

Regular Meeting

The regular meeting of the Beacon City Council held at the Municipal Center, One Municipal Plaza on July 6, 2009 was called to order beginning with the Pledge of Allegiance to the Flag

Council Members Present:

Mayor Steve K. Gold

Casale, Randy – Council Member – Ward Three

Fredericks, Marlene – Council Member – At Large

Leake, Deanna – Council Member – Ward One

Pasti, Sara – Council Member – Ward Four

Excused:

Thompson, Eleanor – Council Member – At Large

Kelly, Charles – Council Member - Ward Two

Also Present:

City Administrator – Meredith Robson – Excused

Acting City Administrator – Timothy Dexter

City Attorney – Richard Wolf

Media Represented by:

Goldie Green – Beacon Free Press

Residents at Beginning of Meeting: 35

Executive Session: Motion, by Council Member Kelly, Second by Council Member Fredericks, all voted in Favor to enter into Executive Session to discuss Personnel

Motion by Council Member Casale, Seconded by Council Member Leake to adjourn Executive Session.

First Opportunity for Public Comments: Pertaining to any, item Maximum time for this section is thirty minutes. Maximum time for individual public comment is three minutes.

Mike DiPompo – 6 Pearse Place – Regarding the time residents can use the USC Pool. Mr. DiPompo feels that the residents should have more than one hour. Does not understand why the City is spending money on the USC and Hiddenbrooke when other issues in the City need to be addressed for instance infrastructure.

Dan Rembert – Dutchess Terrace – Looking for relieve in parking, since the City made Dutchess Terrace a one way, due to the multi-family parking it is difficult to park in my driveway. I would like to suggest reverse the one-way street to a two way street. Another suggestion is to have an ordinance for others not to park behind his driveway or so close to driveway.

Mark Thomas – PBA President – City Administrator is out on an extended leave; at times the PBA has issues that have time constraints, the person who is going to be the interim acting administrator will that person have the same authority to act on persistent issues. Mayor Steve K. Gold replied that the acting Administrator will have the same authority.

Justin Riccobono - 30 Banks Street: Announcements – Fund Raiser on August 1st by the Beacon Sloop Club – “West Coast Swing Dance” to be held at St. Rocco’s (26 South Chestnut Street) 6:45pm – 11:30pm. Dance Lesson which will be twenty dollars per person. Lesson 7pm – 8pm. Live Music to be

provided by WDST – Big Jill Fitz Blues Band. Cash Bar. Further information can be obtained at the Clearwater Web Site, and Beacon Sloop Club Website.

Lou Amoroso – 40 Vail Avenue – In May, 2009 submitted a Foil Request for project on Five Churchill Street, only received a partial answer. This foil was supposed to answer in twenty days, I would like to receive the entire FOIL request. In addition, I spoke with City Officials whereas, I feel I was overcharged on a project that I did, I questioned this back in March, and still have not received an answer.

Kathy Deuterma – 27 South Brett Street – Crime is on the rise in our neighborhoods. I have met with Detective Williams. There are five areas in Wards 3 and Wards 4 that are interested in a Community Watch. We will have one large meeting, tentatively aiming for July 28th. More information will be forthcoming. National Night Out – August 4th – Memorial Field. Time 5:30pm – Dusk. Target in Newburgh has been a big donor this year, including sending volunteers

Mark Thomas – PBA President – Regarding Health Insurance Broker changed was Marshall and Sterling. Had a nice working relationship with this firm. This new broker is out of Buffalo, which is not a local broker. Was it the City Administrator own doing, or was the City Council aware of this change? Would like the City to reconsider this change and bring Marshall and Sterling back.

Vane Lashua – 95 Liberty Street – It has been a few weeks since the USC Agreement was approved would like to commend the Council for this action. This will be a treasure for the City of Beacon as is the Beacon waterfront. The City should try to raise funds for the USC Pool, to allow residents to swim, for more than one hour. It's a resource available but not able to use. The river pool is now open, and children can utilize that this summer.

A constituent approached the podium for the second time during this segment to talk about the same issue as earlier. The Mayor relayed a message to all in attendance that this segment is for one half hour to speak about anything for three minutes. In order to give all the opportunity to speak, the Mayor apologized to this constituent and to anyone else who wishes to approach the podium twice during this segment that it is not allowed, as the City Council needs to follow the Agenda for the evening. In addition, there are other opportunities during the evening to approach the Council if it is needed.

Dennis Pavelock – Judson Street – As per our comprehensive plan, the survey showed that the Beacon residents are most in agreement with public safety. Ninety percent of the resident of Beacon felt that public safety and Emergency Preparedness was important. Other communities are organizing mock drills, and I think the City of Beacon should also do a mock drill.

Anne Kane – 67 Teller – Walking and biking around the community I have noticed the lack of recycling containers. It is distressing to see containers on the street and in the regular trash cans, recyclables. Does the City have plans place recyclable cans up and down Main Street? There are pedestrian walkways at each intersection down Main Street, would like to request that mid lane markers also be installed, as vehicles do not give the right of way to pedestrians.

Resolution – To allow the new Acting Administrator sit in for the meeting

Resolution 104 of 2009 – Authorize Mayor to Sign Interim Employment Agreement between Timothy Dexter and The City Of Beacon In The Capacity Of Acting City Administrator

WHEREAS, the Mayor of the City of Beacon has determined to exercise his power under City Code Section 3.01 to appoint an Acting City Administrator effective July 6, 2009.

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby approves the Mayor's appointment of Timothy Dexter as Acting City Administrator pursuant to City Code Section 3.01, and

BE IT FURTHER RESOLVED, that the City Council authorizes the Mayor to sign Interim Employment Agreement between Timothy Dexter and the City of Beacon.

Motion by Council Member Leake to Authorize Mayor to Sign Interim Employment Agreement between Timothy Dexter And The City Of Beacon In The Capacity Of Acting City Administrator, Second by Council Member Fredericks.

Comments: None

On a Roll Call: Council Member Thompson – Excused Council Member Leake – Yes, Council Member Kelly – Yes, Council Member Casale – No, Council Member Pasti – Yes, Council Member Fredericks – Yes, and Mayor Steve Gold – Yes. Vote: Five – Ayes, One - Nay, One – Excused. Resolution adopted

The Mayor thanked Mr. Dexter for taken on this role, as City Administrator Robson is on a trip to China to adopt a child. Ms. Robson will be out until after Labor Day. Ms. Robson will be available by phone when she returns to the States. The reason for selecting Mr. Dexter to fill the role of Acting Administrator, he has administrative skills, worked for the City for many years, knows all the employees and the consultants. Mr. Dexter probably will not be taking on any financial issues that Ms. Robson did. The mid-term report was presented to the Council at the last Council Meeting.

Public Hearings:

David Stolman – City Planner explained that there are three zoning text amendments that will be made to the Waterfront Development Zoning District and they are related to the Long Dock Beacon Project. There is a minimum setback requirement which is ten feet from the main high watermark, to that we will be adding this exception, except for buildings and portions thereof. The maximum building height which is two and one half stories and thirty five feet. This local law will have all the amendments necessary.

PLEASE TAKE NOTICE that the City of Beacon will hold a public hearing on Monday, July 6, 2009 at the City of Beacon Municipal Center, One Municipal Plaza, Beacon, New York at 7:00 p.m. or as soon thereafter as the matter is reached on the agenda, to consider Proposed Local Law regarding Zoning Text Amendments to the Waterfront Development (WD) District in Connection with the Long Dock Beacon Project.

This local law would take effect immediately upon filing with the Secretary of State. Complete copies of the proposed local laws are available at the Municipal Center for inspection during regular business hours.

All interested persons and citizens shall have an opportunity to be heard on said proposals at the date, time and place aforesaid.

Iola C. Taylor, City Clerk

Dated: June 2, 2009

Jim Korn – 13 South Brett Street – Questioned the maximum building height, then later on it states that the height maybe increased up to seventy five feet up to six stories, and feels that there is a contradictory with the maximum height of buildings.

Open for Public Comments – Five Minutes to Speak

David Stolman – City Planner – Explained that the way it works is that the base maximum height is two and one half stories and thirty five feet, but there is an exception to this. With Zoning Text under certain circumstances the maximum height can be increased. Noted that this is not new this has been in existence. Height maybe increased above the two and one half stores, and thirty five feet up to seventy five feet and six stories, PROVIDED such buildings are set back at least five additional feet from main high water for each one footing increase in height, so the more you set back the buildings the higher you can go.

Matthew Rudikoff – Developer of the Long Dock Beacon- the one issue is when you go back the five feet the City is allowing a building to go that high because we are moving the River, we are creating new river so we don't have the setback we would be within the height requirements, but because we are moving the river, which will created a dramatic look of the building.

Lou Amoroso – 40 Vail Avenue – There is a major sewer line there that takes care of that end of town. How is that going to affect this parking lot, and what is the pattern for the traffic? It was noted from the state was to fix the problem with traffic up by Route 84. It would be costly for the State for some kind of passage to get through there. It will be a big thorn in the Cities side if the traffic is not addressed prior to any building.

Flora Jones – 36 Melio Bettina – Would like to have a better understanding of what we the Citizens of Beacon is expected to relate to our City Planner. Regarding pass laws over twenty years and our wonderful dedicated Planning Division, Zoning having approved of this. I remain optimistic on how we progress with this. This will be followed by a Public Hearing; I wait for the Public hearing, as I want to be clear as to whether I agree. I would like to continue as a citizen tax payer of this City of what goes on at our River front. Our Planning Commission has approved this, and we should trust that.

Mike DiPompo 6 Pearce Place – Is the Public going to have the availability to vote on this? Or does the Planning Board say this is it, this is what the City is going to have. Mayor Gold explained to Mr. DiPompo that this is not about the TOD, this is Long Dock. The Process is to have Public Hearing to hear their concerns, the process is not to have a vote from the public on every issue. The Council will make the final decision after the Council hears all the concerns of the Public.

_____ , Bank Street – This Development is fantastic for the City. We missed the boat last year with this development, lost funding because of the economy. It is GREAT tax revenue for the City. It is environmental sound project. Strongly supports, the Citizens of Beacon will greatly benefit from it. Stabilizing taxes for the citizens. Understands the traffic situation, and will be discussed. Definitely in favor of the Zoning Amendments.

Chris Ancliffe – 35 Washington Avenue – A former Chairman of the Waterfront Committee, and is in full support of these Zoning Changes, in order for Long Dock to go forward.

Motion to Close Public Hearing by Council Member Pasti Seconded by Council Member Leake. Public Hearing is closed. All present voted in favor to close Public Hearing.

PLEASE TAKE NOTICE that the City of Beacon City Council will hold a public hearing on Monday, July 6, 2009 at the City of Beacon Municipal Center, One Municipal Plaza, Beacon, New York at 7:00 p.m. or as soon thereafter as the matter is reached on the agenda, to Reconvene Public Hearings pertaining to applications for Waterfront Development Concept Plan and Special Permit approval, and a LWRP Coastal Consistency Determination for the Long Dock Beacon project, pursuant to the standards and procedures set forth in the City's Zoning Ordinance for the WD Waterfront Development District. The subject property is located on the westerly side of Red Flynn Drive and consists of three separate abutting parcels which collectively total approximately 89.42 acres (24.73 acres of upland and approximately 64.69 acres of submerged land under the Hudson River). The subject property parcels are as follows: Parcel 1 (5954-32-4488835); Parcel 2 (5954-32-481822 and 5954-00-424816); and Parcel 3 (5954-41-537725 and 5954-00-472672). The owner of the subject property is The Scenic Hudson Land Trust, Inc. and Beacon Waterfront LLC (whose sole member is The Scenic Hudson Land Trust, Inc.)

All interested persons and citizens shall have an opportunity to be heard on said proposals at the date, time and place aforesaid.

Iola C. Taylor, City Clerk

Dated: June 25, 2009

Mayor Steve K. Gold stated that this Public hearing will not be closed this evening it will continue, as the City is waiting for a report to come back from the County.

Margery Groten – Scenic Hudson - Comes here tonight with several approvals, which will move the Long Dock Beacon ahead. The approvals for this evening is for the entire project, to include the park, and the proposed commercial development. It is the Waterfront Development Concept Plan, The Special Use Permit and Local Waterfront Revitalization Plan Coastal Consistency Determination for the Long Dock Beacon project. The City Council Action on the approvals of the Public Hearing will enable Scenic Hudson to build the park, it will also set the table to further redevelopment of the site, as when economic conditions permit. Scenic Hudson has secured all the funding to build this park. The three parcels that Scenic owns down by the Riverfront in their formal lives is the Beacon Salvage with a junk yard on said property, The Garret Storm Property which had the oil storage facility on it, and the property estate of Kellum, which originally was the train yard, which had salt and coal miles on this property when Scenic Hudson acquired this property. That is what Scenic Hudson has been working on conforming over these several years and will continue to do. This is a positive move forward, and Council is ready to consider these important approvals and they will result in some immediate and hope to break some ground to build this park toward the end of this year beginning of next.

Public Comments – Up to Five Minutes to Speak –

Flora Jones – 36 Melio Bettina Place – Remain positive regarding this project, and hopes that the Council will look favorably upon this. We all must remain vigilant about Scenic Hudson naming our parks. I am very unhappy that the Beacon Point Park is named after a Mr. Sharpe. We have a Sharpe Reservation,

and would not want tourist to get confused. Nobody came to "us" the citizens to ask what the park should be named. We the citizens should be involved what our parks are named. This city is going to be a global city. Very proud of the hard working City Council, as I sat here and watched each of you teased it out. Let's move forward in a positive way but stay vigilante that we the citizens have our input, as it will not work otherwise.

George Mansfield – 5 Churchill Street - Being a member of the City Planning Board, and enjoys this park on a daily basis with his dog and I strongly approve and hope that the City Council also approves the Special Use Permits.

Dennis Pavelock – 34 Judson Street – I did not like Ms. Groten words that the riverfront was a "tangled mess" The property she was referring to, was my grandparents, aunts, uncles whom made the Riverfront what is was. Please Ms. Groten chose your words carefully, as it was offensive. One paragraph was left out of our new Comprehensive Plan which was in the 1974 Master Plan which reads as follows: Page 38 – although Beacon has adequate land reserved for athletic field use, it is apparent that there is a shortage of different kinds of facilities that are considered necessary to satisfy varying recreation and relaxation needs of the population, such as play lots, neighborhood parks, adequate playgrounds and special facilities designed to serve specific recreation needs. Further, the athletic fields are both located in the north-central portion of the City and are not placed for most efficient use in relation to population distribution patterns. I am requesting that this paragraph be put in the most recent Comprehensive Plan. Riverfront Park is not placed efficiently like our Master Plan in 1974 it is not placed in relation to population distribution patterns.

Chris Ancliffe - 35 Washington Avenue – Would like to echo Mr. Mansfield remarks on the City approving the special use permits to continue their recreation at the waterfront. I to go to Riverfront on a daily basis and would like to see it continue to grow.

There is no more Public Comments and this Public Comment Segment will continue.

Motion to Continue Public Hearing by Council Member Fredericks Seconded by Council Member Pasti. Public Hearing will continue. All present voted in favor to continue with Public Hearing at a later date.

Mayor Gold wished at this time to answer some questions that was brought up during this Public Hearing Segment – The Riverfront is beautiful and I thoroughly agree enjoy going to the Riverfront. We all respect all the businesses and industry that was down there at one time, as it was part of Beacon's split fork. But they left and it was in much disrepair that needed to be cleaned up. There was no disrespect on Scenic Hudson part, and all the work that Scenic Hudson has done to clean up has been nothing but miraculous and a very wonderful safe place to visit. It cost Scenic Hudson much money to complete this clean up.

There will be no gated community, as the City has property there and the promenade that will be facing the north side of Long Dock is going to be open to the public, as well as the park on the other side.

As far as the park being ill placed, yes it is good to have more parks around the city where there is more density there is no doubt about that but that would not negate the benefit of having a park down by Long Dock. It is the right place for having a park, fantastic views when you look north and south.

Council Member Pasti addressed Mr. Pavelock concerns, even though that paragraph was not incorporated into the new Comprehensive Plan, having a seven acre park on the riverfront is a major contribution to the City of Beacon

Council Member Kelly addressed the constituents stating that the Council is very mindful of the traffic, which a traffic study will be done not only for Long Dock, but for TOD and Edgewater.

Community Segment: None

Minutes of May 18, 2009 approved, motion by Council Member Casale, seconded by Council Member Pasti, All present voted in Favor

Minutes of May 26, 2009 – Special Meeting approved, motion by Council Member Pasti, seconded by Council Member Casale, All present voted in Favor

Communication / All Reports from Mayor and Council Members Located at the end of the Minutes

Public Comments Pertaining to This Agenda Only: Up to Five Minutes per Person

Lou Amoroso – Vail Avenue - I would like it to be known that regarding the Foil Request I did receive “some” information I requested but not all. If I have to bring it further I will. At the workshop last week, there was talk about furloughs, taken it easy on contracts. What is it costing the taxpayer with the Administrator leaving and having an acting administrator for the next two month? How does this fit into the budget? You do not have to give me an answer tonight, but I will find out one way or another.

Betty - 17 Cross Street I wanted to comment on Scenic Hudson progress. I am very happy going down to the waterfront when the tall ships came by. There was quite a celebration down there. And that Scenic Hudson has done a wonderful job even though the country is in a financial crisis. The Council should be commended on encouraging Scenic Hudson to come to our City and for doing such a wonderful job.

Kathy Deuterma – 27 South Brett Street – In tonight’s packet there is a document which is part of the school district and the city agreement. Beacon Recreation use of BSC facilities on July 1st, 2008 – July 20, 2009 and see a list of activities and prices. Are these things that we actually paid? Mayor Steve K. Gold stated that he will address this when we reach that item on the Agenda.

UNFINISHED BUSINESS

Local Laws and Ordinances:

Resolution 105 of 2009 - LOCAL Law 10 of 2009 - REGARDING ZONING TEXT AMENDMENTS TO THE WATERFRONT DEVELOPMENT (WD) DISTRICT IN CONNECTION WITH THE LONG DOCK BEACON PROJECT

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

SECTION 1. TITLE

This local law shall be entitled, "A Local Regarding Zoning Text Amendments to the Waterfront Development (WD) District in Connection with the Long Dock Beacon Project."

SECTION 2. INTENT AND PURPOSE

The City Council has received an application for proposed zoning text amendments to the Waterfront Development District in connection with the Long Dock Beacon project. These zoning text amendments pertain to the bulk regulations pertaining to the WD District, and to the permitted uses in said district. The City Council finds the proposed zoning text amendments to be reasonable and appropriate modifications to the WD District.

SECTION 3. ZONING TEXT AMENDMENTS

Section 223-41.7 of the Zoning Law shall be amended to read as follows:

§ 223-41.7 Bulk regulations applicable to Waterfront Development Zone.

- A. Minimum size of overall waterfront development site: 15 acres of gross development area. Note: The owner of less than 15 acres of gross development area within the WD Zone may apply for approval of a waterfront development project as part of the overall waterfront development, where such land is adjacent to a proposed, approved or constructed waterfront development project. Similarly, the owner of a WD-zoned acreage which adjoins such adjacent land may also apply for approval of a waterfront development project as part of the overall waterfront development.*
- B. Maximum building coverage: 35%.*
- C. Maximum floor area ratio of gross development area, including residential and all other uses): 0.8.*
- D. Minimum building setback from mean high water: 10 feet. Note: Except for buildings or portions thereof elevated above mean high water by piers or located within the required setback from mean high water as a result of creation of new river, but not to exceed 15% of the total footprint of all buildings.*
- E. Maximum building height: 2-½ stories/35 feet. Note: All habitable stories must be elevated above the one-hundred-year floodplain. The area below the elevated first habitable story may, but need not, be used for parking. When story heights are provided in these regulations, they are deemed to be habitable or occupiable stories over a parking level or as otherwise elevated above the one-hundred-year floodplain. A basement level used only for parking and not used for dwelling or business purposes shall not be counted as a story. Height may be increased up to 75 feet and up to six stories, provided that such buildings are set back at least five additional feet from mean high water for each one-foot increase in height. Except for buildings or portions thereof elevated above mean high water by piers, or located within the required setback area from mean high water as a result of creation of new river, the height of which shall not exceed 60 feet or four stories.*

F. *Minimum gross development area per dwelling unit: Note: This shall be calculated by dividing the gross development area by the number of residential units in the waterfront development. 2,200 square feet.*

G. *Minimum frontage of overall waterfront development site on public right-of-way: 50 feet.*

Section 223-41.B(2)(j) of the Zoning Law shall be amended to read as follows:

(j) Professional or small business offices on the second floor in retail mixed-use buildings, and not to exceed 20% of the total floor area in retail mixed-use buildings.

SECTION 4. RATIFICATION, READOPTION AND CONFIRMATION

Except as specifically modified by the Amendments contained herein, the Zoning Law of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

SECTION 5. SEPARABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

Motion by Council Member Pasti to Adopt Local Law 10 of 2009 - Regarding zoning text amendments to the waterfront development (WD) district in connection with the long dock beacon project, Seconded by Council Member Fredericks.

Comments:

Mayor Steve K. Gold wanted to state that there is a section regarding height. There is no set plan for this building to be that high. Can there be stipulation in this local law that if the building exceeds a certain height that a special use permit would have to be submitted and the Council would have some control over this.

David Stolman – City Planner – Explained that a person coming in would have to make an application for a taller building and then re-evaluate it on that basis then, this Local Law is specific for this specific project that has been proposed. In addition the provision that is being discussed is already in the code PRIOR to this local law, which has been in the code for almost twenty years.

Council Member Kelly – Asked if it is wise to have this in the code (six story building) as we do not want it. Mr. Stolman said that is something that could be changed. What they are asking for is four stories and sixty feet.

Matthew Rudikoff – explained that they are moving the river closer to the building or creating the river. We are accomplishing the same purpose of the ordinance with lesser setback, because the building will be in the same spot as where it would have been at that height but we moved the river so we do not have that set back anymore. You measure the setback by the new shoreline not the old shoreline.

Council Member Casale concern is if Scenic Hudson, Matt Rudikoff Group did not go down there and build would another developer have the right to erect a building six stories high? David Stolman, again stressed as of right now the City of Beacon Zoning permits six stories, seventy five feet, and if the Council wants to remove that from our city ordinance then the Council should act on removing that.

Mayor Steve K. Gold – stated that very comprehensive traffic study has been conducted. There was a presentation about the waterfront. Which is available on the City of Beacon website for anyone to view. The Council is very aware of the traffic, as it turns out it looks like it really supports the TOD and Long Dock, Dia and the Edgewater project.

As far as the sewage **Mr. Rudikoff** stated that it has been reviewed in the Environmental Impact Statement for which the Planning Board is lead agency. The projected sewer and waste water generation and the portable water demand are both within the municipalities' capabilities, reviewed by the City Engineer and commented on and changes were made and there is a grant received for the pump station that is necessary and one thing that is accomplished by private that it will bring waste water capacity to the west side of the railroad tracks.

Margery Groten stated that there is a capacity built into the system where it will hold one days sewer flows in the event of a storm, and that the flows from the Hotel do not hit the sewer system at the same time as the rains do. Because this is a lead gold hotel the quantity of water that would be used in each room will be much lower, then in a traditional hotel.

Mr. Rudikoff – this matter before you as well as the matter that are covered by the public hearings that are continued they are not the approval of the Hotel/Conference Center itself. These are the approvals that Scenic Hudson needs in order to be able to move forward with their Park. The details of the Hotel review will still occur when that part of the project moves forward.

David Stolman – the special permit and the concept development plan and the LWRP Consistency Review for the whole project is very significant approvals for the Hotel and Conference Center. The Site Plan Reviews is administrative which will be later on.

On a roll call: Council Member Thompson – excused, Council Member Leake – yes, Council Member Kelly – yes, Council Member Casale – yes, Council Member Pasti, yes, Council Member Fredericks – yes Mayor Steve K. Gold – yes. Six Ayes, One Excused. Local Law Adopted

Resolutions: None

NEW BUSINESS**Resolutions:**

Resolution X of 2009 Authorizing The Mayor To Sign A Municipal Cooperation Agreement Between The Beacon City School District And The City Of Beacon To Share Services And Facilities

Be It RESOLVED that the Mayor of the City of Beacon is hereby authorized to sign a municipal cooperation agreement between the Beacon City School District and the City of Beacon, to share services and facilities.

Mayor Steve K. Gold stated that City Administrator Meredith Robson has had many meetings with the School District. Reasons for these meetings were that the School wanted to charge the City and the City wanted to Charge the School District for services. After several meetings they believe that both parties (City and School District) have balanced services out. So basically we have an agreement stating that there will be no fee charged to the City or the School charge the City on any fee, including parade fees.

Motion by Council Member Pasti to Authorizing The Mayor To Sign A Municipal Cooperation Agreement Between The Beacon City School District And The City Of Beacon To Share Services And Facilities, Seconded by Council Member Leake to put on table.

Comments:

Council Member Leake is this supposed to be a mutual agreement between the City of Beacon and the School District.

Mayor Steve K. Gold stated that we just received this recently and has not had the time to go over the fee/services structure.

Council Member Casale – requested that the Council table this as did other members to give time to review the fee/services structure.

Acting Administrator Tim Dexter suggested having Mark Price, Recreation at the next workshop to discuss this further. It was also suggested to have a Board Member from the Schools in attendance as well.

Motion by Council Member Leake to Authorizing The Mayor To Sign A Municipal Cooperation Agreement Between The Beacon City School District And The City Of Beacon To Share Services And Facilities, Seconded by Council Member Fredericks to **table resolution**. All present voted in Favor to Table this Resolution.

RESOLUTION X of 2009 That the City Council of the City Of Beacon Hereby Approves the Police Policy Manual Dated May, 2009

Be It RESOLVED that the City Council of the City of Beacon hereby approves the Police Policy Manual dated May, 2009.

Mayor Steve K. Gold stated that he has spoken with Council Members and would like to table this resolution

Motion by Council Member Kelly That the City Council of the City of Beacon Hereby Approves the Police Policy Manual Dated May, 2009, Seconded by Council Member Leake to **table resolution**. All present voted in Favor to Table this Resolution.

RESOLUTION 106 of 2009 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AMENDMENT TO THE ORIGINAL AGREEMENT DATED DECEMBER 18, 2007 WITH HYDROQUAL ENVIRONMENTAL ENGINEERS AND SCIENTISTS, P.C.

Be It RESOLVED that the Mayor of the City of Beacon is hereby authorized to sign an amendment to the original agreement dated December 18, 2007 between Hydroqual Environmental Engineers and Scientists, P.C., for the completion of the GIS.

Motion by Council Member Pasti, Authorizing The Mayor To Sign Amendment To The Original Agreement Dated December 18, 2007 With Hydroqual Environmental Engineers And Scientists, P.C., Seconded by Council Member Leake. On a roll call: Council Member Thompson – excused, Council Member Leake – yes, Council Member Kelly – yes, Council Member Casale – yes, Council Member Pasti – yes, Council Member Fredericks – yes Mayor Steve K. Gold – yes. Six Ayes, One Excused. Resolution Adopted

Local Laws and Ordinances: None

RATIFICATIONS / APPOINTMENTS: None

COMMUNICATIONS: None

REPORTS: At the end of the minutes

ANNOUNCEMENTS: None

BUDGET AMENDMENTS:

Mayor Steve Gold stated that these Budget Amendments are from City Administrator tidying up those accounts that Toni Tracy, Director of Finance went through for the past couple of weeks to prepare us for the Mid-Year Report

Acting City Administrator Tim Dexter – Explained to the Council on how to read this report and what it means.

1. Amend the General Fund Budget for the Finance Department overtime expense (Code: A1325.105000) by transferring \$2,000 from the Employee Benefits health insurance expense (Code: A9060.840000).

Motion by Council Member Fredericks to accept this Budget Amendment, Seconded by Council Member Pasti. On a roll call: Council Member Thompson – excused, Council Member Leake – yes, Council Member Kelly – yes, Council Member Casale – yes, Council Member Pasti - yes, Council Member Fredericks – yes, Mayor Steve K. Gold – yes. Six Ayes, One Excused. Budget Amendment Approved.

2. *Amend the Water Fund Budget for the Water Administration fee to the General Fund (Code: F8310.450500) by transferring \$21,700 from the health insurance expense (Code: F9060.840000). This transfer is necessary to cover the expenses incurred in the General Fund for water-related expenses, i.e. the city administrator, clerical employees, materials and supplies, etc.*

Motion by Council Member Pasti to accept this Budget Amendment, Seconded by Council Member Fredericks.

Comments:

Council Member Casale – *When we made the budget did we budget for administrator, clerical employees, and take a certain amount out of the Water Fund up front?*

Acting City Administrator Tim Dexter stated that he tried to get a brief description earlier, when the City completes the Budget there is a certain amount of revenue that is charged back to the Water and Sewage Fund, as well as some of the City functions as they support the Water and Sewer Fund. They were underfunded and in order to meet those expenses it has to come out of the Health Insurance line.

Council Member Casale stated he understands what Acting City Administrator stated, but wanted to know why the City did not budget in the beginning of the year for the Administrator and Clerical salaries. Did the salaries change? Why are we making this budget amendment?

Mayor Steve K. Gold stated that we could hold off on this amendment and get more information from Toni Tracy. It was under estimated for \$21,700 for a reason. We can hold off until we get a reason, but the end result will be that the City will have to put this money in that fund.

On a roll call: Council Member Thompson – excused, Council Member Leake – yes, Council Member Kelly – no, Council Member Casale – no, Council Member Pasti - yes, Council Member Fredericks – yes, Mayor Steve K. Gold – yes. Four Ayes, Two Nays and One Excused. Budget Amendment Approved.

3. *Amend the Sewer Fund Budget for the Sewer Administration fee to the General Fund (Code: G8110.450500) by transferring \$9,300 from the health insurance expense (Code: F9060.840000).*

This transfer is necessary to cover the expenses incurred in the General Fund for sewer-related expenses, i.e. the city administrator, clerical employees, materials and supplies, etc.

Council Member Kelly stated that this budget amendment is very similar to Budget Amendment Two.

Mayor Steve K. Gold stated that this portion is related to what those employees who work with the Sewer and Water Fund and taken from that account.

Council Member Pasti – *The way I understand this is when you start a budget you cannot tell how much time goes into dealing with issues, which the City is lucky to have savings in Health Insurance to cover this cost.*

Council Member Casale – *In the budget do we put a number for the salaries for the water and sewer? There was a number for the City Administrator of what she makes. That revenue was anticipated from somewhere. When you take \$9,300, how much is going to Administrator, how much is going to the clerical or how much is going to materials and supplies. The city is adding to that line item which will show the clerical is making more money*

Council Member Kelly - *stated that the employees will not be getting any extra money, put the City has to shift money around from different revenue accounts to pay these employees.*

Mayor Steve K. Gold – *stated that this also maybe to pay for overtime in the Water / Sewer Department that was not expected.*

Council Member Kelly – *stated that the Mayor's explanation implies that there has been overtime.*

Mayor Steve K. Gold – *stated that there could have been overtime to get ready for the audit.*

Council Member Leake – *suggested that this needs to be broken down so the Council can see where the \$9,300 is going.*

Mayor Steve K. Gold suggested that the Council approves this budget amendment and to for the Acting City Administrator Tim Dexter to get more documentation for the Council. In addition, to make it clear to all Council Members, the City Admin Administrator does not get overtime.

On a roll call: Council Member Thompson – excused, Council Member Leake – yes, Council Member Kelly – Yes, Council Member Casale – yes, Council Member Pasti - yes, Council Member Fredericks – no, Mayor Steve K. Gold – yes. Five Ayes, One Nay and One Excused. Budget Amendment Approved.

Acting City Administrator Tim Dexter stated that there is a spreadsheet with Budget Amendments that need to be voted on.

It was consensus of the Council to hold off on these Budget Amendments as they need to be in Resolution form.

PUBLIC COMMENTS: On any item on any issue you would like to discuss. Maximum of five minutes to speak.

Kathy Deuterman – 27 South Brett Street – Residents up at Green Street a reminder they should be having their own meetings. And reinforcing that they should be making the phone calls. Green Street Park should not be open after dusk. Working with residents over at Forrestal Heights, South Avenue Park is becoming a problem, and the night time activities have not even started over there. Noise on the weekends, the boom boxes is filtering up to our seniors in the high risers. You cannot even lock the gate at the Basketball Court as it is busted up, which needs to be repaired. There is no clear delineation of who is responsible for closing up our park gates. The general clean up at South Avenue Park, it is HIV waiting to happen. Riverfront park there is general garbage that is being left there, but believe it or not the geese, everyone is complaining about the geese.

Mayor Steve K. Gold stated that it was decided not to lock the gates at the parks as it will only get broken into.

CHECK LIST: \$ 303,248.87

NEXT WORKSHOP: July 13, 2009

NEXT COUNCIL MEETING: July 20, 2009

EXECUTIVE SESSION: Motion to go into Executive Session by Council Member Kelly to discuss Personnel, Seconded by Council Member Leake, all members present voted in favor.

Adjournment of Council Meeting – 10pm

REPORTS

Council Member Thompson: Excused

Council Member Leake:

Good Evening everyone and thank you for being here. A big thank you for the people's donations for our Fourth of July Fireworks Celebration. A constituent from Dutchess Terrace spoke out this evening, but the sole purpose of making that one way on Dutchess Terrace was to cut down any accidents on Verplanck and Dutchess Terrace. There were meetings with the neighborhood people in order to find the solution to this problem, which has worked. The speeding has been cut down, there have been no accidents. I have been back to the Traffic and Safety Committee whom has helped out very much. There

were some parking spaces at the corner that was moved back. There are a few people, who are upset about this move of parking spaces, but it is a safety hazard coming around Dutchess Terrace, you cannot get through at all with the Fire Trucks, the Snow Plows. The conclusion at this time is there is nothing at this time that we can do about it. The person complaining about the parking on Dutchess, I do believe that is a separate item, with regards to a three family absent landlord on this street. I will ask for the contact information for this landlord to find out the numbers of cars at this three family home, and there is many. It is an isolated problem at this time. Mr. Dexter stated that he will provided Council Member Leake with the contact information.

Council Member Kelly:

A constituent has suggested that we look into a collaborative arrangement with Newburgh for next year fireworks, possibly combining music with the fireworks.

Another constituent called about the lack of phone service on South Elm Street. The water from the rain in June apparently has flooded the underground phone cables and made them inoperable. The constituent spoke to a phone repairman and he claimed the cables go back to the 1920's and need replacement not repair. Verizon according to this source is not likely to replace them unless the Public Service Authority puts pressure on Verizon.

A constituent propose that we speak to Metro North regarding a light rail connection from the Metro North state and the railroad line running along the Fishkill Creek as a way to link the waterfront and main Street. I did mention that metro North was currently asking the City for approval for Transit Oriented Development (TOD) plan. It may be a good time to raise this issue with Metro North.

Mayor Steve K. Gold stated that he has spoke to Metro North on several occasions regarding the connection from the Train Station to Main Street. The Wayfinding Committee has talked about it. MTA shared a study that they conducted prior to that, several years back. There position, is that it is extremely expensive to put a light rail in there and that there is no way it can be supported by the fares. It will not be a negotiating point for them (TOD) as they looked at it and they are very convinced that it is just not affordable. But on the other hand talking to the MTA with regards to having some kind of connection from the waterfront to Main Street is something we should consider going forward with in other ways that are more affordable.

Council Member Casale:

Would like the Mayor to reach out to business and people to get the fireworks going, and thank everyone who did donate.

There was a heavy rain over the weekend. There were some people up in Jessens Park that was flooded, which this homeowners have never had a problem with flooding. I walked up through Hiddenbrooke, and the stream, and would like to make some suggestions to the Highway Department to mitigate any future problems. On the stream there are quite a few down branches that have dammed up areas. The Highway and/or Water Department should go up through that stream and clean up the brush. Instead of the water going down under the bridge on Hiddenbrooke property instead it went down through resident's back yards. The problem was that the reservoir with the large amounts of rain filled up the reservoir which over flowed and in fact the Phillips Town, in Cold Spring was also affected. I would again recommend that the City Workers go up and clean out the brook. The one constituent, who was affected the worse, handled the situation with much grace yet very disturbed. She has just this year put in a built

in swimming pool, had to pay to have this pool filled up and now it has to be drained as it is full of mud. Her home was flooded and she is not looking to get reimbursed, but I think we the Council should consider allowing her to fill her pool back up with Hydrant water and not be charged. Mr. Wolf will assess the situation and there will be discussion with Council to rectify this problem for this homeowner. Mayor Gold was notified when this was all happening and went to Jessens Park and the Highway Superintendent was there with his crew trying to prevent as much as they could to have the water diverted in a different direction. This was a very unfortunate situation for these homeowners caused by a act of nature, but yet wreaked havoc on these four homeowners. This will be placed on the Agenda, and the Mayor asked our City Attorney take a look to see if that would fall into the personal and enrichment whether that would present a problem or not, or circumstances where it can be changed. The Mayor thanked Council Member Casale for bringing this topic up. Acting City Administrator stated that he has met with Anthony Thomaselli (Zep) and he does have plans of trying to get up there and follow up on Council Member Casale suggestions. Removing any and all blockages. The bridge down my the Carmelites has not been damaged.

I had some complaints from residents on Lincoln Avenue about feral cats. They say there is about 25 of them and they are living in a catch basin on Kent Street. They have fleas throughout their yards. These cats are causing a health problem. They would like to know what can be done.

Last September I gave a petition to the City Administrator regarding the condition of the cul de sac on Delavan Avenue. I would like an update on what is happening with this.

Council Member Pasti:

Kathy Deuteran brought up that crime is on the increase and actually a lot of my report is about crime.

In Ward Four, Green Street Park as many you remember a neighborhood watch was established last summer which was very effective. I have spoke to the police department, and agreed to increase the patrols in that area. There also have been drug sales going on in the park.

On a different note on Spring Valley Street, the Tioronda Garden Club has called and reported that the plants around town have been stolen. Well residents on Spring Valley Street, reported that plants have been stolen out of there yards.

On Wolcott Avenue there have been cars stolen, which these cars were left unlocked. Please Residents.. Lock your Cars... A lot has to do with the economy and feeling desperate.

Constituents should ALWAYS call the Police when any crime has been taken place. It is very important that our Police Force is informed

Overgrown yards are becoming a problem. The vacant homes, whereas an elderly couple is not capable to take care of their yards or if they have moved because of health reasons, their families are not aware that the City of Beacon has property maintenance laws. This also is a problem when a home is foreclosed on. The building department has taking action to rectify this problem in Ward Four and Thank you to our Building Department.

The Dummy Light with the bag over it, received a call from Tony Furco, Chairman of the Traffic and Safety Committee and he stated that there is some investigation into this issue, in addition, to see if the

Dummy Light is workable anymore. Suggestion is to have a three way stop and not a blinking yellow light. There will be a Public Hearing regarding the Free Standing Traffic Light and a vote on the ratification.

Council Member Fredericks

I have nothing to report this evening, but would like to say Thank You to Flora, as it is not very often that this City Council gets compliments. Tim, welcome it is a pleasure to have you sitting at this table, congratulations. Long Dock Beacon, Scenic Hudson, I go to the Riverfront almost every weekend. This area will be beautiful, and if anyone does not see this as an asset to Beacon they are highly mistaken. Tonight when leaving the house I received a phone call from a constituent, she was asking about the University Settlement Camp, and Senior Citizens Discounts, this person claimed that there was one last year. This constituent referred to me as Mrs. Nothing against anyone, she referred to me as Eleanor Thompson's substitute. I am NOT Eleanor Thompson substitute. People elected me and thank you. If anyone knows if there was a Senior Citizens Discount I would like to call this person back.

Mayor Steve K. Gold said there has been no provision for Senior Citizen's Discount for the pool for this year. But will look into what the practice was for last year.

City Attorney: Richard Wolf

Worked on the following, Clearwater Contract, Noise Ordinance, Reviews at the Planning/Zoning Boards, both boards meet regularly and are faced with many difficult problems. New Issues: Taxi Cab Licensing, Verbal advice to the Steinmetz and Zarin Firm regarding the Hiddenbrooke litigation. Drafted many memorandums on sewer repair costs, interpreting our existing ordinance, as well as drafting the Acting Administrator Local Law. Various FOIL requests continue, we have a process that works well, and most requestors have been satisfied with timely response.

Mayor Steve K. Gold requested City Attorney to go over the Freedom of Information Law procedure. There are exemptions such as certain personal privacy, investigative files. Once a request comes in the response by the City Clerk, who is the City of Beacon Records Information Officer usually responds with a letter stating "the City will respond to your request within the next twenty days." This allows the departments to gather the data to the City Clerk to see what can be released or not. I assist the RIO on deciding on whether exemption applies and the document is released to the requestor.

Acting City Administrator: Tim Dexter

First I just want to thank the Council for having the confidence in me to hold this position while Ms. Robson is out adopting a child. When Ms. Robson first approached me, I was flattered with the confidence that she thought I had, along with the Mayor confidence and making the appointment and ultimately the City Council approving. I did not enter into the decision lightly, I took it very seriously. Three are amazingly exciting things going on in Beacon, I don't think I would have giving it any thought at all to do this if it wasn't for the staff that we have. The Department Heads and the consultants, they are all top notch. I really would not have considered this position if it was not for those people.

Ms. Robson did ask me to relay a few things. An update on the Main Street Cameras, ADT has come out and evaluated and made a proposal to the City. Hopefully by the next Council Meeting I will have available the project timeline.

Ms. Robson was working on the "Dummy" Free Standing Traffic Light on Main and East Main. A question was brought up why is there a plastic bag covering this light. New York State mandates that all Traffic Lights that are not in use be covered. We did receive an estimate, which includes getting power to the traffic light as Central Hudson was doing work down there the power was disconnected. The estimate is seven hundred dollars that is with the City doing the saw cutting of the road and all other work to get this traffic light working again.

The University Pool is open as of today. Hours are Monday through Friday 4pm – 5pm that was the hours that was mention. But additionally, Saturdays and Sundays the pool will be open from 12pm – 4pm. Fee is five dollars for adult residents and three dollars for children. Further information is on our City Web site www.cityofbeacon.org.

Mayor Steve K. Gold

I would like to thank all the business that has contributed to our Firework Event to take place because of you "the business" to make a difference in our City.

In January, it was clear that the extent of the national financial crisis was uncertain, and that the 2009 and 2010 budgets would bring difficult choices. With that in mind, I stated then that at the midpoint of the year City Administrator Meredith Robson would present a financial report to chart the status of our budget projections. Knowing where we stand in mid-year 2009 can help us to prepare for 2010. A cornerstone of my administration and of the city council is to be honest and open. As when we faced difficult challenges in the past, I have taken this direct and immediate approach to inform you of the issues that would impact your future. The following analysis reveals several significant findings that I believe city residents should know as soon as possible. Please remember that these are projections: the actual state of our budget may be different by the end of the year.

The analysis has revealed that the 2009 budget will most likely hold up. Here are the mid-year estimates that may change by December 09: (1) Despite substantially reducing expected sales and mortgage tax revenues in the 2009 budget, we are now projecting our city's revenue by the year's end to be an additional five hundred thousand delinquent property tax dollars (\$500,000) less than originally anticipated. (2) We found savings in the expense side of the budget and in insurance premiums of up to approximately five hundred thousand dollars (\$500,000). (3) The loss of sales tax-related revenue is offset by the budget savings, so the two balance out.

We are predicting serious and possibly unavoidable challenges for the 2010 budget. Again, these are only projections; the actual situation may change however I believe it is better to prepare for what may be the worst case scenario: (1) we will not be able to use our reserve fund (savings account) to balance the budget in 2010. This means that the one million, two hundred and fifty thousand dollar (\$1,250,000) of the reserve fund that was used last year to fill the budget gap is unavailable for the 2010 budget. (2) For the reasons stated in the above paragraph, the 2010 budget will most likely reflect a reduction in the sales tax related revenue by five hundred thousand dollars (\$500,000). (3) To maintain the same level of service as 2009 for 2010, the combined revenue gap can be estimated to be one million seven hundred and fifty thousand dollars (\$1,750,000).

Last year the cities of Poughkeepsie and Newburgh spent down their reserve budget to zero. In Beacon, Meredith Robson and I suggest that we maintain a minimum one million dollar level in our reserve fund for emergencies and to maintain a positive bond rating. In addition we have one million dollars

(\$1,000,000) of reserve fund money due from grants which we anticipate to receive sometime in late 2009 or 2010 but with no certain arrival date.

I believe the following guidelines should be immediately applied to help improve the city's financial outlook before the 2010 budget: (1) Support non-financial measures considered by the Council to build our Main Street tourism economy. We can all shop and dine in Beacon! (2) Support reasonable and balanced zoning that will increase our commercial and residential base while maintaining our quality of life and environment. Discussions concerning developments on the Fishkill Creek and the waterfront are underway that may yield several million dollars of annual revenue in a few years. (3) Limit or not fund any non-emergency capital projects including cars, trucks, and highway equipment and roads to only those that can be paid for by grants, stimulus money and state/county entitlements. (4) We appreciate our city employees. However, in the spirit of the extreme financial situation we may face, union negotiations should form a compromise to create short-term contracts that reflect a freeze in wages to last only for the duration of the economic downturn. New contracts and adjustments for past sacrifices can be made when conditions improve. This measure may help prevent layoffs which are the absolute last action the city council may be forced to take under a budgetary emergency. (5) All new positions should be frozen unless it satisfies a public safety need, or be funded by a grant, or if will be self funded. (6) Continue the temporary local law that will require the council's approval to refill all vacant budgeted positions. (7) When planning for the 2010 budget, residential or commercial property taxes should be capped to prevent over-taxation to balance the budget. (8) Require that all departments of the city reduce their operating budget by a percentage decided upon by the City Administrator. (9) Hold building and city fee levels if they were increased in 2009. (10) Advertise for grant writers to work for the city and be paid on a contingency basis for the grants they write.

These measures must be considered in the context of our struggle with the worst economic downturn in recent history. Every city and town in Dutchess County and the nation are facing similar challenges. Your council representatives and I welcome your suggestions and input. I am confident that if we work together we can bridge this gap and move on to better times ahead.

Respectfully submitted,

Colleen Swift

Executive Assistant to Mayor Steve K. Gold

Date: August 21, 2009 Date Approved: _____