

City of Beacon – City Council
Workshop Minutes
July 13, 2008

Workshop was opened at 7:30pm on July 13, 2009, directly after an Executive Session which commenced at 6:30pm regarding litigation with Mayor Steve K. Gold thanking all for coming to this Workshop.

Attendance:

Mayor Steve K. Gold
Council Member Casale
Council Member Leake
Council Member Kelly
Council Member Pasti

Also in Attendance:

Acting City Administrator – Timothy Dexter

Excused:

Council Member Thompson
Council Member Fredericks
City Attorney – Richard Wolf

Replace Sewer Line on Mackin and Ralph Street – Mr. Dexter explained to the Council that there are two drain lines that need to be replaced, one is sanitary. The cost for engineering will be approximately \$44,000. The funds can come from DOT CHIPS money or they can come from CDBG Funds – Infrastructure. This would require an engineer to come in to plan out the job. It was discussed that the crew in the water/sewer department could help to install these storm lines, which will save the City of Beacon money. It was noted that a bypass pumping system would need to be installed so there is no interruption in service for the area residents. The planning of these job would include the necessary easements.

Mr. Dexter explained that he would need a letter from the City to give to Department of Transportation to ask for CHIPS money. This letter will be forwarded up to Albany for approval.

It was the consensus of the Council to have this work completed, looking at all avenues to have this work completed frugally. Mr. Dexter will check with the Auditors to see how much money we can take from the Sewer Fund. **This will be on the Monday, July 20th Council Meeting Agenda with a Resolution/Budget Amendment to have this work completed.**

Police Policy and Procedures: Lieutenant Dan Dowd was present to answer any questions. Council Member Casale asked the following questions due to the fact if you are going to have policy and procedures that they should be adhered to.

One was dress code – In the P&P it states that Detectives shall wear a jacket and tie. Lieutenant Dowd explained that this can be changed to appropriate attire.

Second were evaluations to be done every six months. Much discussion took place as this is time consuming, and the Council does not want to have to pay overtime. It was suggested to have evaluations once a year. Lieutenant Dowd explained that this was a Federal Requirement. Evaluations are done on an annual basis, Department of Justice (DOJ) made a recommendation that this should be done on a biannual basis. It was noted most Police Department in Dutchess County performs evaluations biannual. Lieutenant Dowd stated that evaluations are done during a tour of duty.

Pursuit Policy – When it is not an emergency Police Officer always file a report. This policy was a recommendation from DOJ.

Guns during an interview by Detectives. The Department is looking at this policy at present.

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The methodology to revise policies: There are eighteen policies that DOJ would need to be notified if there is any change to any of these eighteen policies.

There is only two police departments that are accredited in Dutchess County. City of Beacon will be the first City to be accredited which is notable. To be accredited the City would need to have an Accreditation Manager which would be a Police Officer on staff. In the P&P there are positions listed such as Captain. Lieutenant Dowd explained that this is needed to be accredited; it does not mean that all positions have to be filled. New York State is aware that during these times of recession that it is hard to keep all positions filled.

The eighteen policies required to be accredited was mailed to Department of Justice about a month ago. The City has received suggestions from DOJ which are being looked at. The City needs fifty five points, to be accredited. To date the City of Beacon has met between forty-five to forty-eight points thus far.

It was suggested to give a warning to a suspect prior to spraying. The City of Beacon Police Department is going to talk to DOJ regarding this, as if you give a suspect a warning they can hold their breath or by other means prevent from getting the full effect of the spray.

There is a requirement to have all Police Personnel trained to understand every policy as there will be inspections periodically to assure that the policies in place are being adhered to. Lieutenant Dowd stated that training could take anywhere from four hours to twelve hours. There will be small groups of five officers being trained at one time.

The map that is included in the P&P is of the City. Council Member Casale would like to see Sector Policing.

Council Member Casale stated that residents are complaining about the procedure to get an accident report. That they first have to go to City Hall, Clerk's Office to fill out a form, then that is send down to the Police Department to retrieve this accident report. It was explained the reason for this procedure that it is public record and it has to go through the Clerk's Office as a Foil Request as it stated in the Charter.

It was the consensus of the Council to have the P&P approved at the next Council Meeting of Monday, July 20, 2009. It was also noted that if a policy is changed it is not required for the Council to approve such change.

Noise Ordinance – Richard Wolf was not available this evening to discuss this Local Law. Mayor Steve Gold stated that he did not see that on weekends high noise levels cannot begin prior to 9am. In addition, Page 5, Scratch Section IV as previously discussed and agreed upon by the Council. In addition, page 10 scratch (I).

Pam Wetherbee was present at tonight's evening, which she submitted a document that she would like the Council to take into consideration prior to voting on this Proposed Local Law:

Reviewing the Noise Ordinance I see the following: page 5, In IV section:

1. It mentions the chart saying "The following acts are declared to be a violation of Section III when -exceeding the sound level limits in Table I of this local law. This enumeration shall not be deemed to be exclusive. However the decibel level are not listed for the at

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commercial & hear in residential' however it is written out this should be added in since only the chart is saying it is declared a violation.

2. The Council should make sure the written decibel levels within the policy should match the chart on page 10.
3. On page 5, Section IV A: windows is not included, not sure if that was decided to be removed, I thought it was listed prior?
4. Page 8, Section V: Prima fade evidence- definition more for myself evidence adequate to establish a fact or raise a presumption of fret unless refuted.

This section is the written law but as compared to Table I chart on page 10, they don't match as follows:

1. Page 5, Section V. A: Multi-dwelling arising from any location listed as above 50 dBA; page 10, on chart lists indoors* as 55 dBA from 7am-10pm.
2. Page 5, Section V. B: Multi-dwelling arising from any location as above 45dBA; page 10, on chart lists indoors* as 40 dBA from 10pm-7am.
3. *assume that the word indoors means the multi-dwelling??
4. Page 5, Section V. C & D: these seem correct as the outdoors on the residential all time frames.
5. Page 5, Section V. E: sound level reading taken at a residential property line, arising from another residential property listed as above dBA from 7am-10pm; this is never mentioned on the Table I chart
6. Page 5, Section V. F: sound level reading taken at a residential property line, arising from any location as above 50 dBA from 10pm-7am; this is never mentioned on the Table I chart
7. Page 6, Section V. I: Was this taken out? I thought it was?? Don't if you don't want to though.
8. Page 8- Section VII- the Table I chart - what is the point of the 'Noise Sensitive'? I didn't find it mentioned anywhere should this be replaced with noise at commercial & hear in residential' dBA levels which aren't listed on this Table should the 10pm-7am be listed as Residential as no specific area is listed.
9. For the Variance permits listed on pages 10-12, would the property owners within a certain distance be notified - say at least property owners within 200 feet, if not more.

After some searching Ms. Wetherbee discovered a website that pretty much shows that 50 dBA overnight would be good.

While it is on the city of Seattle website, it explained the difference best so far for the difference on your ears from 30-70 dBA.

The website is:

http://www.seattle.govkipd/Enforement/Noise_Abatement/What_is_Noiseldefault.asp

Below are some examples of that website:

The ear can detect a very slight change in noise intensity. Even a small reduction in decibels then can make a difference.

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Sound Levels

DECIBEL LEVELS - a decibel (dB) is a unit of measurement of sound intensity
The decibel (dB) table below compares some common sounds and shows how they rank in potential harm to hearing. 70 dB is the point at which noise begins to harm hearing. To the ear, each 10 dB increase seems twice as loud.

SOUND LEVELS & HUMAN RESPONSE
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Common Sounds	Noise Level (dB)	Human Response
Alarm clock (2 ft) Hair dryer	80	Annoying
Noisy restaurant Freeway traffic Business office	70	Telephone use difficult
Air conditioning unit Conversational speech	60	Intrusive
Light auto traffic (100 ft)	50	Quiet
Living room Bedroom Quiet office	40	
Library	30	Very quiet
Soft whisper (15 ft)		
Broadcasting studio	20	

Acting Administrator Tim Dexter will get in touch with City Attorney to make the necessary changes. The Mayor would like all changes tracked by double underscores, cross outs if word or paragraph is deleted. This would allow the Council to determine what was added, deleted or changed.

The Council thanked Pam for all her work she has put into this Proposed Local Law and that the City Attorney should read the local law carefully to assure that it has the correct wording that matches any tables within the Local Law.

Absentee Landlord Local Law was revisited this evening. It was the consensus of the Council to change the Local Law title to Absentee Landlord/Owner Non-Occupied Building.

There was discussion regarding the fee of \$75.00 for three years, it was suggested to waive this fee if the landlord lived within the City of Beacon. It was determined that approximately 300 residents of Beacon are Absentee Landlords. This fee covers the administrative work along with the enforcement of the law. If the Council decided to waive this fee for Landlords that lived in Beacon that would be a significant amount of revenue that the City would lose. Consensus of the Council was this fee will remain at \$75.00 as it equates to \$25.00 per year which is not a lot of money.

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Discussions regarding eliminating *Designation of a Management Agent*. It was decided to revise this section to note that the Absentee Landlord would have to live within a Radius (to be determined) instead of owner not residing in Dutchess County.

Acting Administrator Tim Dexter said that this local law does not address Unoccupied Building Owners/Commercial Buildings which is a problem as they have no responsibility to the City to assure the their building is boarded up and or kept in an orderly fashion.

Council Member Kelly brought up the Posting of Landlords Names and Phone Numbers at the Rental Property. **It was the consensus of the Council to remove this from the code, due to confidentiality of the Landlord private information to others who are not tenants.**

Acting Administrator Tim Dexter will inform Mr. Wolf of these changes and have it ready for Monday, July 20th Council Meeting.

Municipal cooperation Agreement between the Beacon City School District and the City of Beacon to Share Services and Facilities – Acting Administrator Tim Dexter met with Charlie Symon of the Beacon City School District to discuss the contract. Appendix A and B were distributed at the Workshop as it was excluded from the original contract. If the City does not incur any charges by the School District using our facilities, etc. then there will be no cost to the school, and vice versa. **It was the consensus of the Council that there will be some modifications to the contract and it will be discussed at the August 10th Workshop.**

Dog Park – Many residents including Libby from Beacon Bakery have voiced that they would like to see a Dog Park in Beacon. There will be a volunteer citizen group to raise funds for this Dog Park for a fence, etc. and to have this Dog Park kept clean. The Mayor suggested having this Dog Park across from Tallix on the upper level of Memorial Park. The Council stated that when there is a Volunteer Group formed they typically do not stay involved for several reasons. It was determined that a resolution will be created and within the resolution it will state that if the Dog Park is not managed properly, the City has the right to remove the fence and shut down the Dog Park.

Acting City Administrator Tim Dexter will ask City Attorney to contact Fishkill to obtain their policy and procedure for the Town of Fishkill Dog Park, in addition to get feedback on how this Dog Park is working out.

Acting Administrator Tim Dexter will inform Mr. Wolf of this item to create a Resolution for Monday, July 20th Council Meeting.

Proposed Local Law for Acting Mayor – Mayor Gold stated that he had a few suggestions:

- 1) The Acting Mayor should be someone selected within the Council; if the Mayor does not choose an individual then the Council will vote to name an Acting Mayor. The Mayor stated that this would leave the Council with only six votes, and if there is a tie, an “At Large” Council Member would not vote and that would have to be determined which “At Large” individual that would be.
- 2) It was suggested that the Mayor should appoint an Acting Mayor at the first meeting of the year. Mayor Steve K. Gold did not feel comfortable with this suggestion, as after an election it would be difficult to choose an individual if this individual was not a incumbent.

This will be discussed further at a future Workshop.

Dummy Light (Free Standing Light at the intersection of Main and East Main). Acting Administrator Tim Dexter stated that it would cost \$700 to fix this light and to have the plastic bag removed. Mr.

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Dexter will contact Mr. Furco, Chairman of the Traffic and Safety to get his advice on how the lights should be blinking yellow or blinking red on which street. **This will be a Budget Amendment for Monday, July 20th.**

2009 Grant Application for Youth Development Delinquency Prevention – YDDP Funding.

Authorize The Mayor To Apply For And Accept Funds For Juvenile/Community Relations Code No. (9130210S010) Totaling \$3,119.00 For The Year 2009 Youth Development Delinquency Prevention (YDDP) Programs

RESOLVED, that the Council hereby authorizes the Mayor to make application and accept funds of the New York State Office of Children and Family Services (OCFS) for approval of the Projects described in the Youth Development Delinquency Prevention Application on file with OCFS and Dutchess County Youth Bureau. In submitting the application it is agreed that:

1. The municipality will abide by OCFS as to the propriety of all expenditures upon which State aid is requested;
2. This project will be operated in compliance with the laws, rules, regulations, resolutions, and codes of the State of New York and pertinent political subdivisions;
3. No youth will be denied the services or facilities of this project because of race, creed, color, or sex; and
4. No fee will be charged for the programs supported by State funds.

This will be brought to the Council Meeting of July 20th for a Vote.

Proclamation Regarding Family Day – A Day to Eat Dinner with Your Children – It was the consensus of the Council to bring this to the Council Meeting of July 20th

Budget Amendments:

Council Member Casale questioned the IT Consultant line item for another additional \$20,000 when just not long ago we transferred \$20,000 for this same line item. Mr. Casale suggested that we should look into reviewing options of interviewing other IT Specialist who may cost the City less money. **The Mayor asked Acting Administrator to ask our IT Consultant how he bills the City for what and why is it so much money.** Council Member Casale felt that it is not fair that one person has the exclusive opportunity for this position.

Council Member Casale questioned the line item for Street Lights. Mr. Dexter will get some additional information from Toni Tracy.

Council Member Casale wanted to know why we are paying an additional \$7,000 to Sanitation Hauling, as the City has a contract which we pay an annual fee. Mr. Dexter will check to make sure we are not paying more than what the contract says.

Council Member Casale wanted to know why there is a line item for the Fire Consultant – It was explained that it was for Sick Leave Sell Back.

Detective Printing, Prisoner Meals – Acting Administrator will check into this and get back to the Council with this information.

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The Council thanked all departments and the Administrator for looking at their budgets and giving back to the contingency fund.

It was noted that the Mayor and Acting Administrator will be looking at every purchase requisition carefully. Request for \$10,000 for the Fire Department Camera was denied.

Appointment of Police Officer – Scott T Forsythe- Lieutenant Dowd was called into the Workshop Session to discuss the hiring of this Police Officer. **This will be put into a Resolution to Appoint Police Officer Scott T. Forsythe. In addition, there will be a Resolution to Promote Detective Richard Sassi to Detective Sergeant and Promotion to Officer Jonathan Crone to Sergeant.**

The Mayor called for an Executive Session to talk about Personnel.

The Mayor stated that the next workshop of July 27th will be ONLY Zoning issues.

Meeting was adjourned at 10pm

Respectfully submitted,
Colleen Swift
Executive Assistant to Mayor Steve K. Gold
Date: July 14, 2009