

CITY OF BEACON - Workshop Minutes – August 31, 2009

Workshop was opened at 7:00pm on August 31, 2009, with Mayor Steve K. Gold thanking all for coming to this Workshop.

Attendance:

Mayor Steve K. Gold

Council Member Casale

Council Member Fredericks

Council Member Kelly

Council Member Leake

Council Member Pasti

Council Member Thompson

Also in Attendance:

Acting City Administrator – Timothy Dexter

City Attorney – Richard Wolf

Victor Road Accept Dedication of the Road Known as Victor Road Extension and any Easement within the Subdivision along with all public improvements completed as part of the project.

Acting City Administrator Dexter explained that this resolution was a housekeeping item. The Council Adopted RESOLUTION NO. 52 OF 2008. There was conditions on this Resolution in 2008 that have all been met.

All agreed to move this item to the Council Meeting of Tuesday, September 8, 2009.

Draft Harbor Management Plan - Resolution Accepting the City's Draft Harbor Management Plan as Complete and Ready for Public Review and Authorizing its Submission to the New York State Department of State.

Acting City Administrator Dexter explained again, this is just housekeeping item. Back in May, 2009, the Council Adopted a Negative Declaration, but in the Resolution we did not ask the Department of State to review. So this resolution allows the Department of State to review the Harbor Management Plan. When we receive the Department of State comments then the City of Beacon can set a Public Hearing.

All agreed to move this item to the Council Meeting of Tuesday, September 8, 2009.

Proposed Local Law To Chapter 119 Section 16 Fire Prevention and Building Code, City of Beacon code, To Provide for Placing Lien on Property for Unpaid Inspection Fees.

On January 26, 2009 Council Meeting the City looked at the fee schedule made changes to this schedule. This item Fire Prevention and Building Code was not included. It was determined that the City needed a failsafe in order to collect this revenue. This resolution will allow the City to attach this fee if not collected to the Constituent tax bill. The City is obligated by law to perform the Fire Prevention Inspection. The City revenue for this service is approximately 50,000 a year. The City has not been able to collect this fee as the

CITY OF BEACON - Workshop Minutes – August 31, 2009

homeowner is not paying the fee. At the end of the fiscal year the Code Enforcer will provide a list of homeowners who did not pay the fee to the City Clerk (tax collector) so he/she can add it as a lien on the tax bill. There are several fees that the homeowner could be responsible for and if not paid it is added as a lien on the tax bill.

Council Member Kelly asked if on the tax bill it would state that a constituent has a lien on their property for not paying for this service or any other service. City Attorney replied he believes so.

Council Member Casale questioned if a not-for-profit did not pay this fee and they do not get a tax bill what happens then. Acting City Administrator Dexter stated believe it or not it is the Not-For-Profit (Churches, etc) are paying before we even show up for the inspection. City Attorney Wolf stated that the City would collect the fee through a violation, which would go before the Judge.

It was the consensus of the Council to place this item on the September 8, 2009 Council Agenda for a First Reading – Set Public Hearing for Monday, September 21, 2009

Adding to the City Charter §3.05 to the Powers and Duties of the Mayor to Appoint an Acting Mayor.

Council Member Pasti stated that Section 3. A. did not read correctly, and felt something was missing. There was some discussion regarding that the Mayor should appoint an Acting Mayor every two years when the new Council starts there term. Mayor Steve K. Gold felt that this would not be acceptable as it would not give him time to evaluate who would be the appropriate person to fill this temporary vacancy. Council Member Kelly stated that a time frame would be helpful to add to this local law for example three months after the reorganization. Council Member Thompson asked if this should go to the Public. Mayor Steve K. Gold stated that the public will be informed by setting a Public Hearing. A question was brought up whether or not a Referendum would be needed due to the fact a change in the Charter.

Council Member Thompson asked for clarification on Section 3. B. In the event of a tie vote on the approval of the appointment of an Acting Mayor by the city Council, the council at large member with the fewest votes in the last general election shall NOT vote. There was much controversy regarding this paragraph in the Proposed Local Law. It was explained the reason why a Council Member at Large would be effected was due to the fact the other Council Members have wards to represent. Council Member Kelly suggested that if there is a tie vote, then the Council Member that the Mayor selects will be the Acting Mayor. Mayor Steve Gold stated that the Mayor would want to choice a Council Member to be Acting

CITY OF BEACON - Workshop Minutes – August 31, 2009

Mayor who has the same goals of the Mayor and not undo anything that the Mayor has been working on for the benefit of the City.

Council Member Casale asked how long of a period will there be allowed for an Acting Mayor. As a constituent he/she placed a person in office as Mayor. There should be a timeframe where the Acting Mayor can hold that title, before a special election to take place. It was determined that the Charter covers this scenario:

CHARTER Section 2.08 - Creation of vacancies. A vacancy in an elective office shall exist when the person elected fails to qualify for the office within thirty (30) days thereafter, dies, resigns, ceases to be domiciled in the city and/or ward from which elected, is determined to be either mentally or physically incompetent to perform the duties for which that person was elected or is convicted of a felony or a crime involving a violation of oath of office or when a judgment of a court declares the election void, the office forfeited or vacant or when the person fails or refuses to file the official oath or undertaking as prescribed by law.

Council Member Thompson questioned why not follows the Charter under vacancies. City Attorney explained that this Proposed Local Law is for a short term leave, such as an illness, vacation.

Council Member Thompson also stated that if the Mayor chooses a Council Member as an Acting Mayor, that Council Member now is not supporting his/her ward.

City Attorney will compose a Proposed Local Law to add a section to the Charter – Vacancy of the Mayor

It was decided to change Section 3 B. to read In the event of a tie the vote will revert back to Mayor's selection of Acting Mayor. Also in Section 5. Add Mayor at the end of the section to read "Acting Mayor" not just Acting.

It was the consensus of the Council to move this item to the September 8, 2009 Council Meeting to have a First Reading – Set Public Hearing for Monday, September 21, 2009

Cost of Service Study Discussion

Early we had presentation by David Stolman and others regarding the development of the Waterfront Introduction. One of the segments introduced by Georges Jacquemart, PE, AICP was a cost of service for T.O.D. In this Cost of Service Report it stated that the City would benefit one point two million dollars, after services were removed. This information was retrieved by someone who worked for the County in the Economic Development Corporation and those numbers were wrong, the County eventually sent over the correct numbers, but was not enough time for the slide presentation to change. The second set of numbers was eight hundred thousand dollars that would benefit the city not one point two million dollars. Due to the fact the way into looking into the numbers being calculated it

CITY OF BEACON - Workshop Minutes – August 31, 2009

appeared as if cost of services was used was based on what the cost of what taxpayer per property owner today and not based on if the T.O.D. would go in and not based on if any new services would go in. For instances addition to the schools district, additional Police Officers, etc. The numbers were taking the cost of services as of today and multiplying it by the number of units. This lead the City of Beacon to perform a new Cost of Services Study. This is important, because if the Council is going to make a decision regarding the development this would give the Council a figure if this would be benefit financially to the city or it will be a cost. The question was brought up why was the Cost of Service Study only done for the TOD. We have changing the Zoning for Edgewater which will be additional three hundred units. Also there are two hundred units being planned by two other developers on Fishkill Creek. Another potential developer planning on two to three hundred units. All of the above might push the City to a threshold for a cost of services to be larger than just what it is right now. With discussion with the Acting Administer Dexter it was decided to have a Cost of Service Study for all developments. There will be interviews with the schools, police department, fire department or any other department in which will be affected by these developments.

Acting Administer Dexter researched planning offices that perform this type of work and found four planners to submit bids to perform a cost of service study, for the developments that are in progress. The City is looking for a reputable firm. He called Pace University spoke with Professor Nolan who gave him references who perform this type of service. In addition, Acting City Administrator Dexter contacted the original firm who did the cost of services study for the Comprehensive Plan, who is very well respected. In addition, a local firm (Poughkeepsie) was contacted to submit a bid as well. The cost range is eight thousand dollars to about twenty nine thousand dollars, but based on what we seen and read in these reports it ranges from about eight thousand dollars to eighteen thousand dollars, and how in depth we want to go. The availability is an important factor, their experience and if the Council feels comfortable to have a resolution for Council Meeting of September 8th to authorize the Mayor to choose a Cost of Service Analysis and sign an agreement not to exceed \$20,000.

Council Member Kelly would like to approach the Developers to share the cost of the Cost of Services Study. Acting Administrator Dexter stated that yes we can approach each developer, and all the developers went away, the City of Beacon still needs to make a decision based on Zoning changes, and how the community will look for the next century.

This is an investment to the City of Beacon and to take the funds out of the contingency fund.

Council Member Thompson thanked Mayor Steve K. Gold and Acting City Administrator Dexter for bringing this to the table. The Comprehensive Planning was the first step to get

CITY OF BEACON - Workshop Minutes – August 31, 2009

development started. We became hungry for change, and I believe this is the best way to approach each development with a Cost of Service Study. Even if we held off the developers six weeks it will not be too long. I believe this is worth it even if it was eighteen thousand dollars, as this is a big investment to our City. I think this is the best thing we as the City Council done in a long time.

Council Member Leake stated that this is vital to perform a Cost of Service Study so the City will know exactly what are infrastructure will look like, our school, and what impact it has on our City Workers. I say YES, and this needs to be done!

Council Member Kelly, asked even if the City has to pay for this service is it worth it. Council Member Thompson stated there is quality of life and then there is quality of life and there is a cost attached to that quality of life.

Council Member Kelly stated that he does not have a problem with the study, but with the cost and not sharing the cost with the developers.

Council Member Pasti, stated that this is a follow-up to the Comprehensive Plan. This is an investment for the City of Beacon, and we will get the money back with this study.

It was the consensus of the Council to move this item to the September 8, 2009 Council Meeting to have a Resolution Authorizing the Mayor to sign an Agreement with a Planner to perform a Cost of Service Study with a maximum of twenty thousand dollars.

Adoption of Local Waterfront Revitalization Program Consistency Determination Regarding an Application by Long Dock Beacon for a Mixed-Use Development within the Waterfront Development (WD) Zoning District.

No comments from the Council. **This will be included on the September 8, 2009 Council Meeting.**

Resolution approving Waterfront Development Concept Plan and Special Permit for an Application by Long Dock Beacon for a Mixed Use Development Within the Waterfront Development (WD) Zoning District.

Acting City Administrator Dexter stated that on page sixteen starting with BE IT FURTHER RESOLVED..... Subject to compliance with the following conditions and any of the requirements which must be met by law. City Planner David Stolman will have the conditions by the close of Thursday afternoon and will be in the Council Package.

This will be included on the September 8, 2009 Council Meeting

Consider a Proposed Local Law to Amend Chapter 223, Zoning, of the City Code with Respect to Affordable Housing – **Received Reports from the County with some recommendations and from City of Beacon Planning Board**

CITY OF BEACON - Workshop Minutes – August 31, 2009

The County position is that the City of Beacon set the average median income too high. Acting City Administrator Dexter provided Mr. Stolman, City Planner, some starting salaries of different departments, which this law is targeting residents who work for the City to provide Affordable Housing. It was discussed that the City at present has enough of the low income complexes. The County sixty percent median income for the City of Beacon Employees does not work for the targeted individuals. David Stolman recommendations are to have the Public Hearing on Tuesday, September 8, 2009, and at that time we will hear comments from the public. David Stolman would like to tweak this Local Law to read one hundred percent or one hundred and ten percent of the average median income.

Council Member Thompson asked if this law will hurt the City of Beacon as far as receiving subsidizes. Does this affect the developers receiving grant money?

Council Member Kelly asked if the County is stating that our income is too low. Answer is no it's too high. Mayor Steve K. Gold stated that this is targeted for the workforce of the City of Beacon. Clarification is that an employee can make less money what this law is stating, but not no more than.

There is a Public Hearing scheduled for Tuesday, September 8, 2009, which will not be closed, and then bring it back to workshop for some additional tweaking of this Local Law.

Consider a Proposed Local Law to Create a Transit Oriented Development Zoning District and Rezone Certain Properties to This New District. **Received Reports from the County and from City of Beacon Planning Board.**

Mayor Steve K. Gold stated that there have been discussions regarding business going down to the waterfront which will compete with business on Main Street. We have been talking with David Stolman, City Planner, and John Clarke, DC Planning Department regarding fine tuning the local law. Acting City Administrator Dexter will be reviewing the final document with Metro North to make certain it is ok with them

The following is the County Recommendations:

August 27, 2009

To: City Council, City of Beacon

Re Referral 09354, Local Law for a Transit-Oriented Development District

The Dutchess County Department of Planning & Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, Sections 239-1 and 239-rn). After considering the proposed action in the context of countywide and inter-municipal factors, the Department finds that the Council's decision involves a matter of some concern and offers the following preliminary comments.

CITY OF BEACON - Workshop Minutes – August 31, 2009

Action

The proposal will amend the zoning to include a Transit-Oriented Development district.

Comments

Our department is very supportive of this amendment. High quality TODs are the most energy efficient and environmentally friendly form of Smart Growth, the best antidote against continued auto-dependent sprawl, and the most effective development model for a future facing climate change. The proposed TOD zoning is consistent with the recommendations of the Beacon Comprehensive Plan and Greenway Connections (see pages 35-39). The following suggested text improvements are largely based on comments from the public over the last two months.

The latest draft included several changes to the wording related to important views. We suggest that the more precise language in 223-41-9 F(3)(c)[9], "protect and/or enhance important views and view corridors including those identified in the LWRP" be consistently used in other sections, such as in 223-4 1.8 A, 223-41.9 F(1)(i) and 1(4), and 223-41.11 F.

A mix of uses should be a requirement in the TOD district, not just an expectation. Perhaps the design standards and principles in subsection 1(1) should be changed to "While the TOD District shall contain various use elements, such as a mix of residential unit types, retail, restaurants, offices, etc..."

Under vehicular and pedestrian circulation in subsection I (11), design for pedestrian and bicycle access should be a high priority, including:

- Ample sidewalk widths, bike racks and secure facilities at the Station, pedestrian-scale lighting, benches, outdoor eating areas, and other forms of street activities;
- Short blocks and connected sidewalk system for multiple walking/biking routes;
- Buildings primarily built to the sidewalk with varied storefronts and facades;
- Main building entrances and major access points to the parking levels fronting the sidewalks, not bypassing the commercial uses and public places; and
- Convenient connections to the shoreline, Greenway Trail system, and Main Street.

Under the parking requirements in subsection I (13), on-street parking and shared parking strategies should be encouraged and included in satisfying the overall commercial and residential parking requirements. Any parking significantly above or below the minimum requirements should be fully justified by a parking analysis that also considers traffic impacts in the area and alternative transportation demand management strategies.

Under permitted principal uses, residential uses in this district should not be allowed west of the railroad tracks. Office uses, beyond just professional and small business offices, should be allowed on any floor as part of the special permit process to encourage local employment opportunities in this pedestrian-and transit-friendly district.

CITY OF BEACON - Workshop Minutes – August 31, 2009

Finally, to address concerns about existing Main Street businesses, the permitted uses section could require allowable uses to be justified under three categories:

- water-dependent uses as defined in the LWRP, such as boating services, a harbor master office, or facilities for the Beacon Institute for Rivers and Estuaries;
- water-enhanced uses as defined in the LWRP, such as residential, restaurants, offices, public squares or parks, and certain tourism-oriented retail and services; or
- transit-oriented uses to service transit riders or TOD neighborhood residents, such as delis, dry cleaners, corner convenience stores, -gyms, or day care

A more complete list of representative examples could be included for each of these categories, omitting uses that have no enhanced relationship with the waterfront or transit neighborhood. A maximum square footage limit for individual retail or service businesses and restaurants (not offices or major employment uses) might also be appropriate to exclude large-scale, ground floor businesses and encourage a broader mix of storefronts and commercial activities in the TOD.

Recommendation

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Conclusion: David Stolman our City Planner will have the draft of this Proposed Local Law which will be placed on the City Web Site by day's end of September 1st. This will be on the September 8, 2009 Council Meeting as a Public Hearing to hear comments from the public. The Council will not close any Public Hearing on Tuesday, until we have the Cost of Service Study.

It was decided at this time to schedule a Town Hall Meeting on Tuesday, May 22nd at 7pm at the Memorial Building this meeting is for the Zoning Changes and the New Developments and perhaps the Budget for next year.

Consider a Proposed Local Law to Create a New RD-1.7 Designed Residence Zoning District and Rezone Certain Properties to this New District. **Received Reports from the County from City of Beacon Planning Board**

This will be on the September 8, 2009 Council Meeting as a Public Hearing to hear comments from the public. The Council will not close any Public Hearing on Tuesday, until we have the Cost of Service Study.

CITY OF BEACON - Workshop Minutes – August 31, 2009

Noise Ordinance Proposed Local Law ___ to Amend Section ___ of the City of Beacon Code Regarding Noise Ordinance.

City Attorney went over the Local Law with the Council. This Local Law is so the Police Officers have the authority to enforce this law as they will have clear language and the tools to use to see if the noise ordinance is being violated.

Mayor Steve K. Gold would like Chief Scofield to receive this local law PRIOR to Tuesday. City Attorney will email him a copy.

Council Member Thompson asked how it was determined with the dBA, City Attorney stated that it comes from “ANSI” (American National Standard Institute) which is the bible on what constitutes severe noise, which is a scientific organization to which any Police Officer can refer to. Council Member Thompson stated that she will be emailing the City Attorney a document which is regarding infringing on people’s rights.

Council Member Fredericks stated that there is a very interesting article on the web: People of the Town of Poughkeepsie vs. Trapp Rock, which is all about noise levels.

Council Member Casale stated that this law main purpose is for our Police Department to enforce the noise ordinance law, as now they have a well written law with the tools to measure the decimals of noise levels. In addition, it gives the Police Officer the discretion whether to give a warning and ask the constituent to keep the noise down or to give them a violation where they have to go before the judge. In other words “Let Nobody Infringe On Our Rights”. It is time that we adopt this law, and stop talking about it and move forward. Council Member Leake agreed with Council Member Casale.

Consensus is to place this on the September 8, 2009 Agenda to Introduce the Local law and to Set Public Hearing for Monday, September 21, 2009.

1. Amend the General Fund budget Contingency expense (Code: A1990.400001) by transferring \$29,000 into an MTA tax expense line (Code: 1989.400000). This is to cover the cost of the new tax imposed by the MTA on employers engaging in business within the Metropolitan Commuter Transportation District. The tax will be .34% of the City of Beacon payroll expense and will be due for the period of March 1, 2009 through December 31, 2009.

Consensus is to place this on the September 8, 2009 Council Agenda to Transfer the Money, BUT NOT to pay until Mayor Steve K. Gold checks with D.C. Supervisors and Mayors to see what the consensus is to pay or not.

CITY OF BEACON - Workshop Minutes – August 31, 2009

2. Amend the General Fund budget Contingency expense (Code: A1990.400001) by transferring \$1,000 into the Attorney civil action expense (Code: A1420.456500) to cover litigation expense for general business services provided by Towne, Bartowski and DeFio Keane.

Consensus is to place this on the September 8, 2009 Council Agenda to Transfer the Money

3. Amend the General Fund budget Contingency expense (Code: A1990.400001) by transferring \$5,705 to the Attorney expense for the case of Finch vs. City of Beacon (Code: 1420.450412). These funds are necessary to cover legal services rendered by Hodges, Walsh, and Slater, LLP for the case and the city is only liable for half of the expense. The other half was paid by Traveler's Insurance Company.

Council Member Casale wanted to know if this is it for this case. Acting City Administrator Dexter believed it was.

Consensus is to place this on the September 8, 2009 Council Agenda to Transfer the Money

4. Amend the General Fund budget Contingency expense (Code: A1990.400001) by transferring \$1,300.00 to the Human Relations Department facility rent (Code: A8040.469700). This is the amount owed for the rent for May and June of The department vacated the premises at the end of June 2009 and no further amount is due.

Consensus is to place this on the September 8, 2009 Council Agenda to Transfer the Money.

Motion by Council Member Leake to enter into Executive Session to discuss litigation, Seconded by Council Member Fredericks. All present voted in Favor.

Workshop Meeting of August 31, 2009 was adjourned at 9:30pm.

Respectfully submitted,

Colleen Swift

September 1, 2009