

- ☛ Call to Order
- ☛ Pledge of Allegiance
- ☛ Roll Call:
- ☛ **Public Comment:** Pertaining to any item. Maximum time for this section is thirty minutes. Maximum time for individual public comment is three (3) minutes per constituent.
- ☛ **Public Hearings:**
 1. Special Use Permit - Artist Live/Work Spaces – Hanna Lane (310 Fishkill Avenue former Tallix Site) – Applicant IG4, LLC - Lee Balter
 2. Special Use Permit - Bed & Breakfast – 300 South Avenue – Applicant – Yuan-Yuh Lee

Comments on Any Public Hearing Notice

- ☛ **Community Segment:**
- ☛ **Approval of Minutes:**
- ☛ **Communications:**
- ☛ **Reports** - Reports to be typed or handwritten and to be forwarded to the recording secretary at cswift@cityofbeacon.org.
 - City Administrator
 - Report of Activities
 - City Attorney – First of the Month
 - Council Reports of Activities
 - Mayor Report of Activities
 - County Legislator Reports

- ☛ **Public Comments:** Pertains ONLY to items on the agenda that will be subject to a vote. Each speaker may have one opportunity to speak up to five minutes..

UNFINISHED BUSINESS:

- ☛ **Resolutions:**
- ☛ **Local Laws and Ordinances:**

NEW BUSINESS:

- ☛ **Resolutions:**
 - **Authorize City Attorney to execute Consent Judgement – Preshrock Corp.**
 - **Authorize Local Match for Green Innovation Grant Program – Leak Detection System**
 - **Approve Emergency Management Plan**
 - **Authorize Release of Maintenance Bond for Public Improvements – Delavan Avenue Extension**
 - **Special Use Permit – Artist Live/Work Spaces, 310 Fishkill Avenue (Hanna Lane)**
 - **Special Use Permit – Bed & Breakfast, 300 South Avenue**
- ☛ **Local Laws and Ordinances:**
- ☛ **Ratifications / Appointments**

☼ **Announcements:**

1. COMMITTEE VACANCIES:

- **Board of Assessment – Five Year Term**
One – Unexpired Term – Term to Expire September, 2012
One – Vacancy – Term to Expire September, 2014
- **Board of Ethics – Five Year Term**
Two – Vacancies – Expired
- **Human Relations Commission – Two Year Term**
Five – Vacancies – Expire
- **Recreation Commission – Three Year**
Unexpired Term – Term to Expire December, 2009 - Will continue with an additional three years expiring 12/31/12
Unexpired Term – Term to Expire December, 2010

☼ **Budget Amendments:**

☼ **Public Comments:** Can Be On Any Issue Or Item. The Speaker May Have One Opportunity To Speak Up To Five Minutes Only.

☼ **Next Workshop:** Monday, November 9, 2009

☼ **Next Council Meeting:** Monday, November 16, 2009

☼ **Motion To Go Into Executive Session**

☼ **Adjournment**



CITY OF BEACON

CITY COUNCIL

RESOLUTION No. ____ OF 2009

WHEREAS, the City of Beacon and Preshrock Corp. have settled their Supreme Court litigation concerning the review of tax assessments charged to Preshrock Corp. for the assessment years 2005, 2006, and 2007; and

WHEREAS, the City of Beacon and Preshrock Corp. have settled these matters pursuant to a proposed Consent Judgment covering Westchester Supreme Court Case Index Nos. 12177/2005, 12878/2006, and 13400/2007; and

WHEREAS, the agreed upon amount of assessed valuation reduction for 2005 is \$135,115, for 2006 \$238,959 and no reduction for 2007; and

WHEREAS, the City Council of the City of Beacon approves the terms of the proposed Consent Judgment.

NOW, THEREFORE BE IT RESOLVED, that the City Attorney of the City of Beacon be and he hereby is authorized to execute and consent to the entry of the foregoing Consent Judgment.

Resolution No. ____ 2009		Date: _____					
Amendments						2/3 Required	
Not on roll call		On roll call				3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Leake, Deanna					
		Kelly, Charles					
		Thompson, Eleanor					
		Fredericks, Marlene					
		Casale, Randy J.					
		Pasti, Sara					
		Gold, Steve					

actions in the matter of the said assessment(s) and assessment rolls of said property(ies) may be reduced, corrected and modified, as set forth in said proposed **CONSENT JUDGMENT** and other relief as will be applied for and as may be just and proper regarding the premises.

PLEASE TAKE FURTHER NOTICE your failure to object by the date set forth above, and service of same upon the petitioner's attorney, shall deem your acceptance to such proposed **CONSENT JUDGMENT**.

Dated: **August 18, 2009**
New City, NY
Thomas Sassone, Esq
Mulgrew & Sassone, P.C.
22 South Main Street
New City, NY 10956
(845) 639-4664
Attorneys for Petitioner

To: **The City of Beacon**
A Municipal Corporation,
c/ Richard Wolf, Esq
City Attorney
1 Municipal Plaza
Beacon, NY 12508

Superintendent of Schools
Beacon City School District
10 Education Dr
Beacon, NY 12508

County Treasurer/Finance Comm.
County of Dutchess
22 Market Street
Poughkeepsie, NY 12601

Dutchess County Attorney's Office
Keith Byron, Esq
22 Market Street
Poughkeepsie, NY 12601

ORDERED, ADJUDGED AND DECREED, that the assessments be and the same are hereby, reduced, corrected and fixed for the assessment years as follows:

Assessment Year	Assessed valuation reduced from	Assessed valuation reduced to	Amount of reduction
2005	\$700,000	\$561,885	\$138,115
2006	\$700,000	\$471,041	\$228,959
2007	\$2,218,000	\$2,218,000	\$-0-

and so reduced and confirmed, it is further,

ORDERED, ADJUDGED AND DECREED, that the officer or officers having custody of the assessment rolls upon which the above mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this ORDER and shall note upon the margin of said rolls, opposite of said entries, that the same have been corrected by the authority of this ORDER, and it is further,

ORDERED, ADJUDGED AND DECREED, that there shall be audited, allowed and paid to the petitioner by the **City of Beacon** the amount of all **City** taxes and any and all special district taxes, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of any excess taxes, paid by the petitioner as taxes against the said erroneous assessments in excess of what taxes would have been paid if the said assessments made in the aforesaid years had been determined by this ORDER, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, ADJUDGED AND DECREED that the **County of Dutchess**, State of New York, be and is hereby directed and authorized to audit, allow and pay to the petitioner the amount, if any, of State, County taxes paid by the petitioner as taxes paid against the erroneous assessment in excess of what taxes would have been paid if the said assessments made in the aforesaid years had been determined by this ORDER, together with interest thereon from the date of payment thereof as provided by statute, and it is further,

ORDERED, ADJUDGED AND DECREED that the **Beacon City School District**, located within the **County of Dutchess**, State of New York, be and is hereby directed and authorized to audit, allow and pay to the petitioner the amount, if any, of School District taxes paid by the petitioner as taxes paid against the erroneous assessment in excess of what taxes would have been paid if the said assessments made in the aforesaid years had been determined by this ORDER, together with interest thereon from the date of payment thereof as provided by statute, and it is further,

ORDERED and DIRECTED that the **County of Dutchess Treasurer or Finance Director** be served with a copy of this judgment with proof of payment of State, County taxes and it is further,

ORDERED and DIRECTED that the **Beacon City School District Superintendent of Schools** be served with a copy of this judgment with proof of payment of taxes to or on behalf of said school district ,and it is further,

ORDERED and DIRECTED, that all tax refunds are to be paid with interest pursuant to §726 of the Real Property Tax Law of the State of New York; provided however, interest shall be waived in the event payment is made within sixty (60) days from the date of service of this ORDER with notice of entry upon the respective taxing authorities, and it is further,

ORDERED and DIRECTED, that all tax refunds hereinabove directed to be made by Respondent, **City of Beacon**, or such other various taxing authorities Districts etc be made by check or draft payable to the Order of **Mulgrew and Sassone, PC, As Attorneys**, for the petitioner, who is to hold the proceeds as trust for appropriate distribution, and who is to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to the Judicial Law §475, and it is further,

ORDERED, that this Order hereby constitutes and represents full settlement of each of the tax review proceedings herein, that there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above entitled proceedings be and the same are settled and discontinued.

Dated: September 2009

Enter:

Hon John R. LaCava, JSC

SIGNING AND ENTRY OF THE WITHIN ORDER IS HEREBY CONSENTED TO:



Thomas Sassone, Esq
Mulgrew & Sassone, P.C.
22 South Main Street
New City, NY 10956
(845) 639-4664
Attorneys for Petitioner

The City of Beacon
A Municipal Corporation,
c/o Richard Wolf, Esq
City Attorney
1 Municipal Plaza
Beacon, NY 12508
Attorney for Respondents



**CITY OF BEACON
CITY COUNCIL**

Resolution No. ____ of 2009

**RESOLUTION TO AUTHORIZE LOCAL MATCH FOR GREEN INNOVATION
GRANT PROGRAM
LEAK DETECTION SYSTEM**

WHEREAS, the New York State Environmental Facilities Corporation has accepted the City's application to purchase leak detection equipment to monitor the City's water mains; and

WHEREAS, the Environmental Facilities Corporation will fund up to 90 percent of eligible project costs and the City will contribute 10 percent matching funds from the Water Fund balance, including documented in-kind services;

NOW THEREFORE BE IT RESOLVED, that the City Council hereby authorizes the disbursement of the 10 percent match for the purchase of leak detection equipment from the City's Water Fund balance and documented in-kind services.

Resolution No. ____ of 2009		Date: _____			** 2/3 Required.		
** Amendments		** On roll call.			** 3/4 Required		
** Not on roll call.							
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Leake, Deanna					
		Kelly, Charles P.					
		Thompson, Eleanor					
		Fredericks, Marlene					
		Casale, Randy J.					
		Pasti, Sara					
		Mayor Steve K. Gold					



**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ of 2009

Emergency Management Plan

BE IT HEREBY RESOLVED, that the City Council approves the Emergency Management Plan dated November 2, 2009.

Resolution No. _____ of 2009			Date: _____			“ 2/3 Required.	
“ Amendments			“ On roll call.			“ 3/4 Required	
“ Not on roll call.			“ On roll call.			“ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Leake, Deanna					
		Kelly, Charles P.					
		Thompson, Eleanor					
		Fredericks, Marlene					
		Casale, Randy J.					
		Pasti, Sara					
		Mayor Steve K. Gold					



**CITY OF BEACON
CITY COUNCIL**

Resolution No. ____ of 2009

**RESOLUTION TO AUTHORIZE THE RELEASE OF MAINTENANCE BOND
REGARDING PUBLIC IMPROVEMENTS AS PART OF THE
DELAVAN AVENUE SUBDIVISION EXTENSION**

WHEREAS, a Maintenance Bond was posted to make sure public infrastructure improvements constructed as part of the Delavan Avenue Subdivision extension of Delavan Avenue were done in a satisfactory manner.

WHEREAS, Lanc & Tully has verified that the public improvements for this phase of the project have been completed; and

NOW, THEREFORE, BE IT RESOLVED, that the Maintenance Bond No. RSB402249 issued on behalf of Metro Park Developers is hereby released.

Dated: _____

Resolution No. ____ of 2009			Date: _____			.. 2/3 Required.	
.. Amendments			.. On roll call.			.. 3/4 Required	
.. Not on roll call.							
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Leake, Deanna					
		Kelly, Charles P.					
		Thompson, Eleanor					
		Fredericks, Marlene					
		Casale, Randy J.					
		Pasti, Sara					
		Mayor Steve K. Gold					

CITY OF BEACON
CITY COUNCIL

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the City of Beacon will hold a public hearing on Monday, November 2nd 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 a Special Use Permit for Three (3) Artist Live/Work Spaces, Applied for by IG4, LLC, identified on City tax maps as Section 6054, Block 22, Lots 253891, 244895 and 241894.

A copy of the proposal is available for inspection at the Municipal Center, lower level, One Municipal Plaza, Beacon, New York during regular business hours (Monday-Friday 8:30a.m.–3:30 p.m.)

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: October 20, 2009



CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. OF 2009

SPECIAL USE PERMIT RESOLUTION

**IG4, LLC – Applicant Lee Balter
Artist Live/Work Space
Hanna Lane (310 Fishkill Avenue former Tallix Site)**

WHEREAS, IG4, LLC (Lee Balter) has applied for a Special Use Permit from the City Council requesting approval for Artist Live/Work space in a building located at (310 Fishkill Avenue Former Tallix Site); and

WHEREAS, the Planning Board has recommended the City Council issue said permit subject to final site plan approval by the Planning Board; and

1. The location and size of the use, nature and intensity of the operations involved in such use, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, are such that it would be in harmony with the appropriate and orderly development of the district in which it is located; and
2. The location, nature and height of the buildings, walls and fences, together with the nature and extent of the landscaping of the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings; and
3. The operations in connection with the proposed Artist/Live Work space is not more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics, than would be the operation of any permitted use not requiring a special use permit; and
4. Parking areas are of adequate size for the particular use, are properly located and the driveways are laid out to achieve maximum safety; and

WHEREAS, the City Council has determined that the application submitted by IG4, LLC (Lee Balter) for a Special Use Permit is an action subject to the provisions of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the City Council has the broadest powers to investigate the impact of the authorization for the proposed Artist Live/Work space in the building located at (310 Fishkill Avenue former Tallix Site) and since the Council has the capability to provide a thorough Environmental Assessment of the proposed action, now, therefore, be it

RESOLVED, that the City Council hereby declares itself lead agency under SEQRA relative to the application by IG4, LLC (Lee Balter) for a Special Use Permit, and be it further

RESOLVED, that the City Council as lead agency under SEQRA, has reviewed the submitted Environmental Assessment Form and has determined that the proposed action is an unlisted action, and that the proposal will not have a significant effect on the environment, and a Draft Environmental Impact Statement need not be prepared, and be it further

RESOLVED, that a Special Use Permit be hereby issued to IG4, LLC (Lee Balter) subject to providing the truck routing plan and traffic control signage being added to the plan and subject to final site plan approval of the Planning Board in accordance with the conditions set forth above pursuant to Section 223-18 of the City of Beacon Zoning Ordinance.

November 2, 2009		<input type="checkbox"/> AMENDMENTS			<input type="checkbox"/> 2/3 REQUIRED		
Resolution 2009		<input type="checkbox"/> ON A ROLL CALL			<input type="checkbox"/> NOT ON A ROLL CALL		
Motion	2 nd	Council member	Yes	No	Abstain	Reason	Absent
		THOMPSON, ELEANOR					
		LEAKE, DEANNA					
		KELLY, CHARLES					
		CASALE, RANDY					
		PASTI, SARA					
		FREDERICKS, MARLENE					
		GOLD, STEVE					

CITY OF BEACON
CITY COUNCIL

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the City of Beacon will hold a public hearing on Monday, November 2nd 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 a Special Use Permit for a Bed & Breakfast establishment, Applied for by Yuan Lee, @ 300 South Avenue, identified on City tax maps as Section 5954, Block 16, Lot 755455.

A copy of the proposal is available for inspection at the Municipal Center, lower level, One Municipal Plaza, Beacon, New York during regular business hours (Monday-Friday 8:30a.m.–3:30 p.m.)

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: October 20, 2009



CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. _____ OF 2009

SPECIAL USE PERMIT RESOLUTION

**Yuan-Yuh Lee – Bed & Breakfast Facility
300 South Avenue**

WHEREAS, Yuan-Yuh Lee has applied for a Special Use Permit from the City Council requesting approval for a Bed & Breakfast Facility; and

WHEREAS, the Planning Board has recommended the City Council issue said permit subject to final site plan approval by the Planning Board; and

1. The location and size of the use, nature and intensity of the operations involved in such use, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, are such that it would be in harmony with the appropriate and orderly development of the district in which it is located; and
2. The location, nature and height of the buildings, walls and fences, together with the nature and extent of the landscaping of the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings; and
3. The operations in connection with the proposed Bed & Breakfast Facility are not more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics, than would be the operation of any permitted use not requiring a special use permit; and
4. Parking areas are of adequate size for the particular use, are properly located and the driveways are laid out to achieve maximum safety; and

WHEREAS, the City Council has determined that the application submitted by Yuan-Yuh Lee for a Special Use Permit is an action subject to the provisions of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the City Council has the broadest powers to investigate the impact of the authorization for the proposed Bed & Breakfast Facility and since the Council has the capability to provide a thorough Environmental Assessment of the proposed action, now, therefore, be it

RESOLVED, that the City Council hereby declares itself lead agency under SEQRA relative to the application by Yuan-Yuh Lee for a Special Use Permit, and be it further

RESOLVED, that the City Council as lead agency under SEQRA, has reviewed the submitted Environmental Assessment Form and has determined that the proposed action is an unlisted action, and that the proposal will not have a significant effect on the environment, and a Draft Environmental Impact Statement need not be prepared, and be it further

RESOLVED, that a Special Use Permit be hereby issued to Yuan-Yuh Lee subject to final site plan approval of the Planning Board in accordance with the conditions set forth above pursuant to Section 223-18 of the City of Beacon Zoning Ordinance.

November 2, 2009		<input type="checkbox"/> AMENDMENTS			<input type="checkbox"/> 2/3 REQUIRED		
Resolution 2009		<input type="checkbox"/> ON A ROLL CALL			<input type="checkbox"/> NOT ON A ROLL CALL		
Motion	2 nd	Council member	Yes	No	Abstain	Reason	Absent
		THOMPSON, ELEANOR					
		LEAKE, DEANNA					
		KELLY, CHARLES					
		CASALE, RANDY					
		PASTI, SARA					
		FREDERICKS, MARLENE					
		GOLD, STEVE					