilities
Streetlights and Traffic Signals	Finance, Facilities
Fleet	GasBoy Fuel System,
Waste Generation	Facilities Management
Water & Wastewater Treatment	City of Beacon Water Treatment City of Beacon Water Department
Employee Commute (if desired)	Custom Employee Survey developed by ICLEI

## Proposed Costs

Task 2: ICLEI Member Pricing	<b>\$ 3,500</b>
<b>Steps / Outputs included in base price</b>	
Review existing conditions: documents, reports, plans related to municipal operations climate action	
Assist City with data gathering, including identifying the data needed	
Complete Master Data Workbook and document data sources for clarity and ease of replication in future years	
Receive, evaluate, refine data and input data into ClearPath Government GHG inventory track	
Review local emissions factors for applicability and accuracy (completed under Community inventory)	
Quality control / manager review of data and ClearPath input	
Refine data input, ClearPath results as needed via review	
Draft final narrative report, including charts and tables exported from ClearPath	
Review results with City stakeholders. Refine draft report as needed for clarity, ease of use	
Provide City with final Draft Narrative report, ClearPath inventory, completed Master Data Workbook	
Price includes up to three in-person meetings attend by ICLEI expert, Kale Roberts and phone calls as needed with ICLEI Quality Control team.	



## Task 3: Publications and Presentation

---

### Reports

As an optional task, ICLEI will create final narrative reports and slide presentations to communicate the results of the Community and Local Government Operations inventories. The presentations will include interpretation of broad findings and establish direction for GHG reduction target setting and climate action planning.

Charts and other data outputs from these work products can be made available to post on the city website, social media, or other publications.

### Travel

In addition to meetings with internal stakeholders as described in the base member price, ICLEI Staff will be available for up to three in-person presentations to stakeholders in Beacon. Travel meetings can be planned such that formal evening presentations to city leadership can be accompanied by presentations and working meetings with city departments.

Task 3:	
OPTIONAL: ICLEI will prepare a Final Narrative Report for Publication, with high-quality graphics and in a format available for web and print publication. Reusable Slide Deck for Council, Internal and External Stakeholder Presentations.	\$2,500

## Task 4: Reporting Climate Data

Once Beacons has completed GHG inventories, the City may desire to demonstrate its leaderships by reporting results in international public platforms. ICLEI will complete questionnaires or other documents required by reporting platforms such as CDP. This service is priced at \$120 per hour, with an estimated minimum / maximum time to complete of 12 hours.

---

## About ICLEI USA

ICLEI-Local Governments for Sustainability USA is a 28-year-old, U.S.-based nonprofit organization serving cities, counties, and regional governments across the nation. ICLEI is recognized for its expertise in areas of sustainability planning, greenhouse gas emissions accounting and management, urban resilience, low-emission development, and integrated resource management.

ICLEI USA Headquarters  
1536 Wynkoop Street  
Suite 901  
Denver, CO 80202 USA  
Phone: (510) 844-0699

Angie Fyfe  
Executive Director  
[angie.fyfe@iclei.org](mailto:angie.fyfe@iclei.org)

Kale Roberts  
Senior Program Officer  
[Kale.Roberts@iclei.org](mailto:Kale.Roberts@iclei.org)

[iclei-usa@iclei.org](mailto:iclei-usa@iclei.org)  
[www.icleiusa.org](http://www.icleiusa.org)  
[@ICLEI\\_USA](https://www.instagram.com/ICLEI_USA)

---

**City of Beacon Workshop Agenda**  
**4/29/2019**

**Title:**

**Farmers Market**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
City of Beacon_Farmers Market License Agreement - 2019	Agreement
Letter from Resident Regarding Beacon Farmers Market Suggesting Moving from Veterans Place	Cover Memo/Letter
Letter to City Council From Beacon Farmers Market Manager	Cover Memo/Letter
Letters and Petition of Community Support for the Farmers Market at Veteran's Place	Cover Memo/Letter

# City of Beacon Farmers Market License Agreement

This Agreement made as of the \_\_\_ day of April, 2019, by and between the City of Beacon ("City"), a New York municipal corporation with offices at 1 Municipal Plaza, Beacon, New York 12508 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 May 5, 2019 to November 24, 2019; excluding the Beacon Car Show date (or its rain date), Spirit of Beacon Day (or its rain date), and any other dates upon reasonable notice.
3. Location of Market. CGF shall operate the Farmers Market at Veterans Place between Main Street and Henry Street on Sundays from 8:00am to 4:00pm only, 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 is attached as Exhibit "A" 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 in the form annexed hereto as Exhibit "B". The sidewalk shall be kept clear to allow access to the loading door of the Towne Crier Cafe.
5. Additional Activities Permitted. CGF and the vendors may not provide music of any type, whether live, recorded, amplified or of any other type. Cooking demonstrations shall be permitted, provided propane tanks are properly secured and not left open to the public and are otherwise in compliance with all applicable laws, rules and regulations. 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. No food shall be cooked or prepared and served to the public by any vendor not located in the City of Beacon. Except that the following vendors may continue to cook or prepare food to serve to the public for the term of their Vendor Agreement: Farmers & Chefs and Nana's Homemade. If these vendors are removed from the Farmers Market, they must be replaced with local businesses.

7. Prohibited Sales From Vehicles. There shall be no sales from the surfaces of pick-up trucks, trailers or other vehicles. All products must be sold from a stationary stall.

8. 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.

9. 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 November 1st.

10. 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 shall install a portable toilet near the Farmers Market at CGF's expense. The location of the portable toilet shall not block access to the market or to parking. The portable toilet shall be maintained in a sanitary and operable condition at all times. CGF shall also provide appropriate signage directing individuals to the portable toilet. The City may, at any time, require CGF to move or perform maintenance on the portable toilet.

d. 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 defend, 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 use of or rights to such personal property or equipment.



11. Farmer' s Market Committee. CGF shall maintain a Farmers Market Committee and provide the City's Recreation Director with the name, phone number and e- mail addresses of the Committee members.

12. 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 defend, 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 or arising out of any other alleged conduct of 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, which shall name the City as additional insured.

13. 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.

14. 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: Sarah Simon, 617-538-7577 sarah@commongroundfarm.org Paloma Wake, 510-851-4865, market@commongroundfarm.org.

15. Agreement Non-assumable. 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.

16. 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.

17. Maintenance. CGF will keep the License Area in a clean and orderly condition at all times the Market is in operation and will leave the License Area in broom clean condition and will remove all of its equipment by 4:00pm of each Sunday during the Term. Street closure barricades will be put up at 8:00am and removed by 4:00pm

18. Relocation. The City shall have the right to relocate the Market upon thirty (30) days written notice to CGF if conflicts arise and/or the City receives complaints connected to the location of the Market at Veterans Place.

19. 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 dully executed this Agreement the day and year first above written.

COMMON GROUND FARM, INC.

CITY OF BEACON

By: \_\_\_\_\_

By: \_\_\_\_\_

To the members of the Beacon City Council:

As the owner and proprietor of Towne Crier Cafe, a performance venue and restaurant at 379 Main Street. I'm writing to you to express my concern about the possibility of the spring/summer farmers market moving back to Veterans Place, which is next to and along side the Towne Crier.

First, let me say again that I support local farms and farmers, and we purchase much of produce from them, so the concept of a "farmers market," with local producers and purveyors, was attractive to me when I was approached by Sara a couple of years ago, when she was soliciting support to relocate the market from the waterfront. I extended my support at that time; however, I also expressed my concern to her that, as my venue serves Sunday brunch and offers live music during the same time period as the farmers market, that there may be a conflict that would impact my business. I was assured that competition with the Towne Crier would be minimal; vendors' offerings would be different. However, that has not been the case.

There were food vendors (from out of area and from out of state) as well as live music. And to add insult to injury, some people who buy food from the vendors end up sitting at our outdoor tables -- which are set up for OUR customers -- and many come inside to use our restroom facilities. Farmers market vendors with trucks/vans and patrons also fill the parking lot. For all these reasons, the farmers market has been hurting our business when it is in operation on Sundays. We rely on a large portion of our food sales and revenue on Saturday and Sunday.

I have nearly five decades of experience operating this establishment, having started my business in the Town of Beekman/Hopewell Jct. in 1972 before moving to Pawling in 1988 and then to Beacon in 2013. I'm not aware of any other restaurant, performance venue in the United States that has been continuously run by the same owner for 46 years, going on 47. In October 2013, I was excited to move the Crier to Beacon and made a major investment, in what I felt is a potential thriving arts community with a potential food scene. The Towne Crier joined other fine eateries on Main Street; and we have received media praise for our menu and including from such notable publications as The New York Times and many others. In addition, our two stages provide local, regional and world-class entertainment that attracts people from all over the tri-state area and beyond. Besides the financial benefit we bring to Beacon, I feel that we have contributed to the thriving arts, dining and cultural scene of the city.

I would like to suggest the farmers market perhaps establish a permanent home/location and remain at the VFW location at the center of Beacon, or possibly relocate to another part of Beacon where it will have a lesser impact on local businesses; they will have a facility that could accommodate indoor and outdoor markets, as well as parking. Or possibly, for example, at the DMV parking lot, which is also is on Main Street with a larger parking area, with no conflict to other businesses - and it is not used on Sundays.

For the reasons outlined above, I would ask the Council and the City of Beacon to reconsider renewing the permit on Veterans Place and consider an alternative location. Thank you.

Sincerely,

Phil Ciganer  
Towne Crier Cafe  
379 Main Street  
Beacon, NY 12508  
845-855-1300  
[www.townecrier.com](http://www.townecrier.com)

Thursday, April 11, 2019

Beacon City Council  
1 Municipal Plaza  
Beacon, NY 12508

Dear Mayor Casale & Members of the City Council:

**I am writing on behalf of the Beacon Farmers' Market Committee to ask you to renew our License Agreement for 2019 as it stood for 2018, enclosed here.** After careful consideration, we have decided there are too many loose ends to transition to the DMV lot in 2019 and request to run the Market as last year, which means **May 5, 2019–November 24, 2019** with the hours of **10am–3pm**, on **Veterans Place**.

Neither myself nor the Committee understood until Tuesday, April 9, that the City Council and Staff were awaiting a proposal from the Market for our License Agreement or that a vote on April 15 would not be possible. We were evaluating the proposed move and awaiting answers to our questions posed on March 25. **Given the short timeline, I hope that you will give this matter your immediate attention and that we will be able to come to a consensus at the next Workshop Meeting on April 29.**

A successful opening day and season require intense planning, vendor recruitment, and public outreach and advertising over many months and with many stakeholders. The DMV lot is untested territory for the Market, as discussed with the Council on March 25; will music and prepared food be allowed and under what conditions? Can the Market operate during Parade days? Will we have access to electricity and under what conditions? How will this affect parking and traffic flow within the lot and surrounding areas?

Since the Market's 2017 return to this central location — its home when the Market started — we have seen the positive impact the move has had on many local business owners, local farmers, other vendors, and most crucially to our mission: many of the food-insecure members of our community. While not all business owners agree, a vast majority of our neighbors on Veterans Place support the current location — such as the Beacon Flea and Beacon Natural Market with whom we have critical reciprocal relationships.

**In summary, the Market Committee requests that we be allowed to return to Veterans Place for the 2019 Outdoor Season, provisionally opening on Sunday, May 5 with formal voting on May 6.**

We regret any confusion that we inadvertently caused regarding the renewal process, and hope for the Council & City Staff's support to keep the market on track for our opening day on May 5th. I am happy to discuss any questions or concerns at any time. My contact information is included below.

Thank you for your time,



Paloma Wake

-----

Beacon Farmers Market Manager  
Common Ground | PO Box 148 | Beacon, NY 12508  
Cell: 510-851-4865 | [market@commongroundfarm.org](mailto:market@commongroundfarm.org)



April 10, 2019

Beacon City Council  
1 Municipal Plaza  
Beacon, NY 12508

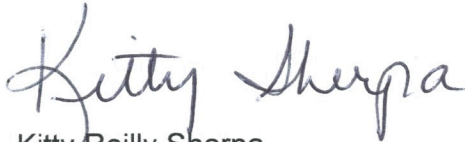
Dear Mayor Casale & Members of the City Council,

I am writing in support of the Beacon Farmers Market remaining on Veteran's Place for their Outdoor Season.

As a Main Street business owner and direct neighbor of the Market, I have seen that a thriving farmers' market in the center of Beacon has been a great asset to the city and its businesses. Its proximity to the Flea Market as well as my own business has served as a great hub of activity for the middle of Main Street, which has struggled to keep pace with our east and west ends. The Farmers Market and the Beacon Natural Market form a reciprocal relationship promoting healthy eating and local commerce.

Please vote in favor of keeping our Farmers' Market on Veteran's Place where it can continue to best serve the City of Beacon. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Kitty Sherpa".

Kitty Reilly Sherpa  
Owner, Beacon Natural Market  
387 Main Street  
Beacon, NY 12508

April 10, 2019

Beacon City Council  
1 Municipal Plaza  
Beacon, NY 12508

Dear Mayor Casale & Members of the City Council,

I am writing in support of the Beacon Farmers Market remaining on Veteran's Place for their Outdoor Season.

As a Main Street business owner and direct neighbor of the Market, I have seen that a thriving farmers' market in the center of Beacon has been a great asset to the city and its businesses. Its proximity to the Flea Market has served as a great hub of activity for the middle of Main Street, which has struggled to keep pace with our east and west ends.

Please vote in favor of keeping our Farmers' Market on Veteran's Place where it can continue to serve the City of Beacon. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JS', enclosed within a large, hand-drawn oval.

Jason Schuler  
Owner, Drink More Good  
383 Main Street  
Beacon, NY 12508

April 10, 2019

Beacon City Council  
1 Municipal Plaza  
Beacon, NY 12508

Dear Mayor Casale & Members of the City Council,

I am writing in support of the Beacon Farmers Market remaining on Veteran's Place for their Outdoor Season.

As a Main Street business owner and direct neighbor of the Market, I have seen that a thriving farmers' market in the center of Beacon has been a great asset to the city and its businesses. Its proximity to the Flea Market has served as a great hub of activity for the middle of Main Street, which has struggled to keep pace with our east and west ends.

As a Beacon resident I have experienced the convenience for my weekly produce and grocery shopping, particularly considering its proximity to our brick and mortar grocery stores. I would be able to buy everything I need from my local farmers and convenient grocers right on Main Street.

Please vote in favor of keeping our Farmers' Market on Veteran's Place where it can continue to serve the City of Beacon. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Finkelstein', with a long horizontal line extending to the right.

Alex Finkelstein  
Owner, Big Mouth Coffee  
387 Main Street  
Beacon, NY 12508

April, 2019

Beacon City Council  
1 Municipal Plaza  
Beacon, NY 12508

Dear Mayor Casale & Members of the City Council,

I am writing in support of the Beacon Farmers Market remaining on Veteran's Place for their Outdoor Season.

As a Main Street business owner and direct neighbor of the Market, I have seen that a thriving farmers' market in the center of Beacon has been a great asset to the city and its businesses. Its proximity to the Flea Market as well as my own business has served as a great hub of activity for the middle of Main Street, which has struggled to keep pace with our east and west ends. The Farmers Market and Beacon Pantry form a reciprocal relationship promoting great food and local commerce.

As a Beacon resident I have experienced the convenience for my weekly produce and grocery shopping, particularly considering its proximity to our brick and mortar grocery stores. I would be able to buy everything I need from my local farmers and convenient grocers right on Main Street.

Please vote in favor of keeping our Farmers' Market on Veteran's Place where it can continue to best serve the City of Beacon. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stacey Penlon', written in a cursive style.

Stacey Penlon  
Owner, Beacon Pantry  
382 Main St.  
Beacon, NY 12508



Paloma Wake &lt;pwake.bfm@gmail.com&gt;

---

## Letter regarding market location

---

From: **Blessed Brewery** <[info@blessedbrewery.com](mailto:info@blessedbrewery.com)>

Date: Sun, Mar 31, 2019 at 5:15 PM

Subject: Letter regarding market location

To: Paloma Wake <[market@commongroundfarm.org](mailto:market@commongroundfarm.org)>

To whom it may concern:

As a small Beacon based business owner and a proud vendor of the Beacon Farmers' Market for the last three consecutive years, I believe I can offer insight to the lives of the many vendors that heavily rely on this market for their livelihood.

The Beacon Farmers' market is so successful because it draws many customers in from Manhattan, Brooklyn, all over Westchester and the entire Hudson Valley area. Tourists flock to Beacon because of the unique dining experiences, art exhibits, and shopping. The farmers' market is a large part of this experience. Although we do not have the largest market, we have the absolute best set of vendors.

The most important thing I've learned over the last few years being involved in many farmers' markets is that small changes have big impacts on casual shoppers. Even when vendors change from one end of a market to another, many customers find it confusing, assume the vendor is no longer part of the market, or simply do not realize that they are indeed the same vendor that they have been shopping with on prior occasions. Changing the location of the entire market would be exponentially detrimental to many shoppers and vendors.

This change would also greatly affect my business in particular because of our close ties to More Good. One of the reasons I chose to be Beacon-based is that More Good (our commercial kitchen that we use for production) allows us to work seamlessly with the farmers' market in so many ways. We sell kombucha, a fermented food that is very temperature sensitive. The fact that the market is so close to More Good allows us to quickly access large amounts of ice on hot days, and more importantly, allows us to safely store the majority of our inventory at exactly 41 degrees. This means that families and people of all ages can feel safe that they are indeed buying a completely non-alcoholic beverage. If we lost this location it would greatly limit how much inventory we could safely keep below 41 degrees for the duration of the market, especially on hot summer days.

I also believe that many rotating vendors that are already barely turning a profit would definitely not return knowing that the location of the market could potentially change fearing losing the momentum that they have worked so hard to build.

I think it is crucial to keep the market where it has flourished and not change the location for the third time in the last ten years.

I also strongly believe that the farmers' market should be not only included in the Spirit of Beacon Day but fully embraced and praised for its dedication to feeding the local community.

Sincerely,  
Adam T. Barfield  
Blessed Brewery  
Owner and Producer of Blessed Brew Kombucha Tea



**Adam Barfield**  
Kombucha Brewer  
Blessed Brew Kombucha  
914.623.8459

Learn more at [www.BlessedBrewery.com](http://www.BlessedBrewery.com)





Paloma Wake &lt;pwake.bfm@gmail.com&gt;

---

## Keep the Beacon Farmers Market on Veteran's Place

---

James Spica <jspica@optonline.net>

Tue, Apr 23, 2019 at 1:30 PM

To: mayor@cityofbeacon.org, cityofbeacon@cityofbeacon.org, agrant@cityofbeacon.org, jmccredo@cityofbeacon.org, Paloma Wake <market@commongroundfarm.org>

Cc: aruggiero@cityofbeacon.org, egrogan@cityofbeacon.org, lkyriacou@cityofbeacon.org, gmansfield@cityofbeacon.org, jrembert@cityofbeacon.org, tnelson@cityofbeacon.org

Dear City of Beacon et al, and the Beacon Farmers Market manager,

Having The Beacon Farmers Market on Veteran's Place is perfect. There is a real solid community feel, by being able to walk from anywhere on Main Street to The Market. Local Beacon residents don't need their cars, and can walk with their children through town and meet and greet. This feeling of community connection is one of the things people moved to Beacon for in the first place. The boost that The Farmers Market and The Flee Market give to the nearby restaurants, the health food store, and other businesses are appreciable.

Drink More Good tea and soda shop is steps away from Veteran's Place, but Jason still decided to have a table at the Beacon Farmers Market. His commitment to the community is obvious. "More Good" has grown into a regional brand. This is the kind of business that Beacon needs. The fact that More Good reaches out and offers hospitality to Beacon Farmers Market customers and other visitors to Beacon may be one of the reasons for their success.

Veteran's Place has an adjacent municipal parking lot that is an asset to Central Main Street. I have a table at The Beacon Farmers Market where I sell vegan frozen desserts under my New Confectioner brand. Last year some friends and I sat around chatting until well past 5pm. We noticed that after The Market close at 3pm the municipal parking lot almost completely emptied out. And we saw first hand the major draw that the Beacon Farmers Market is to Veteran's Place is on Sunday.

If there are people who think the market should move, they are being short sighted. If there are nearby businesses that think The Market should move, they should follow Drink More Good's example and participate in The Beacon Farmers Market. If a nearby business thinks The Market is taking away business, that is just false. Without the Beacon Farmers Market Veteran's Place is just a vacant street. Perhaps one sour-grapes business owner would rather point the finger than step-up and do what is necessary to increase sales, and participate in the community.

Beacon has become the shining example of the beauty and positivity of Dutchess County and the Hudson Valley. Let's not give in to the disappointing back biting that one disgruntled voice is trying to push. The Beacon Farmers Market belongs on Veteran's Place. The Beacon Farmers Market has been part of the Beacon community for a long time, and should continue to be for a long time to come.

Cheers and Best warm Wishes,

J. Spica

[www.newconfectioner.com](http://www.newconfectioner.com)

<https://www.facebook.com/newconfectioner>

845 661 4902

4/22/19



# BEACON FARMERS MARKET



FARMS / FOOD / MUSIC / COMMUNITY

I support the Beacon Farmers Market and its home on Veterans Place  
for the 2019 Outdoor Season

	NAME	SIGNATURE
1.	Lissa Cherkowsky	
2.	Peter Campbell	
3.	Helen Lowery	
4.	Samantha Brittain	
5.	Alice Vo	
6.	Matt Schleifer	
7.	Erin Barrett	
8.	Conan Altes	
9.	Alex Berke	
10.	BRITT WETTER	
11.	PRESTON COOK	
12.	LIZ HOFFMAN	
13.	Justin Carway	
14.	Gregg Zeman	
15.	Sarah Burns Feyl	



# BEACON FARMERS MARKET



FARMS / FOOD / MUSIC / COMMUNITY

I support the Beacon Farmers Market and its home on Veterans Place  
for the 2019 Outdoor Season

NAME	SIGNATURE
16. Steven Feyl	
17. Alex Weinger	
18. MARY T CONVERSE	
19. Kait Sweetman	
20. Johanna Bell	
21. Michelle Liu	
22.	
23. Christine Wang	
24. Sergei Krasikov	
25. SARAH BERTOLAZZI	
26. Michael Brown	
27. Amy Timpano	
28. Scott Timpano	
29. Doriann Ursh	
30. Tim Lewis	





# BEACON FARMERS MARKET



FARMS / FOOD / MUSIC / COMMUNITY

I support the Beacon Farmers Market and its home on Veterans Place  
for the 2019 Outdoor Season

	NAME	SIGNATURE
31.	Brian Coonley	
32.	Francine Gutman	
33.	Samantha Czumak	
34.	Lauren Swift	
35.	Andy Stack	
36.	Adrien Finckel	
37.	Ashley Fellows	
38.	Dan Fellows	
39.	Alisa McFarland	
40.	Gabriele McMahon	
41.	Thomas McMahon	
42.	KEVIN O'CONNOR	
43.	IAN MOORE	
44.	Tim Rush	
45.	Kelsey JohnsonRush	



# BEACON FARMERS MARKET

FARMS / FOOD / MUSIC / COMMUNITY



I support the Beacon Farmers Market and its home on Veterans Place  
for the 2019 Outdoor Season

NAME	SIGNATURE
46. <u>Janis Levitt</u>	<u>Janis Levitt</u>
47. <u>James Gerlan</u>	<u>James Gerlan</u>
48. <u>Claudia Kronenfeld</u>	<u>Claudia Kronenfeld</u>
49. <u>Suzanne Willis</u>	<u>Suzanne Willis</u>
50. <u>Jordan Shapiro</u>	<u>Jordan Shapiro</u>
51. <u>Brandon Canniff</u>	<u>Brandon Canniff</u>
52. <u>Melissa Dander</u>	<u>Melissa Dander</u>
53. <u>Andrea Kapsales</u>	<u>Andrea Kapsales</u>
54. <u>Emily Boone</u>	<u>Emily Boone</u>
55. <u>Jeffrey Easter</u>	<u>Jeffrey Easter</u>
56. <u>ALAN COOKE</u>	<u>Alan Cooke</u>
57. <u>Robert Corneyea</u>	<u>Robert Corneyea</u>
58. <u>Nicole Corneyea</u>	<u>Nicole Corneyea</u>
59. <u>JEFF ASHLEY</u>	<u>Jeff Ashley</u>
60. <u>LYNNE WILLIS</u>	<u>Lynne Willis</u>





# BEACON FARMERS MARKET



FARMS / FOOD / MUSIC / COMMUNITY

I support the Beacon Farmers Market and its home on Veterans Place  
for the 2019 Outdoor Season

	NAME	SIGNATURE
61.	Matthew Smith	
62.	David Fultz	
63.	Kasey Fultz	
64.	Nate Santos	
65.	Lauren Schwartz	
66.	Beth Burgess	
67.	Tim Stuart	
68.	Rah Wahl	
69.	Lauren Garrison	
70.	Brandon Garrison	
71.	VIRGINIA PLAZZA	
72.	Mercedith Hairston	
73.	Meredith Caraker	
74.	Alexis Caraker	
75.	Daisy Hairston	





# BEACON FARMERS MARKET

FARMS / FOOD / MUSIC / COMMUNITY

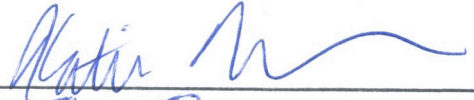


I support the Beacon Farmers Market and its home on Veterans Place  
for the 2019 Outdoor Season

NAME	SIGNATURE
76. Ashley Morgenstern	
77. Janet Sheskin	
78. DANIEL EMARRON	
79. Karen Meyer	
80. Douglas Fox	
81. Michael Romeo	
82. Kate Moss	
83. Ann Melloa	
84. Adam Barfield	
85. Tim Pasanale	
86. Inés del Razo	
87. Walter Pico	
88. Michael Stirniman	
89. EVA ZABRIG	
90. Terry Hochler	

I SUPPORT THE BEACON FARMERS MARKET + ITS HOME ON VETERANS PLACE  
PRINT for the 2019 OUTDOOR SEASON SIGN

#91 Katie Weiskotten



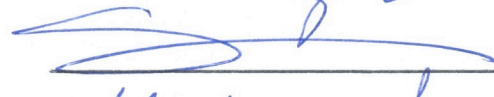
#92 Ethan Dobson



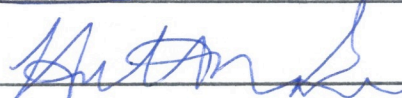
#93 Amy Bendolik



#94 PINKY Shah



#95 Hattie Goodwin



#96 Ciara Jordan



#97 Brett & KISH



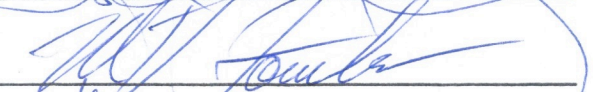
#98 ROSE LEO KISH



#99 JAMES KISH



#100 Martin Fowler



#101 Amanda Addleman



#102 Lee Dynes



#103 Suta Ake



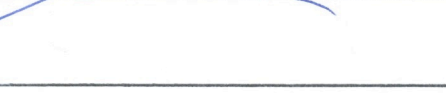
#104 Kam Ake



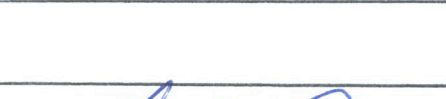
#105 Sai Ake



#106 Jessica Bergeron



#107 Donald Bergeron



#108 MAX Pritchard



#109 Carl Morant



#110 Sara Molina

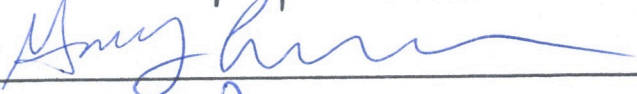


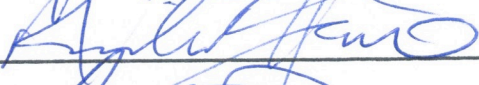

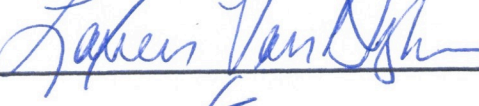
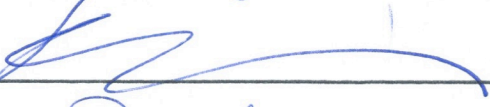
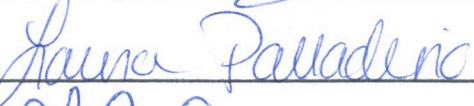
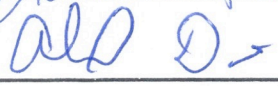
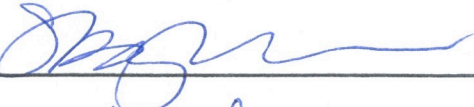
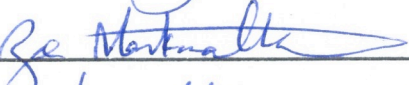
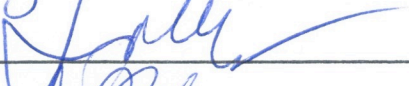


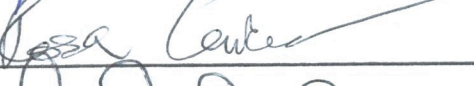






111  
L. Molina



I SUPPORT THE BEACON FARMERS MARKET + ITS HOME ON VETERANS PLACE

NAME for 2019 Outdoor Season SIGN

- 111 Gary Larson 
- 112 JIM CLAVIS 
- 113 Nicole Vincenty-Haas 
- 114 Richard Haas 
- 115 Michael Palladino 
- 116 Lauren Van Dyken 
- 117 Kieran Nash 
- 118 Laura Palladino 
- 119 WAD ELLER 
- 120 Ki Morse Yes!!!!
- 121 Beth Poague 
- 122 Zoe Markert 
- 123 JOHN KEU 
- 124 NBMACRIANARA 
- 125 Mashariki Othar 
- 126 Rosa Calvad 
- 127 Nick Page 
- 128 Georgia Chester 
- 129 Atticus Janigan 
- 130 Erin G Enouen 

Please stay Here!!



# BEACON FARMERS MARKET

FARMS / FOOD / MUSIC / COMMUNITY



I support the Beacon Farmers Market and its home on Veterans Place  
for the 2019 Outdoor Season

	NAME	SIGNATURE
131.	Kyla L Wedenko	Kyla L Wedenko
132.	EMMA GOERTZEN	Emma Goertzen
133.	Philip Condyles	Philip Condyles
134.	Maxwell Johnsen	Maxwell Johnsen
135.	Jeanette Sayago	Jeanette Sayago
136.	Dolores Barfield	Dolores Barfield
137.	Adam Barfield	Kombucha Vendor
138.	James Spica	James Spica
139.	Dominic Melita	Dominic Melita
140.	ANA JAMES	Ana James
141.	JANEEN FOY	JANEEN Foy
142.	Karen James	Karen James
143.	Eva Deitch	Eva Deitch
144.	RYAN BURK	Ryan Burk
145.	Amata Lee	Amata Lee





# BEACON FARMERS MARKET



FARMS / FOOD / MUSIC / COMMUNITY

I support the Beacon Farmers Market and its home on Veterans Place  
for the 2019 Outdoor Season

NAME	SIGNATURE
1516 Janet Weather	Janet Weather
1517 W MORSE (GO TO VETERAN PL)	NOT D.M.V. <sup>with Morse</sup>
1518 Hanna Wellish	
1519 Lauren Senner	
1520 Nicole Butler	
1521 John Kruglinski	John Kruglinski
1522 Jude Allred	
1523 Daniel Mulligan	
1524 Molly Rhodes	Molly Rhodes
1525 Carol Penner	Carol Penner
1526 Israel Savage	
1527	
1528	
1529	
1530	
1531	

**City of Beacon Workshop Agenda**  
**4/29/2019**

**Title:**

**Resolution to Declare Fairview Tank Replacement Project a Type II Action Under SEQRA**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution to Declare Fairview Water Tank SEQRA Type II	Resolution
Fairview Water Tank Short EAF	EAF



**CITY COUNCIL  
CITY OF BEACON**

**RESOLUTION TO DECLARE FAIRVIEW TANK REPLACEMENT PROJECT A  
TYPE II ACTION UNDER SEQRA**

Resolution No. \_\_\_\_\_ of 2019

**WHEREAS**, the City Council would like to demolish and remove the existing 1 Million-gallon Fairview water storage tank due to its poor condition, and construct a new 1.5 Million-gallon water storage tank and related appurtenances in the same vicinity (the “Proposed Action”); and

**WHEREAS**, the Proposed Action will serve to provide clean drinking water throughout the City of Beacon; and

**WHEREAS**, the City prepared a Short Environmental Assessment Form, Part 1-Project Information, dated July 6, 2018 (the “EAF”).

**NOW THEREFORE BE IT RESOLVED**, that the City Council hereby finds that the Proposed Action is a Type II Action pursuant to § 617.5(c)(2) of the New York State Environmental Quality Review Act, and accordingly, no further environmental review is required.

**BE IT FURTHER RESOLVED** that the Proposed Action will not result in any significant adverse impacts on the environment or climate change.

**BE IT FURTHER RESOLVED** that the City shall maintain a file, readily accessible to the public, in the office of the City Clerk, containing this resolution, and the EAF.

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon its adoption.

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on April\_\_, 2019, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the City, this \_\_\_\_ day of April, 2019.

(SEAL)

\_\_\_\_\_  
**IOLA C. TAYLOR**  
City Clerk  
City of Beacon, New York

## *Short Environmental Assessment Form*

### *Part 1 - Project Information*

#### Instructions for Completing

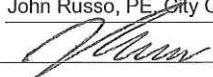
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: FAIRVIEW WATER STORAGE TANK REPLACEMENT			
Project Location (describe, and attach a location map): Accessed through Fairview Cemetery off of Washington Avenue			
Brief Description of Proposed Action: Demolition and removal of existing 1M gallon water storage tank and construction of new 1.5M gallon water storage tank and related appurtenances			
Name of Applicant or Sponsor: City of Beacon, Randy Casale, Mayor		Telephone: 845-838-5011	
Address: 1 Municipal Plaza		E-Mail: mayor@cityofbeacon.org	
City/PO: Beacon		State: NY	Zip Code: 12508
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Dutchess County Department of Health - Public Water Supply Improvement			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 0.7± acres			
b. Total acreage to be physically disturbed? _____ 0.3± acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.7± acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): cemetery			
<input type="checkbox"/> Parkland			





<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>John Russo, PE, City Consultant</u> Date: <u>7/6/2018</u></p> <p>Signature: <u></u></p>		

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



**City of Beacon Workshop Agenda**  
**4/29/2019**

**Title:**

**Resolution Concerning Fairview Water Tank Bond**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Bond Ordinance Regarding Water	Ordinance

**EXTRACTS FROM MINUTES OF A MEETING OF THE CITY COUNCIL  
OF THE CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

*(\$2,187,468-Water Improvements, 40 years)*

A regular meeting of the City Council of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, was held at 1 Municipal Center, in Beacon, New York, on April \_\_\_\_, 2019, at \_\_ o’clock, \_\_\_\_M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

\* \* \* \* \*

Councilperson \_\_\_\_\_ submitted the following bond ordinance and moved for its adoption. The motion was seconded by Councilperson \_\_\_\_\_. The City Council of the City was polled. The motion was adopted by a vote of \_\_\_ affirmative votes (being at least two-thirds of the voting strength of the City Council of the City) with \_\_\_ negative votes and \_\_\_ votes absent.

**BOND ORDINANCE, DATED APRIL \_\_\_\_, 2019, AUTHORIZING THE  
ISSUANCE OF UP TO \$2,187,468 AGGREGATE PRINCIPAL AMOUNT  
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS,  
STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW,  
TO FINANCE THE COSTS OF THE CONSTRUCTION,  
RECONSTRUCTION AND IMPROVEMENT TO THE WATER SYSTEM,  
IN AND FOR THE CITY.**

**WHEREAS**, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the construction, reconstruction and improvement to the water system, in and for the City, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto (the “Project”), at a total estimated cost not to exceed \$2,187,468, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$2,187,468 to finance the costs of the Project, at a total estimated cost not to exceed \$2,187,468, all in accordance with the Local Finance Law;

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$2,187,468; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is of a class of object or purpose as described in subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of the forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes



issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due.

Section 6. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the City Council of the City will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant effect on the environment.

Section 8. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would

cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the "Rule"), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. Insofar as more than fifty per centum (50%) of the cost of the capital improvements authorized herein is to be levied by assessments upon property especially benefitted thereby pursuant to Section 9.06 of the City Charter, this bond ordinance is effective immediately upon adoption by the City Council of the City.

Section 11. This bond ordinance is effective immediately upon adoption by the City Council of the City.

Section 12. Upon the adoption of this bond ordinance, a bond ordinance entitled **BOND ORDINANCE, DATED AUGUST 6, 2018, AUTHORIZING THE ISSUANCE OF UP TO \$2,187,468 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENT TO THE WATER SYSTEM, IN AND FOR THE CITY** is hereby repealed, rescinded and revoked and shall not have any force or effect whatsoever.



I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on April \_\_\_\_, 2019 and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the City, this \_\_\_\_ day of April, 2019.

**(SEAL)**

---

**IOLA C. TAYLOR**  
City Clerk  
City of Beacon, New York

**CITY OF BEACON  
COUNTY OF DUTCHESS, NEW YORK**

**ESTOPPEL NOTICE**

The bond ordinance published herewith was adopted by the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, on April \_\_, 2019. The validity of the obligations authorized by such bond ordinance may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: \_\_\_\_\_, 2019

/s/ Iola C. Taylor

\_\_\_\_\_  
**IOLA C. TAYLOR**

City Clerk

City of Beacon, New York

**City of Beacon Workshop Agenda**  
**4/29/2019**

**Title:**

**Promotion of Water Department Working Supervisor**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description

Type

Memorandum Regarding Working Supervisor Water  
Department

Cover Memo/Letter

**City of Beacon Workshop Agenda**  
**4/29/2019**

**Title:**

**Fishkill Avenue Supplemental Agreement**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Fishkill Avenue Supplemental Agreement	Agreement



**SUPPLEMENTAL AGREEMENT NO 5 to D017347**

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at  
50 Wolf Road, Albany, New York, 12232, on behalf of New York State ("State");

And

**City of Beacon** (the Municipality/Sponsor)  
Acting by and through the **City Administrator**  
With its office at **One Municipal Plaza, Suite One, Beacon, New York 12508**

This amends the existing Agreement between the parties in the following respects only:

**X** Amends a previously adopted Schedule A by:

- amending a project description
- amending the contract end date
- X** amending the scheduled funding by:
  - adding additional funding:
    - adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
    - adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
  - X** increasing funding for a project phase – Right-of-Way Acquisition
  - adding a pin extension
  - change from Non-Marchiselli to Marchiselli
  - deleting/reducing a project phase(s)
  - X** other – adding additional Marchiselli

Amends a previously adopted Schedule "B"

Amends a previously adopted agreement by adding Appendix 2-S – Iran Divestment Act

Amends the Text of the Agreement as follows:

**Supplemental Agreement Cover** for Local Agreements (11/12)  
MUNICIPALITY/SPONSOR: City of Beacon  
PIN: 8757.30  
BIN: N/A  
Comptroller's Contract No: D017347  
Supplemental Agreement No. 5  
Date Prepared & By: 03/14/2019mg

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

**Approved for the Municipality/Sponsor**

**Municipality/Sponsor Attorney:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019 before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn did depose and say that he/she resides at \_\_\_\_\_; that he/she is the \_\_\_\_\_ of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the \_\_\_\_\_ of said Municipal/Sponsor Corporation pursuant to a resolution or other authorization which was duly adopted on \_\_\_\_\_ and which a certified copy is attached and made a part hereof, and that he/she signed his/her name thereto by like order.

\_\_\_\_\_  
Notary Public

By: \_\_\_\_\_  
For Commissioner of Transportation

APPROVED AS TO FORM:  
STATE OF NEW YORK ATTORNEY GENERAL

Agency Certification: In addition to the Acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

By: \_\_\_\_\_  
Assistant Attorney General

**COMPTROLLER'S APPROVAL:**

By: \_\_\_\_\_  
For the New York State Comptroller  
Pursuant to State Finance Law § 112

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements  
 NYSDOT/ State-Local Agreement - Schedule A for PIN 8757.30**

<b>OSC Municipal Contract #:</b> D017347	<b>Contract Start Date:</b> 8/7/2001 (mm/dd/yyyy)	<b>Contract End Date:</b> 9/30/2020 (mm/dd/yyyy)
<input type="checkbox"/> Check, if date changed from the last Schedule A		

**Purpose:**  Original Standard Agreement  Supplemental Schedule A No. 5

**Agreement Type:**  Locally Administered Municipality/Sponsor (Contract Payee): City of Beacon  
 State Administered Other Municipality/Sponsor (if applicable):

State Administered List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.

<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share

**Authorized Project Phase(s) to which this Schedule applies:**  PE/Design  ROW Incidentals  
 ROW Acquisition  Construction/CI/CS

**Work Type:** HWY RECONST **County (If different from Municipality):** Dutchess County

**Marchiselli Eligible**  Yes  No (Check, if Project Description has changed from last Schedule A):

**Project Description:** Improvements to Fishkill Avenue from Beacon City Line to Main Street in the City of Beacon, Dutchess County.

**Marchiselli Allocations Approved FOR ALL PHASES** All totals will calculate automatically.

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input type="checkbox"/>	Cumulative total for all prior SFYs	\$36,000.00	\$24,444.00	\$0.00	\$60,444.00
<input checked="" type="checkbox"/>	Current SFY 18/19	\$13,500.00	\$0.00	\$0.00	\$13,500.00
<b>Authorized Allocations to Date</b>		<b>\$49,500.00</b>	<b>\$24,444.00</b>	<b>\$ 0.00</b>	<b>\$73,944.00</b>

**A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES** For each PIN Fiscal Share below, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding	Total Costs	FEDERAL Participating Share	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8757.30.121	Current	STP (80%)	\$330,000.00	\$264,000.00	\$49,500.00 *	\$16,500.00	\$0.00
	Old	STP (80%)	\$330,000.00	\$264,000.00	\$36,000.00	\$30,000.00	\$0.00
8757.30.221	Current	STP (80%)	\$179,800.00	\$143,840.00	\$24,444.00	\$11,516.00	\$0.00
	Old	STP (80%)	\$182,981.00	\$130,369.00	\$24,444.00	\$8,148.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL CURRENT COSTS:</b>			\$509,800.00	\$407,840.00	\$73,944.00	\$28,016.00	\$ 0.00

## NYSDOT/State-Local Agreement – Schedule A

**B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES** For each PIN Fiscal Share, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL CURRENT COSTS:</b>			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

**C. Local Deposit(s) from Section A:**

\$ 0.00

**Additional Local Deposit(s)**

\$

**Total Local Deposit(s)**

\$ 0.00

**D. Total Project Costs** All totals will calculate automatically.

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$407,840.00	\$73,944.00	\$ 0.00	\$28,016.00	\$509,800.00

**E. Point of Contact for Questions Regarding this Schedule A (Must be completed)**

Name: **Marshall Gioia**  
Phone No: **845-431-5804**





**City of Beacon Workshop Agenda**  
**4/29/2019**

**Title:**

**Teller Avenue Supplemental Agreement**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Teller Avenue Supplemental Agreement	Agreement

**SUPPLEMENTAL AGREEMENT NO 3 to D017290**

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at  
50 Wolf Road, Albany, New York, 12232, on behalf of New York State ("State");

And

**City of Beacon** (the Municipality/Sponsor)  
Acting by and through the **City Administrator**  
With its office at **One Municipal Plaza, Suite One, Beacon, Dutchess County, New York**

This amends the existing Agreement between the parties in the following respects only:

**X** Amends a previously adopted Schedule A by:

- amending a project description
- amending the contract end date
- X** amending the scheduled funding by:
  - adding additional funding:
    - adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
    - adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
  - X** increasing funding for a project phase – Right-of-Way Acquisition
  - adding a pin extension
  - change from Non-Marchiselli to Marchiselli
  - deleting/reducing a project phase(s)
  - other (xxxxx)

Amends a previously adopted Schedule "B"

Amends a previously adopted agreement by adding Appendix 2-S – Iran Divestment Act

Amends the Text of the Agreement as follows:





**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements  
 NYSDOT/ State-Local Agreement - Schedule A for PIN 8757.80**

<b>OSC Municipal Contract #:</b> D017290	<b>Contract Start Date:</b> 9/15/2000 (mm/dd/yyyy)	<b>Contract End Date:</b> 9/30/2020 (mm/dd/yyyy) <input type="checkbox"/> Check, if date changed from the last Schedule A
---	--	--

**Purpose:**  Original Standard Agreement  Supplemental Schedule A No. 3

**Agreement Type:**  Locally Administered Municipality/Sponsor (Contract Payee): City of Beacon  
 State Administered Other Municipality/Sponsor (if applicable):

State Administered *List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.*

<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share

**Authorized Project Phase(s) to which this Schedule applies:**  PE/Design  ROW Incidentals  
 ROW Acquisition  Construction/CI/CS

**Work Type:** HWY RECONST **County (If different from Municipality):** Dutchess County

**Marchiselli Eligible**  Yes  No *(Check, if Project Description has changed from last Schedule A):*

**Project Description:** Reconstruction of Teller Avenue from Main Street to Wolcott Avenue in the City of Beacon, Dutchess County.

**Marchiselli Allocations Approved FOR ALL PHASES** *All totals will calculate automatically.*

<i>Check box to indicate change from last Schedule A</i>	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input type="checkbox"/>	Cumulative total for all prior SFYs	\$24,000.00	\$7,933.00	\$0.00	\$31,933.00
<input type="checkbox"/>	Current SFY	\$0.00	\$0.00	\$0.00	\$ 0.00
<b>Authorized Allocations to Date</b>		\$24,000.00	\$7,933.00	\$ 0.00	\$31,933.00

**A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES** *For each PIN Fiscal Share below, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.*

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding	Total Costs	FEDERAL Participating Share	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8757.80.121	Current	STP (80%)	\$160,000.00	\$128,000.00	\$24,000.00	\$8,000.00	\$0.00
	Old	STP (80%)	\$160,000.00	\$128,000.00	\$24,000.00	\$8,000.00	\$0.00
8757.80.221 222.	Current	STP (80%)	\$54,670.00	\$43,736.00	\$7,933.00	\$3,001.00	\$0.00
	Old	STP (80%)	\$52,889.00	\$42,311.00	\$7,933.00	\$2,645.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL CURRENT COSTS:</b>			\$214,670.00	\$171,736.00	\$31,933.00	\$11,001.00	\$ 0.00

## NYSDOT/State-Local Agreement – Schedule A

**B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES** For each PIN Fiscal Share, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL CURRENT COSTS:</b>			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

**C. Local Deposit(s) from Section A:**

\$ 0.00

**Additional Local Deposit(s)**

\$

**Total Local Deposit(s)**

\$ 0.00

**D. Total Project Costs** All totals will calculate automatically.

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$171,736.00	\$31,933.00	\$ 0.00	\$11,001.00	\$214,670.00

**E. Point of Contact for Questions Regarding this Schedule A (Must be completed)**

Name: Marshall Gioia  
Phone No: 845-431-5804



**City of Beacon Workshop Agenda**  
**4/29/2019**

**Title:**

**Protect Our Courts New York State Legislation Discussion**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Regarding New York State Protect Our Courts Act	Backup Material
New York State Proposed Legislation Regarding Protect Our Courts	Backup Material
Protect Our Courts Act - Materials 2019 Update	Backup Material
Protect Our Courts Act_ Talking Points	Backup Material



Res. No.

Resolution calling on the State Legislature to pass, and the Governor to sign, the “Protect Our Courts Act” (A.2176 / S.425), in order to protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of a court proceeding.

Whereas, U.S. Immigration and Customs Enforcement (ICE) arrests of immigrants in the community have increased overall, and aggressive ICE tactics that were rare under the Obama administration have become commonplace; and

Whereas, The Immigrant Defense Project (IDP) reports that since 2016, ICE operations in and around New York courthouses rose 1700%, and that ICE expanded its courthouse arrest operations in upstate New York in 2018, including arresting people on the way to court, in the courthouse, and leaving court; and

Whereas, Alongside this astronomical rise, IDP has documented ICE’s increased use of violent force to conduct arrests, including slamming family members against walls, dragging individuals from cars, and even pulling guns on people leaving court; and

Whereas, The ICE Out of Courts Coalition issued a report that documents the harmful impacts of ICE’s aggressive courthouse operations, including the widespread chilling effect, which discourages victims, witnesses, and defendants from seeking legal protections; and

Whereas, When ICE arrests a defendant during an unrelated court proceeding, ICE is under no obligation to produce them for such court appearance; and

Whereas, The fear of deportation acts as a deterrent for victims of crime, witnesses to crime, and defendants, to engage in the criminal court system; and

Whereas, Public calls made by judges, district attorneys, attorneys general, anti-violence advocates, public defenders, elected officials and others across the country to end courthouse arrests have been unanswered by ICE; and

Whereas, In January 2019, New York State Senator Hoylman and New York State Assembly Member Solages introduced the “Protect Our Courts Act” (A.2176/S.425), which would exempt individuals from civil arrest while “going to, remaining at, or returning from the place of such court proceeding;” and

Whereas, Absent a signed judicial warrant or judicial order authorizing a civil arrest, A.2176/S.425 would prohibit the civil arrest of any person attending a court proceeding “duly and in good faith;” and

Whereas, The legislation would designate the willful violation of the exemption as contempt of the court and false imprisonment, and would grant individuals the ability to bring a civil action for appropriate equitable and declaratory relief in instances of violation of the exemption; and

Whereas, The unchecked interference of federal law enforcement, specifically ICE, in the state court system endangers New Yorkers' access to due process and public safety by making witnesses to crime and victims of crime less likely to engage in the court system; and

Whereas, Federal interference additionally removes criminal defendants from our jurisdiction, making it impossible to seek justice in their ongoing, non-immigration related cases; now, therefore, be it

Resolved, That the [JURISDICTION] calls on the State Legislature to pass, and the Governor to sign, the "Protect Our Courts Act" (A.2176 / S.425), in order to protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding.

**A11013 Summary:**

BILL NO A11013A

SAME AS SAME AS

SPONSOR Rules (Solages)

COSPNR Crespo, Kim, Niou, Barron, Davila, De La Rosa, Dickens, Epstein, Espinal, Fernandez, Hevesi, Hyndman, Jaffee, Jean-Pierre, Lentol, Mosley, O'Donnell, Pichardo, Pretlow, Ramos, Rozic, Seawright, Weprin, Williams, Wright, Lavine, Gottfried, D'Urso, Perry, Joyner, Ortiz, Fahy, Simon, Buchwald, Lifton, Arroyo, Glick, Rosenthal L, Taylor, Bichotte, Peoples-Stokes, Cahill, Cook, Rivera, McDonald, Otis, Paulin

MLTSPNSR

Add §28, Civ Rts L; add §4-a, amd §212, Judy L

Exempts certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding.

**A11013 Memo:**

NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)

**BILL NUMBER:** A11013A

**SPONSOR:** Rules (Solages)

**TITLE OF BILL:** An act to amend the civil rights law and the judiciary law, in relation to protecting certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding

**PURPOSE OR GENERAL IDEA OF BILL:**

The purpose of this bill is to facilitate continued access to the justice system and courts by all members of the community without fear of immigration-related consequences.

**SUMMARY OF PROVISIONS:**

Section one is the title of the bill.

Section two would amend the Civil Rights Law to protect certain persons from civil arrest when going to, remaining at, or returning from a court appearance or proceeding unless a specific judicial warrant or judicial order authorizing such arrest has been issued. This section provides that a civil court action may be brought by the individual or the attorney general to address an alleged violation of this provision. This provision is in addition to the general protections from civil arrest found in Article Three of the Civil Rights Law, in any other law, and available under common law.

Section three would amend the Judiciary Law to allow courts to issue orders designed to protect the prohibition on such civil arrests.

Section four would amend the Judiciary Law to provide that non-local law enforcement officials seeking to enter a courthouse with respect to an alleged violation or violations of federal immigration law would be required to identify themselves and such purpose. Counsel for the unified court system would be required to review any judicial warrant or judicial order presented to assure its authenticity before allowing entry of the officer intending to effect such an immigration-related arrest.

Section five contains a severability clause.

Section six is the effective date.

**DIFFERENCE BETWEEN ORIGINAL AND AMENDED VERSION (IF APPLICABLE):**

The amended version adds a title. 1

**JUSTIFICATION:**

Article Three of the Civil Rights Law, "Privilege From Arrest," dates back to the early part of the last century. Most of these provisions of the Civil Rights Law were enacted in 1909 (e.g., § 22 ("Privileges of officers and prisoners from arrest while passing through another county"); § 23 ("No person to be arrested in civil proceedings without statutory provision); § 25 ("Witness exempt from arrest")). While such provisions have been effective to protect the integrity and needs of the court system in certain circumstances, certain modern practices make an updated, supplementary statute necessary. Changes by federal agencies regarding the enforcement of federal immigration law have instilled significant fear in immigrant communities across New York State. In particular, the use of court calendars and courthouses as a means of locating allegedly undocumented individuals has soared, leaving many immigrants, documented and undocumented, afraid to access the justice system or respond to court summonses for fear of potentially life-changing immigration-related repercussions. This trend has a potentially damaging impact on all New Yorkers, not just immigrant communities, as the operation of our judicial system and public safety are undermined.



Domestic violence victims - whether documented individuals or not - need access to our civil justice system, for orders of protection and similar relief. An entire family may be gravely impacted if a tenant is afraid to enter the courthouse and respond to a landlord's court petition. Justice to other persons is denied when an immigrant - documented or not - refuses to come to court to testify as a victim or witness. It serves neither justice nor public safety when fear of a civil arrest deters a defendant charged with a traffic infraction, or a more serious crime, from attending a scheduled court appearance in the case.

According to the Immigrant Defense Project, from 2016 to 2017, arrests by federal Immigration and Customs Enforcement ("ICE") agents at courthouses in New York State increased by 1200%. Fear of being targeted, either due to a lack of legal immigration status or concern about the uncertain status of a family member, have dissuaded many individuals from contacting law enforcement or following through with court proceedings. District attorneys and legal representatives, in New York and elsewhere, have expressed frustration and concern regarding their ability to prosecute cases, as victims and witnesses are sometimes too afraid to attend the proceedings. This inability of law enforcement and the legal community to work effectively with immigrant communities and individuals has potentially severe consequences for public safety, as the justice system is handicapped by the unwillingness of victims, witnesses, tenants and others to come forward and enter the courthouse.

As fewer individuals feel safe interacting with the justice system, fearing potential implications for themselves, friends or family, it becomes all the more challenging to promote public safety. It is imperative that we ensure that all members of our community feel safe accessing New York's court system.

This bill would make a modest change to clarify and update New York's century-old prohibition on certain courthouse arrests (Civil Rights Law Art. 3). The bill would allow arrest for an immigration offense based on a judicial arrest warrant or judicial order, signed by a judge of another jurisdiction who is authorized to order such arrest. However, an immigration-related courthouse arrest based on an administrative warrant, or without a warrant, would not be permitted.

**PRIOR LEGISLATIVE HISTORY:**

New bill.

**FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:**

None expected.

**EFFECTIVE DATE:**

This bill would take effect immediately.

# STATE OF NEW YORK

11013--A

## IN ASSEMBLY

May 30, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Solages, Crespo, Kim, Niou, Barron, Davila, De La Rosa, Dickens, Epstein, Espinal, Fernandez, Hevesi, Hyndman, Jaffee, Jean-Pierre, Lentol, Mosley, O'Donnell, Pichardo, Pretlow, Ramos, Rozic, Seawright, Weprin, Williams, Wright, Lavine, Gottfried) -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil rights law and the judiciary law, in relation to protecting certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding

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

- 1 Section 1. This act shall be known and may be cited as the "protect
- 2 our courts act".
- 3 § 2. The civil rights law is amended by adding a new section 28 to
- 4 read as follows:
- 5 § 28. Civil arrest; certain locations. 1. A person duly and in good
- 6 faith attending a court proceeding in which such person is a party or
- 7 potential witness, or a family or household member is a party or poten-
- 8 tial witness, is privileged from civil arrest while going to, remaining
- 9 at, and returning from, the place of such court proceeding, unless such
- 10 civil arrest is supported by a judicial warrant or judicial order
- 11 authorizing such civil arrest.
- 12 2. It is a contempt of the court and false imprisonment for any person
- 13 to willfully violate subdivision one of this section, or an order of the
- 14 court issued pursuant to section four-a of the judiciary law, by execut-
- 15 ing an arrest prohibited by subdivision one of this section or section
- 16 four-a of the judiciary law, or willfully assisting or willfully facili-
- 17 tating an arrest prohibited by subdivision one of this section or
- 18 section four-a of the judiciary law; provided, however, that nothing in
- 19 this subdivision shall affect any right or defense of any person, police
- 20 officer, peace officer or public officer pursuant to article thirty-five
- 21 of the penal law.
- 22 3. Regardless of whether a proceeding for contempt of the court pursu-
- 23 ant to subdivision two of this section has been initiated:

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

1 (a) a person described in subdivision one of this section may bring a  
2 civil action for appropriate equitable and declaratory relief if such  
3 person has reasonable cause to believe a violation of subdivision one of  
4 this section, as described in subdivision two of this section, or a  
5 violation of section four-a of the judiciary law, has occurred or may  
6 occur; and

7 (b) the attorney general may bring a civil action in the name of the  
8 people of the state of New York to obtain appropriate equitable and  
9 declaratory relief if the attorney general has reasonable cause to  
10 believe that a violation of subdivision one of this section, as  
11 described in subdivision two of this section, or a violation of section  
12 four-a of the judiciary law, has occurred or may occur.

13 4. In any successful action pursuant to subdivision three of this  
14 section, a plaintiff or petitioner may recover costs and reasonable  
15 attorney's fees.

16 5. Nothing in this section shall be construed to narrow, or in any way  
17 lessen, any common law or other right or privilege of a person privi-  
18 leged from arrest pursuant to this article or otherwise.

19 6. As used in this section:

20 (a) "civil arrest" shall mean an arrest that is not:

21 (i) for the sole or primary purpose of preparing the person subject to  
22 such arrest for criminal prosecution, for an alleged violation of the  
23 criminal law of:

24 (A) this state, or another state, for which a sentence of a term of  
25 imprisonment is authorized by law; or

26 (B) the United States, for which a sentence of a term of imprisonment  
27 is authorized by law, and for which federal law requires an initial  
28 appearance before a federal judge, federal magistrate or other judicial  
29 officer, pursuant to the federal rules of criminal procedure that govern  
30 initial appearances; or

31 (ii) for contempt of the court in which the court proceeding is taking  
32 place or will be taking place;

33 (b) "court proceeding" shall mean any appearance in a court of this  
34 state before a judge or justice or judicial magistrate of this state  
35 ordered or scheduled by such judge or justice or judicial magistrate, or  
36 the filing of papers designed to initiate such an appearance before a  
37 judge or justice or judicial magistrate of this state;

38 (c) "family or household member" shall have the same meaning as in  
39 subdivision two of section four hundred fifty-nine-a of the social  
40 services law; and

41 (d) "judicial warrant or judicial order authorizing such civil arrest"  
42 means an arrest warrant or other judicial order, issued by a magistrate  
43 sitting in the judicial branch of a local or state government or of the  
44 federal government, authorizing a civil arrest and issued by the court  
45 in which proceedings following such arrest will be heard and determined.

46 § 3. The judiciary law is amended by adding a new section 4-a to read  
47 as follows:

48 § 4-a. Certain powers of the courts regarding civil arrests. In order  
49 to maintain access to the court and open judicial proceedings for all  
50 persons in their individual capacity and to prevent interference with  
51 the needs of judicial administration, a court has the power to issue  
52 appropriate judicial orders to protect the privilege from civil arrest,  
53 in accordance with article three of the civil rights law.

54 § 4. Subdivision 2 of section 212 of the judiciary law is amended by  
55 adding a new paragraph (w) to read as follows:

1 (w) (i) In order to maintain access to the court and open judicial  
2 proceedings for all persons in their individual capacity and to prevent  
3 interference with the needs of judicial administration, consistent with  
4 section twenty-eight of the civil rights law and section four-a of this  
5 chapter, direct that court personnel responsible for all courthouses and  
6 the places of all court proceedings in the state shall not allow access  
7 to such courthouses and places of court proceedings to non-local law  
8 enforcement personnel seeking to enter such locations with respect to  
9 violation or violations of federal immigration law unless presented with  
10 a valid judicial warrant or judicial order, and designated counsel of  
11 the unified court system has individually reviewed and confirmed in  
12 writing the authenticity of such judicial warrant or judicial order.  
13 Non-local law enforcement personnel seeking to enter such a location  
14 with respect to violation or violations of federal immigration law shall  
15 identify themselves and such purpose, and present such judicial warrant  
16 or judicial order to such responsible court personnel when seeking such  
17 access. The chief administrator shall promulgate rules consistent with  
18 this subdivision designed to implement the provisions of this paragraph.

19 (ii) Such rules shall also require that a copy of each judicial  
20 warrant and judicial order reviewed by designated counsel of the  
21 unified court system under this paragraph be sent to and maintained in a  
22 central repository by the chief administrator, who shall on an annual  
23 basis compile statistics disaggregated by county and prepare a report  
24 of such statistics, and also identify in such report, for each such  
25 judicial warrant and judicial order, the date such judicial warrant or  
26 judicial order was signed, the judge and court which issued such judi-  
27 cial warrant or judicial order and the location of such court as shown  
28 by such document, the date such judicial warrant or judicial order was  
29 presented to counsel for the unified court system, a description of the  
30 type of judicial warrant or judicial order and, to the extent known to  
31 court personnel, whether or not an arrest occurred and the date and  
32 location of such arrest. Such report, which shall not include the names  
33 of individuals involved, shall be published on the website of the  
34 unified court system and copies of such report shall be sent to the  
35 governor, the speaker of the assembly and the temporary president of the  
36 senate.

37 (iii) For purposes of this paragraph, "non-local law enforcement  
38 personnel" shall mean a person or persons employed or retained by a law  
39 enforcement agency: (A) of a jurisdiction other than the state of New  
40 York or a local government in the state of New York; or (B) of the state  
41 of New York or a local government in the state of New York, where such  
42 law enforcement agency or employee or agent thereof has entered into an  
43 agreement with a federal law enforcement agency, including but not  
44 limited to pursuant to 8 U.S.C. 1373, authorizing it or such person to  
45 enforce or assist in the enforcement of federal immigration law.

46 § 5. Severability clause. If any clause, sentence, paragraph, subdivi-  
47 sion, section or part of this act shall be adjudged by any court of  
48 competent jurisdiction to be invalid, such judgment shall not affect,  
49 impair, or invalidate the remainder thereof, but shall be confined in  
50 its operation to the clause, sentence, paragraph, subdivision, section  
51 or part thereof directly involved in the controversy in which such judg-  
52 ment shall have been rendered. It is hereby declared to be the intent of  
53 the legislature that this act would have been enacted even if such  
54 invalid provisions had not been included herein.

55 § 6. This act shall take effect immediately.



Since the inauguration of President Trump, there has been an unprecedented increase in ICE arrests in and around New York's courts. **From 2016 to 2018, the Immigrant Defense Project has documented a 1700% increase in ICE operations in courthouses throughout the state.** Undercover ICE agents are now routinely arresting immigrants in the state's civil and criminal courts—even targeting people in family courts and courts designed for victims of human trafficking.

ICE's growing presence in the courts has spread fear, making many New Yorkers afraid to attend. In a statewide survey, **a third of advocates working with domestic violence survivors reported that their clients were afraid to seek a protection order in court due to fear of ICE.** Nearly half of housing court advocates said that clients were afraid to bring complaints because of ICE. As a result, **prosecutors across the state have condemned ICE courthouse arrests for jeopardizing the safety and security of all New Yorkers.**

ICE's courthouse arrests also threaten the efficient operation of the state's courts. Every time ICE agents arrest and detain a New Yorker, a case is interrupted. Because ICE often refuses to return people for their court proceedings, cases are not only delayed, but permanently derailed.

---

## The Protect Our Courts Act will ensure that every immigrant New Yorker can access the courts without fear of being arrested by ICE. Here's what it does:

- Makes it unlawful for ICE to make a civil arrest while a person is going to, attending or leaving court unless the officer presents a valid judicial warrant or court order. Most ICE arrests are for civil violation of federal immigration law.
- Protects a person from *civil* arrest not only inside of a courthouse, but while they are going to the courthouse or leaving it. This is an essential protection since ICE arrests are often executed right outside the courthouse doors.
- Extends protection to *any* person who is a party or potential witness in a civil or criminal court proceeding, including family and household members.
- Empowers the New York Attorney General to pursue legal action on behalf of individuals arrested in violation of this law.
- Recognizes individuals have a right to pursue civil legal claims when they are arrested.



1.

### **An unprecedented increase in ICE arrests interferes with the state's court system.**

- The Immigrant Defense Project documented a 1700% increase in ICE courthouse operations from 2016 to 2018.
- The surge in ICE arrests has made immigrants and their families fearful of going to a wide range of courts including criminal court, family court, and housing court.
- This means domestic violence survivors aren't getting orders of protection, tenants aren't bringing complaints against abusive landlords, and people facing criminal charges are denied their fair day in court.

2.

### **ICE's courthouse arrests undermine safety and security for all New Yorkers.**

- Prosecutors across the state have endorsed the bill because they say ICE's presence in the courts is making victims and witnesses fearful of coming to court.
- Two-thirds of advocates who work with survivors of violence say their clients have declined to seek protective orders and other help from the courts due to fear of ICE.
- More than half of housing rights advocates surveyed have clients who are too scared to file a housing court complaint because of ICE being in court.

3.

### **This bill will help ensure access to courts for ALL New Yorkers regardless of immigration status.**

- Our constitution guarantees access to the courts to ALL New Yorkers, regardless of immigration status.
- Equal access to our courts is vital to our democracy and central to everything that New York stands for.

4.

### **This bill will help protect the fundamental constitutional right of all New Yorkers to have their fair day in court.**

- ICE snatches immigrants from court when they're in the middle of defending themselves against criminal charges.
- Once ICE detains someone, they can refuse to send them back to state court, meaning that the person never gets their fair day in court.
- This not only violates basic constitutional rights, it derails our state's criminal justice system.

5.

### **The legislature has the power to protect the state's courts from ICE.**

- ICE is exploiting the state's courts by using them as a hunting ground for immigrants.
- When an outside agency interferes with our courts, we have a duty to protect them.
- The state constitution gives New York's legislature clear authority to regulate the court system to ensure that they operate effectively and serve EVERY New Yorker.



### **Westchester DA Anthony A. Scarpino, Jr.**

**“The growing presence of Immigration and Customs Enforcement (ICE) agents in Westchester courts undermines our efforts to effectively investigate and prosecute crimes. When ICE uses our local courthouses to make civil immigration arrests, both immigrants who are victims of or witnesses to domestic violence, scams, wage theft or violent crimes are now fearful that coming to court may lead to arrest by ICE. How can justice be served if some of our most vulnerable are afraid to come forward? I support the Protect Our Courts Act to ensure a fair and equitable system, and a safer and more secure community.”**

### **Nassau DA Madeline Singas**

**“New York’s justice system works best when everyone has access. Immigrants who are victims of domestic violence, wage theft, fraud, or violent crime should be able to seek justice regardless of their status, and they should be able to come to court for that purpose without fear that their appearance will lead to civil arrest by ICE.”**

### **Albany DA David Soares**

**“Courthouses should be safe spaces for everyone. Prosecutors, advocates and police have spent decades researching and applying best practices in an effort to encourage the reporting of violent crimes, including sexual assaults and domestic violence crimes. Demagoguery of the issue has caused fear and concern in many citizens and has led to decreased reporting. The activities of Immigration and Customs Enforcement is compromising our ability to hold accountable perpetrators who prey upon victims from vulnerable immigrant communities.”**

### **Bronx DA Darcel D. Clark**

**“I endorse the Protect Our Courts Act because, as the Bronx District Attorney, I encourage people to report crimes... If a victim or witness who is essential to the prosecution of a heinous case is arrested by Immigration and Customs Enforcement when he or she shows up at the courthouse, we cannot go forward with the case, resulting in cases being dismissed and dangerous individuals being released back into the community. This could have a chilling effect on getting witnesses to assist in our cases, potentially resulting in a threat to public safety.”**

### **Brooklyn DA Eric Gonzalez**

**“These actions jeopardize public safety by instilling fear in immigrant communities, which makes victims and witnesses afraid to come forward to report crimes, and unable to get justice. Keeping Brooklyn safe and strengthening community trust in law enforcement are my top priorities as Brooklyn DA, and ICE’s actions undermine those important goals. I support the efforts to end this misguided practice.”**

### **Manhattan DA Cyrus Vance, Jr.**

**“Deporting New Yorkers who show up to court is antithetical to our values and detrimental to our public safety. The fear of unjust deportation stops crime victims from coming forward, and stops defendants from responsibly attending their court dates. I thank Assembly Member Solages for her work on this bill and urge the legislature to pass it immediately, because all New Yorkers have the right to safely access our courts, whether they are documented or undocumented under federal law.”**



## Afraid to Get a Restraining Order

A mother showed up to My Sister's Place, a Rockland County legal services organization, with her head bandaged. When the attorney asked what happened, the woman said that the father of her children had raped her in a parking lot and severely beat her on the head with "metal things." The woman suffered neurological damage and permanent vision loss as a result.

When asked why she did not report it to the police and seek a restraining order in Family Court, she told the attorney that she was too afraid of being picked up by ICE. - *As reported by Andrea Panjwani, Esq., Former Managing Attorney, My Sister's Place*

## A Bronx Man who Came to the U.S. at Age 3

A young man who came to the U.S. at the age of 3 was ambushed by a team of 8-10 ICE officers outside of a Bronx courthouse. Originally from the Ivory Coast, the Bronx man had big plans for building a life with his U.S. citizen wife. He was working as a barrista, had recently applied to college, and was in the process of applying for a green card. On the day that ICE grabbed him, he was in court on a misdemeanor case and had no prior criminal record.

When news of his arrest spread, close to a hundred public defenders walked out of the courthouse in protest. - *As reported by Casey Dalporto, Esq., The Legal Aid Society*

## Victims of Human Trafficking

When a 29 year-old Chinese woman showed up to the Queens Human Trafficking Intervention Court last June, she stepped into a courtroom designed to be a safe space for victims of human trafficking. She, like most of the women appearing that day, was charged with a prostitution related offense. Instead of a fine and jail time, she was expected to get help.

But that day, two plainclothes ICE officers watched her and other women appearing in the courtroom. Thanks to quick thinking by her attorneys, the young woman was not taken away by ICE. But later that day, the ICE agents arrested another woman just minutes after she left the human trafficking court. - *As reported by WNYC and The New York Times*

## A Witness Goes Silent in Housing Court

Soon after the first reports of arrests in New York State Courts, a housing rights advocate had a concerning interaction with a long-term client. The client, a green card holder, was a long-time member of a tenant association in Cypress Hills, Brooklyn, and was married to an undocumented man. The attorney had been working with her to enforce her succession rights and had been preparing for trial.

Suddenly, the client informed the attorney that her husband—a key witness in the case—wouldn't feel comfortable going to court. The attorney was unable to continue the case. - *As reported by Katherine LeGeros Bajuk, Esq., New York County Defender Service*

## A History of Suicide Attempts; ICE Shrugs

Her client trembled when she broke the news. Katherine, a mental health specialist from New York County Defender Services, had just told her that ICE agents were there to arrest her.

Katherine had pleaded with the plainclothes agents not to take her client away. She had had a string of arrests but was finally getting treatment for her underlying mental health issues. She had already made several suicide attempts and Katherine feared that if she was locked up in ICE custody, her client might have a psychotic break.

She told all this to the ICE agents. They just shrugged. When she asked to see the warrant for her client's arrest, they refused to produce anything. - *As reported by Katherine LeGeros Bajuk, Esq., New York County Defender Service*



# PROTECT OUR COURTS ACT

## Frequently Asked Questions

A.02176/S.00425

### What will the Protect Our Courts Act do?

The Protect Our Courts act makes it unlawful for any law enforcement officer (including Immigration and Customs Enforcement) to arrest a person for a *civil* violation while that person is going to, attending, or leaving court *unless* a judicial warrant or court order authorizing the arrest is presented to court staff.

It also prohibits law enforcement officers from outside of New York (including ICE) from entering a courthouse to enforce federal immigration law, unless they present a valid judicial warrant or court order authorizing the arrest.

### How will the Protect our Courts Act protect people from ICE?

ICE arrests people for *civil* violations of federal immigration law. By making *civil* arrests unlawful, this bill will effectively stop ICE from making arrests in our courts.

The only way ICE can make an arrest under this law is by presenting a valid judicial warrant or court order from a federal judge, a requirement that has effectively stopped ICE arrests in other contexts.

### Who will the Protect Our Courts Act protect?

The law will protect *any* person who is a party or potential witness in a court proceeding in New York state. This includes victims, witnesses, defendants, and anyone who is part of a non-criminal proceeding such as a family or housing court matter.

It will also protect any family or household members who are part of a court proceeding or potential witnesses.

### Where will the Protect Our Courts Act protect people from arrest?

The bill protects people from arrest not only inside of a courthouse, but while they are going to the courthouse or leaving it. The exact boundaries of this protection are not spelled out in the legislation but would likely extend to the area within sight of the courthouse.

This concept of a zone of protection against civil arrest while attending court already exists in New York's civil rights law and has a long history in U.S. law. This concept was developed to prevent law enforcement agencies from using people's attendance in court as a way to arrest them on civil matters.

### How will the Protect Our Courts Act be enforced?

The bill includes several enforcement measures. It empowers judges to hold any person who violates the law in contempt of court. It also instructs the New York Attorney General to pursue legal action on behalf of individuals who are arrested in violation of this law. In addition, the bill recognizes that individuals have a right to pursue legal claims when they are arrested.

### How will the Protect Our Courts Act be implemented?

The Office of Court Administration will designate attorneys to review any judicial warrants or court orders presented before allowing non-local law enforcement (including ICE) to enter a courthouse in order to make a *civil* arrest. The bill also requires that the court document any warrants or court orders presented to its staff.

The Office of Court Administration will also need to adopt rules explaining how it will implement this legislation.

### 1. An unprecedented increase in ICE arrests interferes with the state's court system.

- The Immigrant Defense Project documented a 1700% increase in ICE courthouse operations from 2016 to 2018.
- The surge in ICE arrests has made immigrants and their families fearful of going to a wide range of courts including criminal court, family court, and housing court.
- This means domestic violence survivors aren't getting orders of protection, tenants aren't bringing complaints against abusive landlords, and people facing criminal charges are denied their fair day in court.

### 2. ICE's courthouse arrests undermine safety and security for all New Yorkers.

- Prosecutors across the state have endorsed the bill because they say ICE's presence in the courts is making victims and witnesses fearful of coming to court.
- Two-thirds of advocates who work with survivors of violence say their clients have declined to seek protective orders and other help from the courts due to fear of ICE.
- More than half of housing rights advocates surveyed have clients who are too scared to file a housing court complaint because of ICE being in court.

### 3. This bill will help ensure access to courts for ALL New Yorkers regardless of immigration status.

- Our constitution guarantees access to the courts to ALL New Yorkers, regardless of immigration status.
- Equal access to our courts is vital to our democracy and central to everything that New York stands for.

### 4. This bill will help protect the fundamental constitutional right of all New Yorkers to have their fair day in court.

- ICE snatches immigrants from court when they're in the middle of defending themselves against criminal charges.
- Once ICE detains someone, they can refuse to send them back to state court, meaning that the person never gets their fair day in court.
- This not only violates basic constitutional rights, it derails our state's criminal justice system.

### 5. The legislature has the power to protect the state's courts from ICE.

- ICE is exploiting the state's courts by using them as a hunting ground for immigrants.
- When an outside agency interferes with our courts, we have a duty to protect them.
- The state constitution gives New York's legislature clear authority to regulate the court system to ensure that they operate effectively and serve EVERY New Yorker.



# PROTECT OUR COURTS ACT

## Prosecutor Statements

A.02176/S.00425

### **Westchester DA Anthony A. Scarpino, Jr.**

**"The growing presence of Immigration and Customs Enforcement (ICE) agents in Westchester courts undermines our efforts to effectively investigate and prosecute crimes.** When ICE uses our local courthouses to make civil immigration arrests, both immigrants who are victims of or witnesses to domestic violence, scams, wage theft or violent crimes are now fearful that coming to court may lead to arrest by ICE. How can justice be served if some of our most vulnerable are afraid to come forward? I support the Protect Our Courts Act to ensure a fair and equitable system, and a safer and more secure community."

### **Nassau DA Madeline Singas**

**"New York's justice system works best when everyone has access.** Immigrants who are victims of domestic violence, wage theft, fraud, or violent crime should be able to seek justice regardless of their status, and they should be able to come to court for that purpose without fear that their appearance will lead to civil arrest by ICE."

### **Albany DA David Soares**

**"Courthouses should be safe spaces for everyone.** Prosecutors, advocates and police have spent decades researching and applying best practices in an effort to encourage the reporting of violent crimes, including sexual assaults and domestic violence crimes. Demagoguery of the issue has caused fear and concern in many citizens and has led to decreased reporting. **The activities of Immigration and Customs Enforcement is compromising our ability to hold accountable perpetrators who prey upon victims from vulnerable immigrant communities.**"

### **Bronx DA Darcel D. Clark**

**"I endorse the Protect Our Courts Act because, as the Bronx District Attorney, I encourage people to report crimes... If a victim or witness who is essential to the prosecution of a heinous case is arrested by Immigration and Customs Enforcement when he or she shows up at the courthouse, we cannot go forward with the case, resulting in cases being dismissed and dangerous individuals being released back into the community. This could have a chilling effect on getting witnesses to assist in our cases, potentially resulting in a threat to public safety."**

### **Brooklyn DA Eric Gonzalez**

**"These actions jeopardize public safety by instilling fear in immigrant communities, which makes victims and witnesses afraid to come forward to report crimes, and unable to get justice.** Keeping Brooklyn safe and strengthening community trust in law enforcement are my top priorities as Brooklyn DA, and ICE's actions undermine those important goals. I support the efforts to end this misguided practice."

### **Manhattan DA Cyrus Vance, Jr.**

**"Deporting New Yorkers who show up to court is antithetical to our values and detrimental to our public safety.** The fear of unjust deportation stops crime victims from coming forward, and stops defendants from responsibly attending their court dates. I thank Assembly Member Solages for her work on this bill and urge the legislature to pass it immediately, because all New Yorkers have the right to safely access our courts, whether they are documented or undocumented under federal law."

### Afraid to Get a Restraining Order

A mother showed up to My Sister's Place, a Rockland County legal services organization, with her head bandaged. When the attorney asked what happened, the woman said that the father of her children had raped her in a parking lot and severely beat her on the head with "metal things." The woman suffered neurological damage and permanent vision loss as a result.

When asked why she did not report it to the police and seek a restraining order in Family Court, she told the attorney that she was too afraid of being picked up by ICE. - *As reported by Andrea Panjwani, Esq., Former Managing Attorney, My Sister's Place*

### A Bronx Man who Came to the U.S. at Age 3

A young man who came to the U.S. at the age of 3 was ambushed by a team of 8-10 ICE officers outside of a Bronx courthouse. Originally from the Ivory Coast, the Bronx man had big plans for building a life with his U.S. citizen wife. He was working as a barrista, had recently applied to college, and was in the process of applying for a green card. On the day that ICE grabbed him, he was in court on a misdemeanor case and had no prior criminal record.

When news of his arrest spread, close to a hundred public defenders walked out of the courthouse in protest. - *As reported by Casey Dalporto, Esq., The Legal Aid Society*

### Victims of Human Trafficking

When a 29 year-old Chinese woman showed up to the Queens Human Trafficking Intervention Court last June, she stepped into a courtroom designed to be a safe space for victims of human trafficking. She, like most of the women appearing that day, was charged with a prostitution related offense. Instead of a fine and jail time, she was expected to get help.

But that day, two plainclothes ICE officers watched her and other women appearing in the courtroom. Thanks to quick thinking by her attorneys, the young woman was not taken away by ICE. But later that day, the ICE agents arrested another woman just minutes after she left the human trafficking court. - *As reported by WNYC and The New York Times*

### A Witness Goes Silent in Housing Court

Soon after the first reports of arrests in New York State Courts, a housing rights advocate had a concerning interaction with a long-term client. The client, a green card holder, was a long-time member of a tenant association in Cypress Hills, Brooklyn, and was married to an undocumented man. The attorney had been working with her to enforce her succession rights and had been preparing for trial.

Suddenly, the client informed the attorney that her husband—a key witness in the case—wouldn't feel comfortable going to court. The attorney was unable to continue the case. - *As reported by Katherine LeGeros Bajuk, Esq., New York County Defender Service*

### A History of Suicide Attempts; ICE Shrugs

Her client trembled when she broke the news. Katherine, a mental health specialist from New York County Defender Services, had just told her that ICE agents were there to arrest her.

Katherine had pleaded with the plainclothes agents not to take her client away. She had had a string of arrests but was finally getting treatment for her underlying mental health issues. She had already made several suicide attempts and Katherine feared that if she was locked up in ICE custody, her client might have a psychotic break.

She told all this to the ICE agents. They just shrugged. When she asked to see the warrant for her client's arrest, they refused to produce anything. - *As reported by Katherine LeGeros Bajuk, Esq., New York County Defender Service*



# PROTECT OUR COURTS ACT

## Frequently Asked Questions

A.02176/S.00425

### What will the Protect Our Courts Act do?

The Protect Our Courts act makes it unlawful for any law enforcement officer (including Immigration and Customs Enforcement) to arrest a person for a *civil* violation while that person is going to, attending, or leaving court *unless* a judicial warrant or court order authorizing the arrest is presented to court staff.

It also prohibits law enforcement officers from outside of New York (including ICE) from entering a courthouse to enforce federal immigration law, unless they present a valid judicial warrant or court order authorizing the arrest.

### How will the Protect our Courts Act protect people from ICE?

ICE arrests people for *civil* violations of federal immigration law. By making *civil* arrests unlawful, this bill will effectively stop ICE from making arrests in our courts.

The only way ICE can make an arrest under this law is by presenting a valid judicial warrant or court order from a federal judge, a requirement that has effectively stopped ICE arrests in other contexts.

### Who will the Protect Our Courts Act protect?

The law will protect *any* person who is a party or potential witness in a court proceeding in New York state. This includes victims, witnesses, defendants, and anyone who is part of a non-criminal proceeding such as a family or housing court matter.

It will also protect any family or household members who are part of a court proceeding or potential witnesses.

### Where will the Protect Our Courts Act protect people from arrest?

The bill protects people from arrest not only inside of a courthouse, but while they are going to the courthouse or leaving it. The exact boundaries of this protection are not spelled out in the legislation but would likely extend to the area within sight of the courthouse.

This concept of a zone of protection against civil arrest while attending court already exists in New York's civil rights law and has a long history in U.S. law. This concept was developed to prevent law enforcement agencies from using people's attendance in court as a way to arrest them on civil matters.

### How will the Protect Our Courts Act be enforced?

The bill includes several enforcement measures. It empowers judges to hold any person who violates the law in contempt of court. It also instructs the New York Attorney General to pursue legal action on behalf of individuals who are arrested in violation of this law. In addition, the bill recognizes that individuals have a right to pursue legal claims when they are arrested.

### How will the Protect Our Courts Act be implemented?

The Office of Court Administration will designate attorneys to review any judicial warrants or court orders presented before allowing non-local law enforcement (including ICE) to enter a courthouse in order to make a *civil* arrest. The bill also requires that the court document any warrants or court orders presented to its staff.

The Office of Court Administration will also need to adopt rules explaining how it will implement this legislation.

ICE Out of Courts Coalition. More info at [immdefense.org/ice-courts-nys/](http://immdefense.org/ice-courts-nys/)

**City of Beacon Workshop Agenda**  
**4/29/2019**

**Title:**

**Main Street Pedestrian Improvements Recommendation of Award**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Main Street Improvements Award Recommendation 04-08-19	Cover Memo/Letter

**LANC & TULLY**  
ENGINEERING AND SURVEYING, P.C.

John J. O'Rourke, P.E., Principal  
David E. Higgins, P.E., Principal  
John Queenan, P.E., Principal

Rodney C. Knowlton, L.S., Principal  
Jerry A. Woods, L.S., Principal

John D. Russo, P.E., Principal  
John Lane, P.E., L.S.  
Arthur R. Tully, P.E.

April 8, 2019

Mr. Anthony Ruggiero  
City Administrator  
City of Beacon City Hall  
1 Municipal Plaza  
Beacon, NY 12508

and

Mr. Michael Manzi  
Highway Superintendent  
City of Beacon City Hall  
1 Municipal Plaza  
Beacon, NY 12508

RE: Main Street Improvements  
City of Beacon  
Award Recommendation

Dear Mr. Ruggiero & Mr. Manzi:

A total of four (4) bid proposals were submitted and opened on March 29, 2019 for the **Main Street Improvements** project. The four proposals were carefully reviewed; all multiplication between estimated quantities and unit prices checked; and addition of total prices checked against the total contract amount. One of the bid submittals was found to have errors but did not impact the overall order of the bids. All proposals submitted were complete.

The following tabulation shows the order from lowest bidder, the name of the bidder, and the total contract amount and the corrected value of the contract if it contained errors. The engineer's estimate for the project was approximately \$450,000.00.

NAME OF BIDDER	TOTAL CONTRACT AMOUNT	CORRECTED CONTRACT AMOUNT
Sun Up Construction Wappingers Falls, NY	\$448,800.00	N.A.
Con-Tech Construction Technology, Inc. Carmel, NY	\$551,116.00	N.A.

CMC Construction Group, Inc. Slate Hill, NY	\$599,796.50	\$600,397.50
Ben Ciccone Inc. Poughkeepsie, NY	\$702,760.00	N.A.

The lowest bidder is Sun Up Construction Inc., with the total base bid amount of \$448,800.00. Sun Up Construction Inc. has submitted information related to projects in which they have completed the work as outlined within the proposed project. References supplied were called and checked to verify the work completed by the prospective low bidder and were found to be acceptable. In our opinion, Sun Up Construction Inc. should be considered the lowest responsible bidder based upon the submitted information and Chapter 53 of the City Code. Along with the bid, the contractor has submitted a Non-Collusive Bidding Certificate, and a Bid Bond.

It is our recommendation to the City Council to award the **Main Street Improvements** project to Sun Up Construction, Inc.

If you have any questions, or need any further information, please do not hesitate to contact our office.

Very truly

LANC & TULLY, P.C.



John Russo, P.E.

Cc: Nick Ward-Willis, City Attorney



**City of Beacon Workshop Agenda**  
**4/29/2019**

**Title:**

**U.S. Army Corps of Engineers Issuance of Regional General Permit**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Memorandum from New York State Department of State Division of Coastal Resources Regarding Regional General Permit	Cover Memo/Letter
Memorandum from City of Beacon Planning Board Re U.S. Army Corps of Engineers Issuance of Regional General Permit	Cover Memo/Letter

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR

ROSSANA ROSADO  
SECRETARY OF STATE

**NYS DEPARTMENT OF STATE  
DIVISION OF COASTAL RESOURCES**

**M E M O R A N D U M**

**To:** See attached list- all LWRPs in coastal areas  
**From:** New York State DOS, Coastal Consistency Unit  
**Date:** March 27, 2019  
**Re:** U.S. Army Corps of Engineers (USACE)- Issuance of Regional General Permit (RGP). Proposal by the New York District of the USACE to issue a Regional General Permit (RGP), which would authorize emergency response with storm recovery activities in regulated waters in New York State in the following counties (DEC Regions 1 and 2): Suffolk, Nassau, Queens, Kings, New York, Richmond, and Bronx and also applicable for properties abutting the Hudson River up to River Mile 100 within the following counties (DEC Region 3): Westchester, Rockland, Ulster, Orange, Putnam, and Dutchess. This RGP would replace the NYDGP-15 expiring on April 18, 2019.

\*

\*

\*

\*

Enclosed is a copy of the USACE's public notice and the draft RGP for your information and preliminary review. Please contact Rebecca Ferres, the DOS reviewer assigned to this project, at (518) 473-2470 or [Rebecca.ferres@dos.ny.gov](mailto:Rebecca.ferres@dos.ny.gov) to discuss applicable LWRP policies and concerns, and any additional information which may be necessary to assist you in reviewing this project. Any comments you may have will assist the Department in reaching a decision as to the consistency of the proposed action with all approved LWRPs in the following counties (DEC Regions 1 and 2): Suffolk, Nassau, Queens, Kings, New York, Richmond, and Bronx and also applicable for properties abutting the Hudson River up to River Mile 100 within the following counties (DEC Region 3): Westchester, Rockland, Ulster, Orange, Putnam, and Dutchess.

We would appreciate hearing from you on this proposed project within 30 days. If we do not hear from you by that date, we will presume that you have no objections to the proposed project



**Department  
of State**

Beacon (C)  
Croton-on-Hudson (V)  
Dobbs Ferry (V)  
East Hampton (T)  
Esopus (T)  
Greenport (V)  
Haverstraw (V)  
Head of the Harbor (V)  
Nissequogue (V)  
Kingston (C)  
Lloyd Harbor (V)  
New York City  
Newburgh (C)  
Nyack (V)  
Ocean Beach (V)  
Peekskill (C)  
Piermont (V)  
Poughkeepsie (T)  
Red Hook (T)  
Rhinebeck (T)  
Sag Harbor (V)  
Saugerties (V)  
Sleepy Hollow (V)  
Smithtown (T)  
Southold (T)  
Stony Point (T)  
Tivoli (V)



# PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

**In replying refer to:**

Public Notice Number: NAN-2019-00051

Issue Date: March 22, 2019

Expiration Date: April 21, 2019

---

## **ISSUANCE OF NEW GENERAL PERMIT FOR COASTAL AREAS TO REPLACE THE EXPIRING NYDGP-15**

The U.S. Army Corps of Engineers announces a proposal by the New York District Corps of Engineers to issue a Regional General Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). This general permit currently authorizes the installation of structures and dredging in navigable waters and the discharge of dredged or fill material, including discharges associated with excavation activities, into waters of the United States to facilitate the remediation of sites that are damaged from major storms that result in a Federal and/or State disaster declaration. It only applies to those areas that lie within the jurisdiction of the New York District (see attached map) in the specific towns or counties in New York State that are identified in the disaster declaration.

The Corps of Engineers is authorized to issue general permits when such issuance is found not to be contrary to the general public interest. Title 33 of the Code of Federal Regulations (CFR), Part 323.2(h), provides definitions of general permits and authority to issue them on a regional basis for categories of activities when: 1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or 2) the general permit would result in avoiding unnecessary duplication of regulatory control exercised by another Federal, State or local agency, provided that it has been determined that the environmental consequences of the action are individually and cumulatively minimal.

Attached to this public notice is a copy of the existing Regional General Permit (NYDGP-15), which is due to expire on April 18, 2019. The New York District has evaluated the performance of NYDGP-15 to date and has made a provisional determination that the proposed activities comply with the requirements for issuance of a new general permit. There have been no substantial individual and/or cumulative adverse environmental impacts associated with the authorization of at least 500 activities under the previous existing regional general permit which encompassed the entirety of the New York State Department of Environmental Conservation (NYSDEC) Regions 1-9. Therefore, the New York District, U.S. Army Corps of Engineers is proposing to issue the attached regional general permit, this time within a smaller geographic area of New York. The proposed regional general permit would be applicable to the following counties (NYSDEC Regions 1 and 2): Suffolk, Nassau, Queens, Kings, New York, Richmond, and Bronx. The proposed regional general permit would also be applicable for properties abutting the Hudson River up to River Mile 100 within the following counties (NYSDEC Region 3): Westchester, Rockland, Ulster, Orange, Putnam, and Dutchess. The New York District intends to cover the remaining freshwater areas of New York State under a New York State Programmatic General Permit (NYSPGP-1) currently being developed to authorize emergency response and post-storm recovery activities. The proposed regional general permit, if issued, would be valid for five years.

The decision whether to issue the proposed regional general permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important



CENAN-OP-R  
PUBLIC NOTICE: NAN-2019-00051

resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PROPOSED ISSUANCE OF THE COASTAL REGIONAL GENERAL PERMIT MUST BE PREPARED IN WRITING AND MAILED TO THE FOLLOWING ADDRESS TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity:

U.S. Army Corps of Engineers  
New York District  
Attn: Amanda Regan  
26 Federal Plaza  
Room 1937  
New York, NY 10278-0090

Comments submitted in response to this notice will be fully considered during the public interest review for the issuance of the regional general permit. Comments provided will become part of the public record for issuance of the regional general permit. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider the issuance of the regional general permit. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to adversely affect any Federally endangered or threatened species or their critical habitat due to the nature of the remedial activities that would be authorized by the regional general permit and the special conditions to which the work would be subject. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate

**CENAN-OP-R**  
**PUBLIC NOTICE: NAN-2019-00051**

Federal agencies to determine whether additional conservation measures are required to assure that there is no potential to adversely affect any identified species.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted to determine individual, cumulative, direct and indirect impacts of the proposed remedial activities upon EFH, and will be concluded prior to the final decision on the issuance of the general permit. It is our preliminary determination, however, that the activities proposed to be authorized by the re- issued regional general permit, with the proposed special conditions, would have no more than minimal individual, cumulative, direct and indirect impacts upon EFH.

Our preliminary determination is that the activities for which authorization is sought herein may affect resources that are eligible for, or included in the National Register of Historic Places. To assure that the requirements of Section 106 of the National Historic Preservation Act and its implementing regulations are satisfied, individual activities proposed to be authorized under the regional general permit would be reviewed by this office as necessary, in consultation with appropriate parties including the New York State Office of Parks, Recreation and Historic Preservation Office, on a case-by-case basis to resolve any effects to historic properties.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>.



Stephan A. Ryba  
Chief, Regulatory Branch

**Enclosures**

1. Regional General Permit NYDGP-15

# DEPARTMENT OF THE ARMY PERMIT

**PERMITTEE:**

**PERMIT NUMBER:** Regional General Permit NYDGP-15

**PERMIT EFFECTIVE DATE:** 18 APR 2014 **PERMIT EXPIRATION DATE:** 18 APR 2019

**ISSUING OFFICE:** US Army Corps of Engineers, New York District

**NOTE:** The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**REGIONAL GENERAL PERMIT WORK DESCRIPTION:**

Install structures and dredge in navigable waters, and discharge dredged or fill material, including discharges associated with excavation activities, into waters of the United States to facilitate the remediation of sites that are damaged from major storms that result in a Federal and/or State disaster declaration. The work is subject to the specific terms, general and special conditions, and requirements contained in this Regional General Permit and the attached enclosure which are hereby made part of this permit.

**PERMITTED WORK LOCATIONS:**

Navigable waters and waters of the United States that lie within the jurisdiction of the New York District in New York State, including the Fort Drum Military Reservation (see attached maps).

**GENERAL PERMIT CONDITIONS:**

1. The time limit for completing the work authorized ends one (1) year from the date of the Federal and/or State disaster declaration or the date of a verification letter from the New York District, whichever is later. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one (1) month before the one-year date is reached.

2. You must maintain the work activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of

PERMIT NUMBER: NYDGP-15

what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued by New York State for your project work, you must comply with the conditions specified in the certification as special conditions to this permit.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.

**SPECIFIC TERMS AND REQUIREMENTS AND SPECIAL PERMIT CONDITIONS:**

Please refer to the attached enclosure for definitions, specific terms, requirements, and Special Conditions numbered 1 through 41, which are all hereby made part of this Regional General Permit.

**FURTHER INFORMATION AND REQUIREMENTS:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403).

Section 404 of the Clean Water Act (33 U.S. Code 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

2. Limits of this authorization:

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.



PERMIT NUMBER: NYDGP-15

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision:** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions:** General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



12 July 2016  
(DATE)

David A. Caldwell  
Colonel, U.S. Army  
Commander

**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS NEW YORK DISTRICT  
REGIONAL GENERAL PERMIT NYDGP-15  
AUTHORIZING REMEDIAL ACTIVITIES  
UNDERTAKEN IN RESPONSE TO MAJOR STORMS**

ENCLOSURE TO  
REGIONAL GENERAL PERMIT NUMBER NYDGP-15

EFFECTIVE DATE: 18 APR 2014    EXPIRATION DATE: 18 APR 2019

**AUTHORITIES:** This general permit is issued pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

**AUTHORIZED ACTIVITIES:** This general permit authorizes the installation of structures and dredging in navigable waters and the discharge of dredged or fill material, including discharges associated with excavation activities, into waters of the United States to facilitate the remediation of sites that are damaged from major storms that result in a Federal and/or State disaster declaration. This general permit may be used in conjunction with the Nationwide Permit Program.

The specific activities that this general permit authorizes include:

a. The dredging or excavation of sediments and debris deposited from the major storm, including the discharge of fill associated with the excavation through the use of land clearing equipment, from waters of the United States where such an activity would prevent loss of property, or where such activity is necessary to reduce flooding and/or erosion. This general permit DOES NOT authorize any channelization, channel widening, deepening or straightening activity that contributes to stream instability.

b. The installation of structures in navigable waters and/or discharge of fill material into waters of the United States to facilitate the repair or replacement of collapsed roads or other structures or fills which failed as a result of the storm event (i.e. rip-rap, culverts, abutments, etc.).

c. The discharge of dredged or fill material into waters of the United States for the restoration and protection of stream bed and banks damaged as a result of the storm event. Stream restoration activities may include but are not limited to: bank stabilization, minor realignment, the installation of current deflectors, the enhancement, restoration or creation of riffle and pool stream structures, the placement of in-stream habitat structures, the modification of the stream bed and/or banks to restore or establish stream meanders, and the installation of structures to improve fish passage and spawning habitats.

d. The discharge of fill material into waters of the United States to facilitate the construction of temporary access roads and/or staging areas at work sites provided no practicable upland alternatives exist.

e. The installation of structures in navigable waters and/or discharge of fill material into waters of the United States to be used as cofferdams to temporarily dewater a work site.

**LOCATION OF AUTHORIZED ACTIVITIES:** Waters of the United States located within the jurisdiction of the New York District (see attached maps) in the specific towns or counties in New York State that are identified in the disaster declaration.

Activities authorized under this general permit do not require further authorization under the provisions contained in Title 33 of the Code of Federal Regulations, Parts 320 through 330, which is the Department of Defense regulation entitled "Corps of Engineers, Department of the Army: Regulatory Programs of the Corps of Engineers; Final Rule", published in the Federal Register on November 13, 1986, provided that they are carried out in accordance with the general and special conditions that follow and unless the District Engineer determines, on a case-by-case basis, that additional processing is in the public interest or the work does not comply with the terms and conditions of this permit. Also, see General Permit Notification Requirements.

**DEFINITIONS:**

The following definitions will apply:

**High Tide Line:** The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm. In the absence of adjacent non-tidal waters, the high tide line identifies the shoreward limit of tidal waters of the United States.

**Navigable Waters:** Those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be

CENAN-OP-R

SUBJECT: ENCLOSURE TO REGIONAL GENERAL PERMIT NUMBER NYDGP-15

susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity. Geographic and jurisdictional limits of navigable rivers, lakes, oceanic and tidal waters are defined in Title 33 of the Code of Federal Regulations, Parts 329.11 and 329.12.

**Ordinary High Water Mark:** The line on the shore established by the fluctuations of water as indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. In the absence of adjacent wetlands, the ordinary high water mark identifies the shoreward limit of waters of the United States.

**Single and Complete Project:** The total project at a specific site that is proposed or accomplished by an applicant, developer or other entity. The Corps of Engineers would review impacts associated with all activities which constitute a single and complete project in a cumulative manner.

**Waters of the United States:** All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters including interstate wetlands; all other waters such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, sloughs, prairie potholes, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce...(see 33 C.F.R. Part 328.3 for complete definition).

**Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas (33 C.F.R. 328.3(b)). Areas that meet this definition are considered wetlands, regardless of their size.



**GENERAL PERMIT NOTIFICATION REQUIREMENTS:**

Many activities may proceed without the need to obtain written verification of the applicability of this general permit from the New York District Corps of Engineers prior to the commencement of work. Special Conditions 4, 5, 6, 7, 15, 17, 19, 27 and 41 in the next section identify which activities require written verification of the applicability of this general permit from the New York District prior to the commencement of work. The notification procedures are as follows:

**Activities that do NOT require prior notification:**

If your activity does NOT require prior confirmation from the New York District, and you meet all of the terms and conditions of this permit, you may proceed with your work. Within 30 days of the completion of the work authorized by this permit, you are required to complete and submit the attached compliance certification form to the New York District office.

**Activities that DO require prior notification:**

For projects that DO require notification to the Corps of Engineers prior to the commencement of work, the following information must be submitted:

1. A complete New York State Joint Application Form. Please write "EMERGENCY" on the top of the form to ensure immediate response. The New York State Joint Application Form can be obtained by contacting our offices or from our website. As listed in the instructions section of the form, the following additional information must be provided with your application:

A. Location map identifying project site, and disposal area (if applicable).

B. A brief description of the single and complete project.

C. Project plans depicting proposed work in reference to the ordinary high water mark, high tide line or mean high water mark of the waterway as appropriate and/or wetland limits. Include the length of proposed access roads or length of road repair in feet, the square footage of staging areas, the cubic yardage of sediment to be excavated, the dimensions of the area to be excavated, the type of cofferdam, the dimensions of the area to be dewatered, the length of stream bank to be stabilized and the cubic yardage of fill to be used, the existing and proposed sizes of structures, and any other appropriate project specifications.

CENAN-OP-R

SUBJECT: ENCLOSURE TO REGIONAL GENERAL PERMIT NUMBER NYDGP-15

2. Information concerning the presence or absence of Federally listed threatened or endangered species, or their critical habitat, in the project area, and information concerning the presence or absence of historic properties in or eligible for inclusion in the National Register of Historic Places in the project area.

Please submit the required information to the appropriate New York District address as follows:

A. For projects located in New York State Department of Environmental Conservation (NYSDEC) Regions 1 through 3:

New York District, U.S. Army Corps of Engineers  
Attn: Regulatory Branch, Room 1937  
26 Federal Plaza  
New York, New York 10278-0090

B. For projects located in NYSDEC Regions 4 and 5, and the Fort Drum Military Reservation:

New York District, U.S. Army Corps of Engineers  
Upstate Regulatory Field Office  
1 Buffington Street  
Bldg. 10, 3<sup>rd</sup> Floor North  
Watervliet, New York 12189-4000

Upon receipt of the required information, a site inspection may be scheduled by the New York District. A New York District Project Manager will have the ability to verify the applicability of this general permit on-site. Work shall not commence in waters of the United States until the applicant receives written verification from this office that the work may proceed under the terms and conditions of this general permit.

**GENERAL PERMIT SPECIAL CONDITIONS:**

**Special Conditions Applicable to All Activities:**

1. Within thirty (30) days of the completion of any work authorized by this permit, you are required to complete and submit the attached compliance certification form to the New York District office.
2. For work in navigable waters, the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized

representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

3. Each individual project involving the discharge of dredged or fill material into waters of the United States, including the discharge of fill associated with excavation activities, shall adhere to the requirements set forth in the attached Clean Water Act Section 401 Water Quality Certification (WQC) issued by the New York State Department of Environmental Conservation (NYSDEC) on March 28, 2014. For projects that do not meet these requirements, the use of this RGP is contingent upon obtaining an individual WQC or case-specific waiver from the NYSDEC prior to the commencement of work.

4. Each individual project proposed within the coastal zone of New York State shall receive a Coastal Zone Consistency Concurrence from the New York State Department of State (NYS DOS) prior to the commencement of work. Notification is required to this office for activities located within the following Special Management Areas: The Long Island Sound Regional Coastal Management Program; Local Waterfront Revitalization Programs; Significant Coastal Fish and Wildlife Habitats; Scenic Areas of Statewide Significance; and Harbor Management Plans.

Information on the New York State Coastal Management Program, including consistency review and a map of the coastal zone and the Special Management Areas listed above can be found at the following website: [www.nyswaterfronts.com/consistency.asp](http://www.nyswaterfronts.com/consistency.asp)

5. This general permit does not apply to activities which may jeopardize the continued existence of species listed as endangered or threatened under the Endangered Species Act of 1973, as amended, or result in the likelihood of the destruction or adverse modification of a habitat which is determined by the Secretary of the Interior or Commerce, as appropriate, to be a critical habitat under the Endangered Species Act of 1973, as amended.

Notification to this office is required for activities that may affect Federally listed threatened or endangered species, or species proposed for such designation, or their critical habitat. The New York District will consult with the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's Fisheries Service (NOAA-FS) as appropriate

to assure that the requirements of Section 7 of the Endangered Species Act are satisfied. Applicants shall not commence work at these sites until the notification process has been completed and the applicant receives written verification from the New York District that the work may proceed.

Information on the location of threatened or endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NOAA-FS or at their websites as follows:

USFWS: [www.fws.gov/northeast/nyfo/es/section7.htm](http://www.fws.gov/northeast/nyfo/es/section7.htm)

NOAA-FS: [www.nmfs.noaa.gov/pr/species/esa](http://www.nmfs.noaa.gov/pr/species/esa)

6. Notification to this office is required for any activity located in the Upper Delaware National Wild and Scenic River (Delaware River from Hancock to Port Jervis, New York; the segment from the confluence of the East and West Branches below Hancock, New York, to the existing railroad bridge immediately downstream of Cherry Island in the vicinity of Sparrow Bush, New York) or in any tributary that discharges directly into it. The New York District will coordinate with the National Park Service as appropriate to assure that the requirements of the Wild and Scenic Rivers Act are satisfied. Applicants shall not commence work at these sites until the notification process has been completed and the applicant receives written verification that the work may proceed.

7. Notification to this office is required for activities that may affect historic properties in or eligible for inclusion in the National Register of Historic Places. The New York District will coordinate with the State Historic Preservation Office (SHPO) and other consulting parties as appropriate to assure that the requirements of Section 106 of the National Historic Preservation Act are satisfied. Applicants shall not commence work at these sites until the notification process has been completed and the applicant receives written verification that the work may proceed.

8. This general permit may not be used where the material to be dredged or excavated contains toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

9. Construction Best Management Practices (BMP's): The following BMP's must be implemented to the maximum degree practicable, to minimize erosion, migration of sediments, and adverse environmental impacts:

a. Mulch, hay bales, silt fences, filter fabric barriers or other means must be properly employed, including the downslope edge of any disturbed areas, to minimize erosion and migration of sediments during



construction. These erosion controls are to be put in place before any disturbance of the ground occurs and are to be maintained in effective operating order until all disturbed ground is at final grade and is suitably stabilized. All synthetic temporary erosion controls must be removed immediately after the site is suitably stabilized.

b. Turbidity controls in the form of silt curtains or similar type cloth material shall be properly installed at the project area and shall remain in place during all excavation, dredging and restoration operations.

c. In-stream work shall be isolated from flowing water by use of sandbags, cofferdam, or piping or pumping around the work area. Waters accumulated in the isolated work area shall be discharged to an upland settling basin, field or wooded area to provide for settling and filtering of solids and sediments before water is returned to the stream. Return waters must be as clear as the water upstream from the work area.

d. To the maximum extent practicable, construction access shall be by means that avoid or minimize impacts to aquatic sites (e.g. upland access, floating barges, mats, etc.).

e. Except as approved under Special Conditions 22 and 28 of this permit, all excess dredged or excavated material shall be disposed of in uplands out of any floodplain, be properly contained and permanently stabilized to prevent erosion. All impacted land surfaces shall also be permanently stabilized to prevent erosion.

f. No interruption of water flow shall occur during construction in order to sustain aquatic life downstream.

g. Avoid in-stream work during predicted periods of high flow.

10. Disturbance of vegetation on stream banks shall be kept to the minimum necessary to perform the permitted work. All stream banks disturbed as a result of any activity authorized by this general permit shall be seeded and mulched immediately upon completion of the bank work, unless otherwise protected from erosion.

11. This permit does not authorize the permanent loss of mudflats, vegetated shallows, or submerged aquatic vegetation, including seagrass beds.

12. All authorized work shall proceed to completion as one continuous operation.

13. Pressure treated wood used for the construction of in-water structures must not be treated with creosote, must be treated with a preservative and treatment process currently approved by the American Wood Preservers Association and must be aged in the open air for at least three months prior to in-water use. Wood with surface deposits shall be washed for at least five (5) minutes under running water prior to use and the washing shall occur greater than 100 feet from a wetland or waterbody. Any wood debris such as sawdust or wash water must not enter any waterbody, including wetlands.

14. The District Engineer reserves the right to include any additional special conditions or require an individual permit as may be necessary to safeguard the public interest or protect important public resources on a case-by-case basis.

Special Conditions Applicable ONLY to Dredging or Excavation Activities:

15. Debris and sediment dredging or excavation in waters of the United States shall be limited to the amount that was deposited as a direct result of the discrete storm event. In tidal waters notification to this office is required for dredging over 500 cubic yards of material. The New York District will consult with federal resource agencies, as needed, to determine whether additional measures are necessary to protect aquatic habitats.

16. The excavation or dredging of debris and sediment within 100 feet upstream and/or downstream from a structure (i.e. bridge, culvert, or facility) may proceed without prior confirmation from this office provided no other excavation or dredging beyond that range would occur as part of the single and complete project.

17. Projects involving the dredging or excavation of debris and sediment beyond 100 feet upstream and downstream of a structure may be authorized by this permit on a case-by-case basis provided the permittee notifies this office and receives written verification prior to commencing the work.

18. Dredging or excavation of storm deposited material (i.e. gravel, silt, etc.) for a maximum length of 200 linear feet at a single location may proceed without prior confirmation from this office provided no other dredging or excavation beyond that range would occur as part of a single and complete project.

19. Projects involving the dredging or excavation of storm deposited material in excess of 200 linear feet at a single location may be authorized

by this permit on a case-by-case basis provided the permittee notifies this office and receives written verification prior to commencing the work.

20. The final configuration of the stream channel shall match the geomorphology (i.e. channel dimension, plan and profile) of stable stream channel upstream and downstream of the work site. This shall include the establishment of a low flow channel as appropriate and the bottom elevation shall not be lower than the adjoining upstream and downstream sections.

21. Whenever practicable, bank grading and in-water removal of debris and sediment shall be carried out by land based equipment rather than from the streambed or flowing water. Work shall proceed from the downstream end to the upstream end of the project reach.

22. All debris and sediment dredged or excavated from waters of the United States and not used as bank stabilization shall be deposited in uplands, outside of any floodplain, and be contained from re-entering any waters of the United States, including wetlands. Under no circumstances shall dredged or excavated materials be side-cast or temporarily stored within waters of the United States, including wetlands.

23. This permit does not authorize the removal of stream gravel for the express purpose of sale as part of a gravel mining operation.

24. This permit does not authorize dredging or excavation in wetlands as defined above, or in mudflats or vegetated shallows (as defined at 40 CFR Parts 230.42 and 230.43, respectively), including submerged aquatic vegetation.

**Special Conditions Applicable ONLY to Repair and Replacement Activities and to the Restoration and Protection of Stream Bed and Banks:**

25. For repair and replacement activities, minor deviations in the structure's configuration or filled area including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to make repair, rehabilitation or replacement are permitted, provided the adverse environmental effects resulting from the work are minimal.

26. Culverts to be repaired or replaced must be installed to maintain low flow conditions, allow for fish passage in fish bearing streams, and shall not restrict normal stream flow. The width of the culvert to be repaired or replaced shall be equal to or wider than the bankfull width of the stream and be able to accommodate expected high flows. The culvert shall be

installed to match the grade of the existing streambed with at least 20% of the vertical rise of the entire culvert embedded below the streambed or be a bottomless culvert, when practicable.

27. The stream restoration shall be conducted in accordance with the following:

- a. No material is placed in excess of the minimum needed for erosion protection;
- b. Notification is required for bank stabilization activities in excess of 500 linear feet; or for the installation of bulkheads or retaining walls where none previously existed, regardless of length;
- c. Notification is required for activities resulting in more than an average of one cubic yard per running foot of fill material placed along the bank below the plane of the high tide line, mean high water mark or ordinary high water mark as appropriate;
- d. The repair, rehabilitation or reconstruction of existing bulkheads or retaining walls shall be in place or landward of the existing structure where practicable. Notification is required for any structure proposed to be placed waterward of the existing bulkhead or retaining wall, which shall not extend 18 inches waterward of the existing structure, and shall include justification as to why in place or landward repair, rehabilitation or reconstruction is not practicable.
- e. Notification is required for projects involving the realignment of more than 100 linear feet of stream channel when associated with culvert and bridge repair or replacement activities, and notification is required for any length of stream channel realignment when it is not associated with these structures.
- f. The work shall not result in the loss of wetlands.
- g. No material is of the type, or is placed in any location, or in any manner, to impair surface water flow into or out of any wetland area.
- h. No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored trees and treetops may be used in low energy areas).
- i. The activity is part of a single and complete project.

28. On-site material may be used as fill material for bank stabilization provided that the material is placed, and is appropriately stabilized in such a manner that it is not eroded by normal or expected high flows.

29. Fluvial geomorphology restoration techniques and/or bioengineering techniques for stream bank stabilization should be considered in project design when feasible and practicable. Bioengineering methods include: planting native vegetation such as grey dogwood (*Cornus racemosa*), silky dogwood (*Cornus amomum*), arrowwood viburnum (*Viburnum dentatum*), or other appropriate species to provide habitat for fish and wildlife; the



installation of coir (coconut fiber) logs, willow wattles, dogwood fascines; and use of erosion control fabric.

30. All modified/restored stream channels shall be designed with a parabolic shaped bottom, or be otherwise designed to concentrate flows during low water periods. The channel shall not be wider and the bottom elevation shall not be lower than the adjoining natural upstream and downstream sections.

31. This permit cannot be used to reclaim historic lands lost, over an extended period, to normal erosion processes.

Special Conditions Applicable ONLY to Temporary Access or Dewatering Activities:

32. This general permit only authorizes the temporary access to, or dewatering of, those areas where sediment and debris removal would occur, where repair and replacement activities would occur, or where the restoration and protection of stream bed and banks would occur.

33. All temporary fills or structures placed in waters of the United States, including wetlands, shall be removed in their entirety immediately upon completion of the work and the affected areas shall be restored to pre-construction contours, and re-vegetated with native species to restore natural cover and stabilize soils. All material removed shall be disposed of at an upland site, outside of any floodplain, and shall be adequately contained to preclude re-entry into these waters.

34. Mats or geotextile fabric shall be placed under any temporary fill and shall be removed following construction.

35. Discharges of fill material into wetlands to construct temporary access roads are authorized if no practicable available upland areas exist for access to the waterway and the impacted area is the minimum necessary to accomplish its purpose.

36. Staging areas in waterways shall be constructed within the confines of a water control structure and shall consist of clean non-erodible material such as broken concrete, stone, timber, steel or other inert materials. The staging area shall not be installed until the water control structure is in place and the area has been completely dewatered, and shall be removed prior to removal of the water control structure. Staging areas shall not be located in wetlands.

CENAN-OP-R

SUBJECT: ENCLOSURE TO REGIONAL GENERAL PERMIT NUMBER NYDGP-15

37. Mechanized land clearing shall be limited to the minimum necessary to construct the access road or staging area.

38. Forested wetlands cleared to facilitate access road construction shall be re-planted with the same or similar native woody species immediately upon completion of the work.

39. The use of cofferdams or other water control structures and ancillary features shall be limited to the immediate work areas and shall be placed in such a manner that minimizes adverse impacts to fish and other aquatic wildlife, water quality, to stream flow and flooding, to navigation, and to access and use of navigable waters by the public.

40. Cofferdams shall consist of an impermeable core with a non-erodible exterior. If fine grained material (such as clay) is used as a core, a layer of filter fabric or heavy plastic shall be placed securely over the surface of the core.

41. In non-tidal navigable and/or perennial waters, the temporary water control structures shall extend no further than one-half the width of the channel at any one crossing site. Notification to the New York District is required for any temporary water control structures proposed in tidal waters, and if additional width is needed to accomplish the work in non-tidal navigable and/or perennial waters.

\*\*\*END\*\*\*



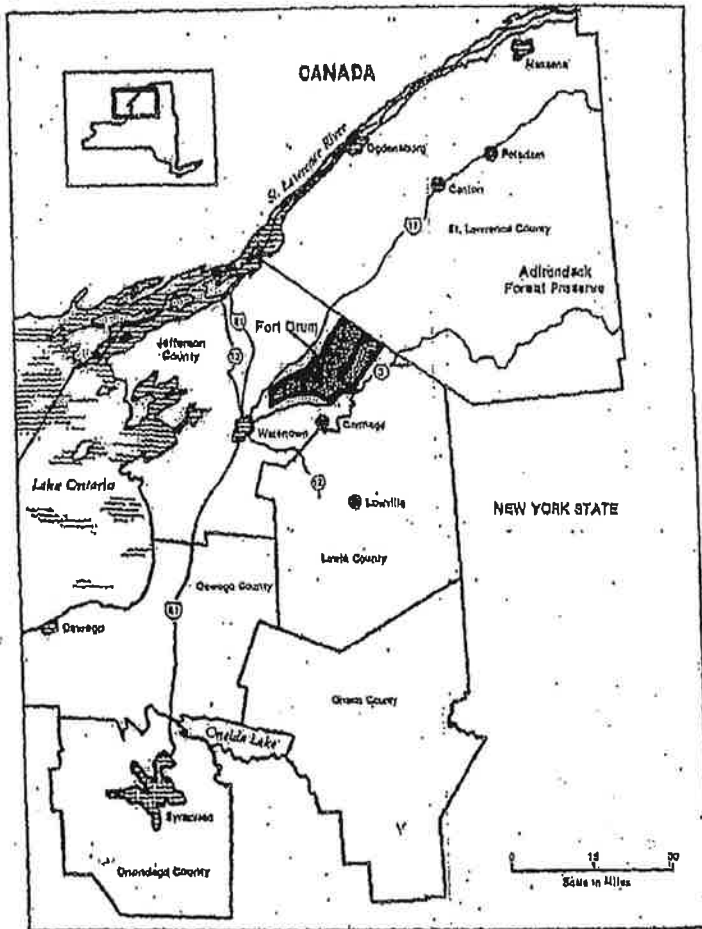


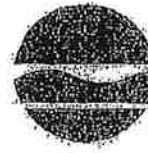
FIGURE 2 OF 2

THE EASTERN LAKE ONTARIO AND ST. LAWRENCE REGION

NYDGP-15 Enclosure  
 Fort Drum Location Map



New York State Department of Environmental Conservation  
Division of Environmental Permits, 4<sup>th</sup> Floor  
625 Broadway, Albany, NY 12233-1750  
Phone: (518) 402-9167 • Fax: (518) 402-9168  
Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

March 28, 2014

Jodi McDonald  
Chief, Regulatory Branch  
NY District, U.S. Army Corps of Engineers  
26 Federal Plaza, Room 1937  
New York, NY 10278-0090

Re: Blanket Section 401 Water Quality Certificate  
Regional General Permit # NYDGP-15 for  
Federal and State Disaster Declarations  
Expiration Date July 14, 2015

Dear Ms. McDonald,

This letter constitutes the New York State Department of Environmental Conservation Section 401 Water Quality Certification (WQC) for the reissuance of the US Army Corps of Engineers New York District General Permit 15 (NYDGP-15) until July 14, 2015. Any changes to this Regional General Permit will require a new Water Quality Certification from this Department.

The New York State Department of Environmental Conservation has determined that the activities authorized by the above referenced Regional General Permit will not contravene effluent limitations or standards under section 301, 302, 303-306 or 307 of the Clean Water Act Amendments of 1977 (PL-95-217) provided they comply with all of the following NYSDEC General Conditions:

**General Conditions**

1. *Discharges and Disturbances*
  - This certification does not authorize discharges greater than 1/4 acre in size or more than 300 feet of stream disturbance.
2. *Maintenance of Water Levels*
  - This certification does not authorize any activity that results in a permanent water level alteration in waters of the United States, such as draining or impounding.
  - Cofferdams or diversions shall not be constructed in a manner that causes or exacerbates erosion of the bed or banks of a watercourse.
  - All dewatering structures must be permanently removed when construction is completed.

3. *Endangered or Threatened Species*

Applicants must certify that the proposed activity will not jeopardize the existence of an endangered species or threatened species listed in 6 NYCRR Part 182, or likely to destroy or adversely modify the habitat of such species. Information on New York State endangered or threatened species may be obtained from the NYS Department of Environmental regional offices, the New York Natural Heritage Program in Albany, New York or on the DEC website at <http://www.dec.ny.gov/animals/29338.html>.

If it is determined that there is a species of concern that may be impacted by the proposed activity, this blanket water quality certification is not applicable, and the applicant will need an individual water quality certification from the Department.

4. *Prohibition Period for In-stream Work*

Unless approved in writing by the Regional Natural Resources Supervisor or their designee, in-stream work is prohibited during the following time periods:

- in cold water trout fisheries: (waters classified under Article 15 of New York's Environmental Conservation Law with a "t" or "ts" designation); beginning October 1 and ending May 31
- in perennial warm water fisheries: (non-trout waters classified under Article 15 of New York's Environmental Conservation Law as "A, B or C" ); beginning March 1 and ending July 15.

To determine which prohibition period is in effect for a particular water, contact the Regional Natural Resources Supervisor in the appropriate DEC regional office.

5. *Tidal Wetlands*

This authorization does not authorize any activities in tidal wetlands as defined in Article 25 of NYS ECL.

If you have any questions please do not hesitate to contact me.

Sincerely,



Kent P. Sanders  
Deputy Chief Permit Administrator

Eco: J.R. Jacobson  
T. Post  
J. Thiel  
K. Galdasz  
C. DeLortier, NY District USACOE  
File



DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090

REPLY TO  
ATTENTION OF:  
CENAN-OP-R

REGIONAL GENERAL PERMIT (NYDGP-15) COMPLIANCE CERTIFICATION AND REPORT FORM

Permittee/Authorized Agent: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Location (Please attach a location map and list town, county and waterway):  
\_\_\_\_\_  
\_\_\_\_\_

Brief Work Description (Please attach a copy of any plans):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Activity Completed: \_\_\_\_\_

\* Please attach color photographs of the project site which illustrate the completed work.

Within 30 days of the completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the address listed at the top of this form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of said permit.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

**SUMMARY OF NYDGP-15 NOTIFICATION REQUIREMENTS**

ACTIVITY CATEGORY	Projects meeting the requirements in Column 1 below and all conditions of NYDGP-15 may proceed without receiving prior written approval from the New York District however you must submit a completed compliance certification form to this office within 30 days of completing the work. All activities in Columns 2 and 3 below require, at minimum, notification prior to the commencement of work and the work shall not proceed until you receive written authorization from the New York District that the work may proceed.	Prior Notification to New York District Not Required	Prior Notification to New York District Required	NYDGP-15 Not Applicable
<p>(a) All Activities</p> <p>i. Coastal Zone</p> <p>ii. Endangered Species</p> <p>iii. Wild and Scenic Rivers.</p>	<p>Activities located outside of the Coastal Zone, or located within the Coastal Zone but outside of designated Special Management Areas.</p> <p>Activities that have no effect upon federal threatened or endangered species, or their critical habitat (see attached list).</p> <p>Activities that are not located in the Upper Delaware National Wild and Scenic River or in any tributary that discharges directly into it.</p>	<p>Activities located within Special Management Areas in the Coastal Zone: The Long Island Sound Regional Coastal Management Program; Local Waterfront Revitalization Programs; Significant Coastal Fish and Wildlife Habitats; Scenic Areas of State Significance; and Harbor Management Plans.</p> <p>Activities that may affect federal threatened or endangered species, or their critical habitat.</p> <p>Activities located in the Upper Delaware National Wild and Scenic River or in any tributary that discharges directly into it.</p>	<p>Activities that may jeopardize the continued existence of federal threatened or endangered species, or result in the likelihood of the destruction or adverse modification of critical habitat.</p>	

ACTIVITY CATEGORY	Prior Notification to New York District Not Required	Prior Notification to New York District Required	NYDGP-15 Not Applicable
(a) All Activities, cont. iv. Historic Properties v. Miscellaneous	Activities that have no effect upon historic properties in or eligible for inclusion in the National Register of Historic Places.	Activities that may affect historic properties in or eligible for inclusion in the National Register of Historic Places.	Where material to be dredged or excavated contains toxic pollutants in toxic amounts; and any activity that would result in the permanent loss of mudflats, vegetated shallows, or submerged aquatic vegetation, including seagrass beds.  Dredging or excavation of sediment or debris that was not deposited from the major storm, or is not necessary to prevent loss of property or reduce flooding and/or erosion.
(b) Dredging or Excavation Activities	Dredging or excavation of less than 500 cubic yards of storm deposited debris and sediment in tidal waters.  Dredging or excavation of debris and sediment within 100 feet upstream and/or downstream from a structure, with no further dredging or excavation beyond that range as part of the single and complete project.	Dredging or excavation of greater than 500 cubic yards of storm deposited debris and sediment in tidal waters.  Dredging or excavation of debris and sediment beyond 100 feet upstream and downstream of a structure.	Any channelization, channel widening, deepening or straightening activity that contributes to stream instability.



ACTIVITY CATEGORY	Prior Notification to New York District Not Required	Prior Notification to New York District Required	NYDGP-15 Not Applicable
(b) Dredging or Excavation Activities, cont.	Dredging or excavation of storm deposited material for a maximum length of 200 linear feet at a single location with no other dredging or excavation beyond that range as part of the single and complete project.	Dredging or excavation of storm deposited material in excess of 200 linear feet at a single location.	The removal of stream gravel for the express purpose of sale as part of a gravel mining operation.  Dredging or excavation in wetlands, mudflats or vegetated shallows, including submerged aquatic vegetation.
(c) Repair and Replacement Activities	The repair or replacement of collapsed roads or other structures or fills which failed as a result of the storm event (i.e. rip-rap, culverts, etc.). Minor deviations in the structure's configuration or filled area that are necessary, including those due to changes in materials, construction techniques, or current construction codes or safety standards, provided the adverse environmental effects from the work are minimal.	Any repair; rehabilitation or reconstruction of bulkheads or retaining walls waterward, but within 18 inches, of the existing bulkhead or retaining wall.	More than minor deviations in the structure's configuration or filled area, and repair and replacement activities with more than minimal adverse environmental effects from the work.
	The in-place or landward repair, rehabilitation or reconstruction of bulkheads or retaining walls.		Any repair, rehabilitation or reconstruction of bulkheads or retaining walls waterward, in excess of 18 inches, of the existing bulkhead or retaining wall.

ACTIVITY CATEGORY	Prior Notification to New York District Not Required	Prior Notification to New York District Required	NYDGP-15 Not Applicable
(d) Restoration of Stream Bed and Banks	<p>Bank stabilization activities less than 500 linear feet that do not involve the installation of bulkheads or retaining walls where none previously existed.</p> <p>Bank stabilization using less than one cubic yard of fill material per running foot placed below the plane of the high tide line, mean high water mark or ordinary high water mark as appropriate.</p> <p>The realignment of up to 100 linear feet of stream channel associated with culvert and bridge repair or replacement activities.</p>	<p>Bank stabilization activities greater than 500 linear feet.</p> <p>The installation of bulkheads or retaining walls where none previously existed, regardless of length.</p> <p>Bank stabilization using greater than one cubic yard of fill material per running foot placed below the plane of the high tide line, mean high water mark or ordinary high water mark as appropriate.</p> <p>The realignment of greater than 100 linear feet of stream channel associated with culvert and bridge repair or replacement activities.</p> <p>Any stream realignment activity that is not associated with culvert and bridge repair or replacement activities, regardless of length.</p> <p>Any use of water control structures in tidal waters, and any water control structure that extends further than one-half the width of the channel at any one crossing site in non-tidal navigable and perennial waters.</p>	<p>Any stream bed and bank restoration activity that would result in the loss of wetlands.</p> <p>Any work in waters of the United States to reclaim historic lands lost, over an extended period of time, to normal erosion processes.</p> <p>The use of temporary access and dewatering structures for work that is not otherwise authorized by NYDGP-15; and any staging area located in wetlands.</p>
(e) Temporary Access and Dewatering Activities	<p>Temporary access and dewatering structures and fills, with water control structures that are outside of tidal waters and do not extend any further than one-half the width of the channel at any one crossing site in non-tidal navigable and perennial waters.</p>		

**Federal Threatened, Endangered and Proposed Species  
within the New York District, U.S. Army Corps of Engineers Area  
of Responsibility in New York State**

A. Species under the primary jurisdiction of the U.S. Fish and Wildlife Service:

Bog turtle (*Clemmys [=Glyptemys] muhlenbergii*)  
Dwarf wedgemussel (*Alasmidonta heterodon*)  
Indiana bat (*Myotis sodalis*)  
Karner blue butterfly (*Lycgaides elissa samuelis*)  
Northern long-eared bat (*Myotis septentrionalis*)  
Northern wild monkshood (*Aconitum noveboracense*)  
Piping plover (*Charadrius melodus*)  
Roseate tern (*Sterna dougallii dougallii*)  
Rufa red knot (*Calidris canutus rufa*)  
Sandplain gerardia (*Agallinis acuta*)  
Seabeach amaranth (*Amaranthus pumilus*)  
Small whorled pogonia (*Isotria medeoloides*)

The U.S. Fish and Wildlife Service's Information, Planning and Consultation system (IPaC) should be used to determine if listed or proposed threatened and endangered species may be present in your project action area, and to review guidance on consultation and determining whether your project may affect a threatened or endangered species, or their critical habitat. The IPaC can be found on their website at: [www.fws.gov/northeast/nyfo/es/section7.htm](http://www.fws.gov/northeast/nyfo/es/section7.htm)

It is recommended that you check IPaC every 90 days to ensure that listed species presence/absence information is current.

B. Species under the primary jurisdiction of the National Oceanic and Atmospheric Administration's National Marine Fisheries Service:

Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*)  
Blue whale (*Balaenoptera musculus*)  
Fin whale (*Balaenoptera physalus*)  
Green turtle (*Chelonia mydas*)  
Hawksbill turtle (*Eretmochelys imbricate*)  
Humpback whale (*Megaptera novaeangliae*)  
Kemp's ridley turtle (*Lepidochelys kempii*)  
Leatherback turtle (*Dermochelys coriacea*)  
Loggerhead turtle (*Caretta caretta*)  
North Atlantic right whale (*Eubalaena glacialis*)  
Sei whale (*Balaenoptera borealis*)  
Shortnose sturgeon (*Acipenser brevirostrum*)  
Sperm whale (*Physeter catodon*)

The whales and turtles may be found in waters off of the south shore of Long Island, in Long Island Sound and in New York Harbor. Shortnose sturgeon occur within the Hudson River (from the Federal Troy Lock and Dam to Staten Island), and may also be present in the East River. Additional information concerning these species and consultation requirements can be found at:

<http://www.nmfs.noaa.gov/pr/species/esa>





# Memorandum

## *Planning Board*

---

TO: Mayor Randy Casale and City Council Members

FROM: Etha Grogan  
for Planning Board Chairman Gunn and Planning Board Members

RE: Review NYS Department of State Division of Coastal Resources Draft RGP

DATE: April 12, 2019

As requested the Planning Board reviewed the New York State Department of State Coastal Consistency Unit correspondence with regard to renewal of the five-year general permit authorizing the U.S. Army Corps of Engineers to perform emergency storm recovery activities in regulated waters in New York State, including Dutchess County (among others). City Attorney Jennifer Gray explained that because the existing permit will be expiring, they are seeking comment from communities that have approved LWRP's on their proposal to issue a new regional general permit. After some discussion, members felt the action was not significant but recommended the City Council look at any impacts it may have on the LWRP or the Harbor Management Plan.

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



**City of Beacon Workshop Agenda**  
**4/29/2019**

**Title:**

**Accessory Apartments Special Use Permits**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
City of Beacon Code Regarding Accessory Apartments	Backup Material
Schedule of Regulations for Residential Districts	Backup Material

**§ 223-24.1. Accessory apartments. [Added 11-20-1989]**

- A. Purpose and intent. It is the purpose and intent of allowing accessory apartments on single-family properties in all residence districts to provide the opportunity and encouragement for the development of small, rental housing units designed to meet the special housing needs of single persons, couples, other small households, the young, the elderly, persons of low and moderate income and relatives of families presently living in Beacon. It is the further purpose and intent of this provision to allow the more efficient use of the City's existing stock of dwellings and accessory buildings, to provide economic support for present resident families of limited income and to otherwise help to protect and preserve property values.
- B. Owner occupancy required. The owner of the single-family lot upon which an accessory apartment is located shall occupy at least one of the dwelling units on said lot.
- C. Location on the lot. An accessory apartment may be located either in a detached single-family dwelling or in an accessory building on such a single-family lot.
- D. Apartment size. The minimum floor area for an accessory apartment within a detached single-family dwelling shall be 400 square feet. The maximum floor area shall be 650 square feet, but in no case shall the floor area of the apartment exceed 30% of the total floor area of the dwelling building in which it is located. For an accessory apartment located in an accessory building, the minimum floor area shall also be 300 square feet, and the maximum shall be 600 square feet, except that the City Council may permit a smaller or larger accessory apartment where appropriate in an existing accessory building constructed prior to August 1, 1989. There shall be no more than one accessory apartment permitted per single-family lot. However, in the case of a lot which contains an existing accessory building or buildings that comply with the minimum required setbacks required for a principal building in the zoning district in which the lot is located and that were constructed prior to August 1, 1989, one accessory apartment shall be permitted in each such accessory building in addition to the one permitted in the detached single-family dwelling; the area of such lot shall be at least 100% larger than the minimum lot area required in the district in which the lot is located for each accessory apartment in excess of the first one.

- E. Exterior appearance. If an accessory apartment is located in a detached single-family dwelling, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the exterior appearance of the building will remain that of a single-family residence.
- F. Off-street parking. A minimum of two off-street parking spaces shall be provided for each accessory apartment in addition to the off-street parking required for other uses existing on the lot.
- G. Renewal inspections. Each accessory apartment shall be inspected by the Building Department every two years in order to determine whether the apartment remains in compliance with this section. Upon a satisfactory inspection report, the accessory apartment owner shall be reissued a certificate of occupancy. In the event that the inspection indicates that the apartment is no longer in compliance, the certificate of occupancy shall be revoked until the violations are cured. **[Added 9-3-1996 by L.L. No. 9-1996<sup>1</sup>]**

---

1. Editor's Note: Section 2 of this local law also provided that it "shall apply to all accessory apartments that are issued a permit from the enactment of § 223-24, 11-20-1989, forward."



BEACON CODE

CITY OF BEACON  
§ 223-17C. SCHEDULE OF REGULATIONS FOR RESIDENTIAL DISTRICTS  
(Cont'd)

Zoning District	Permitted Principal Uses	Permitted Accessory Uses	Minimum Lot Size (see also § 223-12B)				Minimum Yard <sup>14</sup>				Maximum Height (see also § 223-13) <sup>10</sup>	Minimum Height	Maximum Building Coverage	Maximum Number of Dwelling Units per Building	Refer Also to These Pertinent Sections	Zoning District		
			Area (square feet)	Lot Area per Dwelling Unit <sup>15</sup> (square feet)	Width (feet)	Depth (feet)	Front (feet)	Residential Uses		Minimum Distance Between Buildings on Same Lot							Stories	Feet
								Minimum (feet)	Total of 2 (feet)									
R1-10 1-Family Residence District	4. Church or other place of worship, convent, rectory or religious institution.	4. Customary house occupation.	10,000 square feet	10,000	85	100	35	15	40	35	None	None	25	1	§ 223-27, Conformance to performance standards required	R1-10		
R1-7.5 1-Family Residence District	5. Public school.	5. Parish house; church schoolroom.	7,500 square feet	7,500	75	100	30	10	20	30	None	None	30	1	§ 223-28, Purposes of performance standards	R1-7.5		
R1-5 1-Family Residence District	6. Public park, playground or other municipal recreational use.	6. Customary agricultural operation, including a garden, nursery, or dist-producing substance or use shall be permitted within 100 feet of any property line.	5,000 square feet	5,000	50	100	30	10	20	30	None	None	35	1	§ 223-29, Noise	R1-5		
RD-7.5 Designated Residence District <sup>17</sup>	*7. Public library, art gallery exhibit space or museum.	*7. Other customary accessory uses, provided that such uses are clearly incidental to the principal use and do not include any activity conducted for profit.	2 acres	7,500	200	200	No less than 20 and no more than 35'	25'	50	50	Twice the average height of the facing buildings	Twice the average height of the facing buildings	3	35	§ 223-30, Vibration	RD-7.5		
RD-6 Designated Residence District	8. Farm, provided that there shall be no display of produce other than in greenhouses and no breeding, raising or maintaining of fur-bearing animals.	8. Signs, as provided in § 223-15.	5 acres	6,000	300	200	50	25'	50	50	Twice the average height of the facing buildings	Twice the average height of the facing buildings	2 1/2	35	§ 223-31, Smoke, dust and other atmospheric pollutants	RD-6		
RD-5 Designated Residence District	*9. Horticultural nursery.	*9. Accessory apartment on single-family properties.	5,000 square feet	5,000	50	100	30	10'	20	25	30 feet	30 feet	3	35	§ 223-32, Discernible odors	RD-5		
RD-4 Designated Residence District	*10. Private, parochial or nursery school.	*10. Accessory uses to hospitals, as defined in § 223-63. Accessory hospital uses may be located on the same lot as the principal hospital use or on any lot which is adjacent to or across the street from the lot on which the principal use is located.	2 acres	4,000	200	200	40	20'	40	40	Twice the average height of the facing buildings	Twice the average height of the facing buildings	2 1/2	35	§ 223-33, Toxic or noxious matter	RD-4		
RD-3 Designated Residence District	*11. Firehouse or headquarters of a nonprofit volunteer fire or ambulance organization.	*11. Artist studios in accordance with § 223-24.6 of this chapter, if said studio meets one or both of the following criteria: <sup>18</sup>	5,000 square feet	3,000	50	100	30	10'	20	25'	30 feet <sup>19</sup>	30 feet <sup>19</sup>	2 1/2	35'	§ 223-34, Radioactive	RD-3		



ZONING

RD-1.8L1 Designated Residence District	*12. Club	a. Artist studio which uses other than only stationary home or home-scale equipment, such as but not limited to a gas-fired kiln or a kiln.	5,000 square feet <sup>a</sup>	1,800	50	100	30	10'	20	25'	30 feet <sup>c</sup>	10' <sup>a</sup>	100' <sup>a</sup>	1 story and 12 feet	15'	40	None <sup>d</sup>	materials	RD-1.8
---	-----------	---	--------------------------------------	-------	----	-----	----	-----	----	-----	----------------------	------------------	-------------------	------------------------	-----	----	-------------------	-----------	--------

BEACON CODE

CITY OF BEACON  
 § 222-17C, SCHEDULE OF REGULATIONS FOR RESIDENTIAL DISTRICTS  
 (Cont'd)

Zoning District	Permitted Principal Uses	Permitted Accessory Uses	Minimum Lot Size (see also § 222-121)			Minimum Yard <sup>a</sup>			Maximum Height (see also § 222-13) <sup>a</sup>	Maximum Building Coverage	Refer Also to These Pertinent Sections	Zoning District					
			Area	Lot Area per Dwelling Unit <sup>b</sup> (square feet)	Width (feet)	Depth (feet)	Front (feet)	Residential Uses									
								Side <sup>b</sup>					Total of 2 <sup>b</sup> (feet)	Multi-family (percent)	All Other Uses (percent)		
RMF-1.5 <sup>b</sup> Multi-family Residence District	<p>No building or premises shall be used and no building or part of a building shall be erected or altered, which is arranged, intended or designated to be used, in whole or in part, for any uses except the following. Any use not specifically listed shall be deemed to be prohibited. A use marked with an asterisk (*) is subject to the special permit approval procedure set forth in §§ 222-18 and 222-19 and shall conform to any additional requirements made in connection with such approval. All flood-prone areas shall be subject to additional standards as set forth in § 222-23.</p> <p><b>Permitted Principal Uses</b></p> <ul style="list-style-type: none"> <li>*13. Wireless telecommunication services facility subject to § 222-24.5, radio tower and transmission station.<sup>11</sup></li> <li>*14. Hospital for the treatment of physical or mental human ailments, including accessory outpatient treatment programs and clinics, subject to § 222-21.1.<sup>6</sup></li> </ul>	<p>Uses or structures customarily incidental to any permitted principal use, provided that such accessory use shall not include any activity commonly conducted for gain, except as hereinafter accepted, or any private way or walk, giving access to such activity.<sup>12</sup></p> <p>a. Center or printer requiring more than 110-amp service, etc.</p> <p>b. Artist studio which requires a building permit for the installation of equipment.</p> <p>12. A single temporary structure not exceeding 250 square feet in compliance with § 223-17E conforming to the minimum accessory building setback requirements and located in the rear or side yard, behind the front building line, not displacing or blocking access to required off street parking and connected to the principal dwelling unit in a manner that is satisfactory to the Building Inspector for a period not exceeding 1 year, solely to be used, without charge, by the owner or occupant of the dwelling unit or an individual related to the owner or occupant, for medical services to be provided until permanent accessible housing can be arranged, as demonstrated by a medical note and other proof to the satisfaction of the Building Inspector. The Building Inspector, upon good cause shown, may extend the 1-year limitation for a period not to exceed 1 year.<sup>13</sup></p>	Area	1,500	Width (feet)	Depth (feet)	Front (feet)	Side <sup>b</sup>	Total of 2 <sup>b</sup> (feet)	Minimum Distance Between Buildings on the Same Lot	Stories	Feet	Multi-family (percent)	All Other Uses (percent)	Maximum Number of Dwelling Units per Building	Refer Also to These Pertinent Sections	Zoning District
										13	135	25 <sup>c</sup>	40		§ 222-35, Electromagnetic interference § 222-36, Fire and explosive hazards	RMF-1.5	

ZONING

CITY OF BEACON  
§ 223-17C, SCHEDULE OF REGULATIONS FOR RESIDENTIAL DISTRICTS  
(Cont'd)

Zoning District	Permitted Accessory Uses	Minimum Lot Size (see also § 223-12f)	Minimum Yard <sup>a</sup>				Minimum Distance Between Buildings on the Same Lot	Maximum Height (see also § 223-15) <sup>a</sup>		Maximum Building Coverage		Refer Also to These Pertinent Sections	Zoning District				
			Area	Width (feet)	Depth (feet)	Front (feet)		Stories	Feet	Multi-family (percent)	All Other Uses (percent)			Maximum Number of Dwelling Units per Building			
															Residential Uses	Minimum	Maximum
RMF-8 Multi-family Residence District	<p>Uses or structures customarily incidental to any permitted principal use, provided that such accessory use shall not include any activity customarily conducted for gain, except as hereinafter accepted, or any private way or walk giving access to such activity.<sup>b</sup></p> <p><b>Permitted Principal Uses</b></p> <p>*15. Ski slope and related ski tow and building providing warming, refreshment, equipment, rental and maintenance areas and related accessory parking areas during the seasonal operation of said skiing use, only when located on property adjacent to Mt. Beacon and not separated therefrom by any street.</p> <p>*16. Off-street parking for private passenger vehicles on a lot or parcel which abuts or adjoins a business, commercial or industrial district for a distance of at least 25 feet, provided that:</p> <p>(a) A lot or parcel across the street from a business, commercial or industrial district shall not be considered as abutting or adjoining thereto.</p> <p>(b) Only that portion of said lot or parcel within 200 feet of the business, commercial or industrial district shall be used for such off-street parking purposes.</p> <p>(c) This use shall not include parking for a fee intended for the use of railroad commuters.<sup>c</sup></p>	800 <sup>d</sup>	50	100	30	10 <sup>e</sup>	20	25 <sup>e</sup>	30 feet <sup>f</sup>	13	135	1 story and 12 feet	40	40	None <sup>1</sup>	<p>§ 223-37, Heat</p> <p>§ 223-38, Liquid or solid wastes</p> <p>§ 223-39, Vehicular traffic</p> <p>§ 223-40, Application procedure for uses subject to standards</p> <p>§ 223-41, Enforcement</p> <p>§ 223-44A, Landscaping, screening and buffer areas</p>	RMF-8

BEACON CODE

CITY OF BEACON  
 § 223-17C. SCHEDULE OF REGULATIONS FOR RESIDENTIAL DISTRICTS  
 (Cont'd)

Zoning District	Permitted Principal Uses	Minimum Lot Size (see also § 223-121)				Minimum Yard <sup>11</sup>				Maximum Height (see also § 223-137) <sup>a</sup>	Maximum Building Coverage		Refer Also to These Pertinent Sections			
		Area	Lot Area per Dwelling Unit <sup>b</sup> (square feet)	Width (feet)	Depth (feet)	Front (feet)	Residential Uses		Minimum Distance Between Buildings on the Same Lot		Stories	Minimum Height		Multi-family (percent)	All Other Uses (percent)	Maximum Number of Dwelling Units per Building
							Single-b	Total of 2								
	<p>Permitted Accessory Uses</p> <p>Uses or structures customarily incidental to any permitted principal use, provided that such accessory use shall not include any activity customarily conducted for gain, except as hereinafter accepted, or any private way or walk giving access to such activity.<sup>16</sup></p>															
	<p>Permitted Principal Uses</p> <p>*17. Artist studio, except that artist studios for artists not working in a quiet manner shall not be permitted.<sup>2</sup></p> <p>18. Attached or semi-attached single-family dwellings (townhouses) on separate building lots in an RD District only, provided that a subdivision plan and a site development plan, showing building locations, parking areas, traffic access and circulation drives, open spaces, landscaping, topography, signs, lighting, special features and any other pertinent information, are approved by the Planning Board.</p> <p>*19. Nursing home, subject to § 223-22.</p> <p>*20. Parks, nature preserves, open space and associated low-intensity facilities, such as parking areas, landscaped accessible paths, hiking trails, informational kiosks and small pavilions, which are open to the general public for admission at no cost to the public and which are owned and/or operated by not-for-profit conservation organizations or other non-governmental, charitable entities.<sup>8</sup></p> <p>*21. Bed-and-breakfast establishment, subject to § 223-24.4.<sup>10</sup></p> <p>*22. Uses permitted by special permit in accordance with § 223-24.7.<sup>16</sup></p>													<p>§ 223-14C, Refuse disposal</p> <p>§ 223-14D, Courts</p> <p>§ 223-137, Corner lots</p>		

ZONING

CITY OF BEACON  
 § 223-17C. SCHEDULE OF REGULATIONS FOR RESIDENTIAL DISTRICTS  
 (Cont'd)

Zoning District	No building or premises shall be used and no building or part of a building shall be erected or altered, which is arranged, intended or designated to be used, in whole or in part, for any use except the following. Any use not specifically listed shall be deemed to be prohibited. A use marked with an asterisk (*) is subject to the special permit approval procedure set forth in §§ 223-18 and 223-19 and shall conform to any additional requirements made in connection with such approval. All flood-prone areas shall be subject to additional standards as set forth in § 223-22.	Minimum Lot Size (see also § 223-12f)		Minimum Yard <sup>14</sup>				Maximum Height (see also § 223-13) <sup>14</sup>		Maximum Building Coverage		Refer Also to These Pertinent Sections	Zoning District			
		Area square feet	Lot Area per Dwelling Unit <sup>15</sup> (square feet)	Depth (feet)	Front (feet)	Residential Uses		Minimum Distance Between Buildings on the Same Lot	Stories	Feet	Minimum Height			Multi-family (percent)	All Other Uses (percent)	Maximum Number of Dwelling Units per Building
						Side <sup>16</sup>	Rear <sup>17</sup>									
RD-1.7 <sup>14,15</sup> Designated Residence District SAHO <sup>17</sup> Senior Affordable Housing Overlay District	<p>Permitted Principal Uses</p> <p>* Uses permitted by special permit in accordance with § 223-24.7.16</p> <p>Permitted Accessory Uses</p> <p>Uses or structures customarily incidental to any permitted principal use, provided that such accessory use shall not include any activity customarily conducted for gain, except as hereinafter accepted, or any private way or walk giving access to such activity.<sup>18</sup></p>	5,000 square feet	1,700 square feet	100 feet	30 feet	10 feet	20 feet	25 feet	4 1/2 feet	55 feet	1 story and 12 feet	25 percent	40 percent	36 units	RD-1.7	



BEACON CODE

CITY OF BEACON  
§ 222-17C. SCHEDULE OF REGULATIONS FOR RESIDENTIAL DISTRICTS  
(Cont'd)

NOTES:

"N.A." means not applicable.

- a If not occupied by a dwelling unit. Notwithstanding the one story and 15 feet height limitation, a clubhouse in a multifamily project shall not exceed 1 1/2 stories and 35 feet in height. [Amended 2-16-2018 by L.L. No. 2-2018]
  - b Except in multifamily developments, a private garage may be built across a common lot line by mutual agreement between adjoining property owners, a copy of each agreement to be filed with the building permit application for such garage.
  - c A main building containing two or more dwelling units in an RD-3 District may be created to a height of 3 1/2 stories or 45 feet, and a main building for a permitted nonresidential use may be created to a height of five stories or 50 feet, provided that it is set back from any street or adjoining residential property a distance at least equal to its height.
  - d But 2,500 square feet per dwelling unit for the first two dwelling units; if the average height of main buildings is to be less than six stories, and except that for each one-bedroom or smaller dwelling unit, the required minimum lot area per dwelling unit shall be reduced by 20%, and for each three-bedroom or larger dwelling unit, increased by 20%.
  - e But not less than 1/2 the height of the permitted building.
  - f A one-family house may be located on a lot meeting all the requirements of, and subject to the standards of, the most restrictive adjoining single-family residence district.
  - g Except that any side yard containing a driveway for an apartment development shall be at least as large as a required front yard.
  - h But not more than 65% of the dwelling units in a multifamily development may be contained in buildings more than 3 1/2 stories in height.
  - i But not more than 24 dwelling units in any building 3 1/2 stories or less in height.
  - j This maximum may be increased to 20% for multifamily developments having 3,000 square feet or more of a lot area per dwelling unit.
  - k For multifamily developments, a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit will be required.
  - l In any RD District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semidetached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and safeguards to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space, recreational or other purposes, will be properly maintained for the intended purpose(s) and not further subdivided or developed in the future.
  - m Except that any new one-family detached dwelling lot created subsequent to July 11, 1988, shall be required to comply with the minimum size and dimensional requirements of the R1-7.5 District. [Added 7-5-1988]
  - n A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories. [Added 2-16-2010 by L.L. No. 2-2010]
  - o And each building shall not exceed 150 feet in length. [Added 2-16-2010 by L.L. No. 2-2010]
  - p There shall be no parking in the front yard. [Added 10-17-2016 by L.L. No. 11-2016]
  - q For all development proposals involving a total lot area of more than three acres within a R1, RD, or Fishkill Creek Development Zoning District, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a state or federally regulated wetland, or with existing, predevelopment very steep slopes of 25% or more as defined in § 222-63. [Added 5-22-2018 by L.L. No. 9-2018]
- 1 [Added 7-185-1994 by L.L. No. 10-1994]
  - 2 [Added 5-19-2003 by L.L. No. 5-2003; amended 4-5-2004 by L.L. No. 5-2004] Former permitted principal use No. 17, regarding conversion of an existing dwelling unit, was repealed 11-21-1994 by L.L. No. 14-1994.
  - 3 [Added 11-26-1989]
  - 4 [Added 3-21-1994 by L.L. No. 3-1994]
  - 5 [Added 11-18-1996 by L.L. No. 17-1996]
  - 6 [Amended 12-16-1996 by L.L. No. 19-1996]
  - 7 [Added 12-16-1996 by L.L. No. 19-1996]
  - 8 [Added 5-17-1999 by L.L. No. 13-1999]
  - 9 [Amended 10-15-2001 by L.L. No. 18-2001; 4-5-2004 by L.L. No. 5-2004]
  - 10 [Added 3-18-2002 by L.L. No. 9-2002]
  - 11 [Amended 7-15-2002 by L.L. No. 21-2002; 12-2-2002 by L.L. No. 30-2002]
  - 12 [Added 4-5-2004 by L.L. No. 5-2004]
  - 13 [Added 10-4-2004 by L.L. No. 35-2004]
  - 14 [Amended 5-2-2005 by L.L. No. 2-2005]
  - 15 [Added 2-16-2010 by L.L. No. 2-2010]
  - 16 [Added 5-17-2010 by L.L. No. 4-2010]
  - 17 [Added 11-19-2002 by L.L. No. 24-2012]
  - 18 [Amended 1-19-2016 by L.L. No. 2-2016]
  - 19 [Amended 10-17-2016 by L.L. No. 11-2016]

**City of Beacon Workshop Agenda  
4/29/2019**

**Title:**

**Linkage Zone and Protected Viewsheds**

**Subject:**

**Background:**

**City of Beacon Workshop Agenda  
4/29/2019**

**Title:**

**Certificate of Occupancy Law**

**Subject:**

**Background:**

**City of Beacon Workshop Agenda  
4/29/2019**

**Title:**

**Historic Overlay**

**Subject:**

**Background:**

**City of Beacon Workshop Agenda  
4/29/2019**

**Title:**

**City of Beacon Noise Ordinance**

**Subject:**

**Background:**



**City of Beacon Workshop Agenda  
4/29/2019**

**Title:**

**Real Estate**

**Subject:**

**Background:**