

CITY OF BEACON

BEACON CITY WORKSHOP

DATE: Monday, August 31, 2009 @ 7:00pm

DRAFT: 8/28/2009 11:45 AM

PLACE: Municipal Center, One Municipal Plaza, Beacon, NY

Page 1 of 3

	Topic	Discussion
	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.
	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.
	Proposed Local Law	Proposed Local Law To Chapter 119 Section 16 Prevention and Building Code, City of Beacon code, To Provide Placing Lien on Property for Unpaid Inspection Fees. First Reading – Set Public Hearing for Monday, September 21, 2009
	Noise Ordinance	Proposed Local Law _____ to Amend Section _____ of the City of Beacon Code Regarding Noise Ordinance City Attorney Richard Wolf will provide
	Proposed Local Law	Adding to the City Charter _____ to the Powers and Duties of the Mayor to Appoint an Acting Mayor. First Reading – Set Public Hearing for Monday, September 21, 2009
	Cost of Service Study	Discussion
	Local Waterfront Revitalization Program	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.
	Waterfront Development Concept Plan and Special Use Permit	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.
	Budget Amendment	<ol style="list-style-type: none"> 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. 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

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		<p>general business services provided by Towne, Bartowski and DeFio Keane.</p> <p>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: 1420.50412). 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.</p> <p>4. Amend the General Fund budget Contingency expense (Code: A1990.400001) by transferring \$1,300.00 to the Human Relations Department facility rent (Code: A1940.469700). This is the amount owed for the rent for May and June of The department vacated the premises at the end of June and no further amount is due.</p>
	Ratifications / Appointments	<p align="center">Committee Vacancies</p> <p><u>Board of Assessment – Five Year Term</u> One – Unexpired Term – Term to Expire September, 2013 One – Vacancy – Term to Expire September, 2014</p> <p><u>Board of Ethics – Five Year Term</u> – Vacancies – Expired</p> <p><u>Human Relations Commission – Two Year Term</u> Five – Vacancies – Expired</p> <p><u>Recreation Commission:</u> Two unexpired vacancies –</p> <ol style="list-style-type: none"> 1. Term to Expire December, 2009 with a continuation of an additional three years. 2. Term to Expire December, 2010
	Update:	1. Traffic and Safety Committee Ratifications
	Announcements	<i>Spirit of Beacon Day – September 27th – Theme – Celebrating Beacon on the Hudson – Past and Present.</i>

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		REMINDER - Proclamation to Eat Dinner With Your Children on September 28, 2009
<p style="text-align: center;">UPDATES Proposed Local Laws Public Hearings 09-08-2009</p>		<p style="text-align: center;">Council Agenda September 8, 2009 <u>Public Hearings on September 8th</u></p>
	Affordable Housing	<p>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</p>
	Transit Oriented Development	<p>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</p>
Zoning RD-1.7	<p>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</p>	
	Executive Session	
	Adjournment	

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CITY OF BEACON

CITY COUNCIL

RESOLUTION No. ____ OF 2009

RESOLUTION TO ACCEPT DEDICATION OF THE ROAD KNOWN AS VICTOR ROAD EXTENSION AND ANY EASEMENTS WITHIN THE SUBDIVISION ALONG WITH ALL PUBLIC IMPROVEMENTS COMPLETED AS PART OF THE PROJECT

WHEREAS, the City Engineers, Lanc & Tully, P.C., have inspected the Misericordia Subdivision Project to ensure that all required public improvements have been completed in accordance with the approved plans and the City of Beacon Street Specifications; and

WHEREAS, by Resolution No. 52 of 2008 dated May 5, 2008, the City Council adopted a Resolution to approve the road known as Victor Road Extension and any and all easements within the subdivision along with all public improvements completed as part of the project subject to certain recommended stipulations in a memo dated April 15, 2008 from the City Engineers, Lanc & Tully, P.C.; and

WHEREAS, the recommended stipulations as contained in said memo have been performed to the satisfaction of the City Engineers.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The City Council hereby accepts the dedication of the extension of the road known as Victor Road along with the constructed public utilities completed as part of the project;
2. That the Maintenance Bond in the amount of \$51,629.00 previously filed remain until its expiration;
3. The City Clerk is hereby directed to cause the deed for the extension of the road and all related documents to be recorded in the Office of the Dutchess County Clerk.

September 8, 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
		LEAKE, DEANNA					
		KELLY, CHARLES					
		THOMPSON, ELEANOR					
		FREDERICKS, MARLENE					
		CASALE, RANDY					
		PASTI, SARA					
		GOLD, STEVE					

CITY OF BEACON

CITY COUNCIL

RESOLUTION No. ____ OF 2009

**Resolution Accepting the City's Draft Harbor Management Plan
As Complete and Ready for Public Review and
Authorizing it's submission to the New York State Department of State**

WHEREAS, the City of Beacon initiated preparation of a Harbor Management Plan in cooperation with the New York State Department of State in accordance with the provisions of Executive Law, Article 42; and

WHEREAS, the Draft Harbor Management Plan has been prepared; and

WHEREAS, the City Council, as lead agency, has prepared and evaluated an Environmental Assessment Form concerning the action of adopting the Harbor Management Plan in accordance with the requirements of the State Environmental Quality Review Act and Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law, and determined that there will be no anticipated adverse impacts upon natural, institutional, economic, developmental, and social resources of the City, and have, therefore, prepared and filed a Negative Declaration;

NOW, THEREFORE, BE IT RESOLVED, that the Draft Harbor Management Plan for the City of Beacon is accepted by the City Council as complete and ready for public review and shall be submitted to the New York State Department of State for its review by State, federal, and regional agencies pursuant to the provisions of Article 42 of the NYS Executive Law.

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CITY OF BEACON

CITY COUNCIL

LOCAL LAW NO. OF 2009

LOCAL LAW AMENDING CHAPTER 119-16, FIRE PREVENTION AND BUILDING CODE, CITY OF BEACON CODE, TO PROVIDE FOR PLACING LIEN ON PROPERTY FOR UNPAID INSPECTION FEES

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

Section 1. Title.

This Local Law shall be known and cited as “A Local Law Amending Chapter 119-16, City of Beacon Code, to Provide for Placing Lien on Property for Unpaid Inspection Fees”.

Section 2. Legislative Intent.

The intent of this law is to prevent the City of Beacon from being deprived of inspection fee revenue by those responsible for payment of inspection fees authorized by the City’s fee schedule but who have failed to pay such fees. Upon written request of the Code Enforcement Officer, the City tax collector is empowered to place a lien in favor of the City on the property on which the inspection was conducted for the amount of the unpaid inspection fees.

Section 3. Amendment.

City Code Section 119-6 is hereby amended to add Section 119-6A as follows:

“Section 119-6A: Upon presentation to the City Tax Collector by the Code Enforcement Officer of a described property on which an inspection fee has not been paid, the Tax Collector shall place a lien on such property in the amount of the unpaid fee, which amount shall collect interest at the statutory rate.”

Section 4. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State pursuant to the Municipal Home Rule Law.

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CITY OF BEACON

CITY COUNCIL

RESOLUTION No. ____ OF 2009

**PROPOSED LOCAL LAW ADDING TO THE CITY CHARTER §3.05 TO THE
POWERS AND DUTIES OF THE MAYOR TO APPOINT AN ACTING MAYOR**

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 Law Adding to the City Charter Section 3.05 to the Powers and Duties of the Mayor to Appoint an Acting Mayor"

SECTION 2: INTENT AND PURPOSE

This Local Law provides for the creation of an Acting Mayor position who shall be appointed by the Mayor to assure that the office and powers of the Mayor are properly executed in the absence of the Mayor from office or where the Mayor's disability causes his/her absence preventing the Mayor from executing the functions of the Mayor's office.

SECTION 3 APPOINTMENT OF ACTING MAYOR

- A. The City Council hereby creates the position of Acting Mayor who shall be appointed by the Mayor, subject to City Council approval, or at such other time as the Acting Mayor position shall become vacant.
- 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.

SECTION 4 QUALIFICATION OF ACTING MAYOR

The Acting Mayor shall be a member of the City Council at the time of appointment.

SECTION 5 DUTIES OF ACTING MAYOR

The Acting Mayor shall have all the powers and perform all the duties of the Mayor during any period of the Mayor's absence from office, and shall be entitled to cast one vote as Acting

SECTION 6

TERM OF SERVICE

The Acting Mayor shall cease serving as Mayor upon the end of the Mayor's absence and resumption by the Mayor of his/her mayoral duties.

SECTION 7.

COMPENSATION

The Acting Mayor will not receive compensation for services as Mayor.

SECTION 8.

DETERMINATION

The determination of whether of a vacancy exists in the elective office of Mayor shall be made as set forth in City Code Section 2.08 and the Public Officers Law. If there is a conflict between the language of this local law and Section 2.08 and the Public Officers Law, the terms of Section 2.08 and the Public Officers Law shall supersede the provisions of this law.

SECTION 9.

EFFECTIVE DATE

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

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RESOLUTION

**CITY COUNCIL
CITY OF BEACON, NEW YORK**

**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**

WHEREAS, the Beacon City Council is entertaining applications from Long Dock Beacon pertaining to a planned mixed-use waterfront development project located within the City's Waterfront Development (WD) zoning district (the "Proposed Action"); and

WHEREAS, the Proposed Action includes the construction of a 212,642 square foot hotel and conference center surrounded by a 16-acre park; and

WHEREAS, on April 21, 1991 the City Council adopted its Local Waterfront Revitalization Program (LWRP); and

WHEREAS, on April 29, 1992, the New York State (NYS) Department of State approved the City's LWRP; and

WHEREAS, on August 19, 1992, the U.S. Office of Ocean Resource Management concurred on the incorporation of the City's LWRP into the New York State Coastal Management Program as a Routine Program Implementation in accordance with the provisions of the U.S. Coastal Zone Management Act of 1972; and

WHEREAS, on October 21, 1991 the City Council adopted Chapter 220, Waterfront Consistency Review, of the City Code; and

WHEREAS, Chapter 220 is intended to provide City agencies with a framework to consider the policies and purposes contained in the LWRP when reviewing an application, and to ensure to the maximum extent practicable that such application is consistent with the policies and purposes set forth in said chapter; and

WHEREAS, Section 223-41.4F(3)(a) of the City's Zoning Law states that the City Council shall not render a decision on the applications for Waterfront Development Concept Plan Approval and Special Permit Approval until it has held the required public hearing, completed the SEQR process including the requisite SEQR findings, and made the consistency determination as required under the City's Local Waterfront Consistency chapter; and

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

WHEREAS, the City Council makes its determination of consistency based upon the Coastal Assessment Form (CAF), the SEQRA documents, the application and project documentation, and such other information as is deemed necessary in its determination; and

WHEREAS, on December 30, 2008 the NYS Department of State provided the Long Dock Beacon project sponsors with a concurrence of Consistency Certification with the New York Coastal Management Program; and

WHEREAS, the City Council has received a Waterfront Consistency Review Report from the City Planning Consultant dated May 15, 2009; and

WHEREAS, on _____ 2009 the City of Beacon Planning Board made an LWRP consistency determination regarding the subject project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby determines that the site uses and design of the Proposed Action are fully consistent with the policies and recommendations of the City's LWRP as more specifically detailed in the above referenced May 15, 2009 Waterfront Consistency Review Report, and in the related SEQR Findings Statement pertaining to the Proposed Action adopted by the City Council, as a SEQR Involved Agency, on _____, 2009; and

BE IT FURTHER RESOLVED, that in particular, the Proposed Action is consistent with the City's LWRP coastal policies for the following reasons:

- The Proposed Action will provide significant revitalization of the existing disturbed site conditions of this underutilized post industrial waterfront property.
- The existing predominantly vacant and neglected site will be substantially improved to better serve and enhance the surrounding waterfront area and the City.
- The planned site uses and public access amenities are consistent and compatible with adjacent and surrounding land uses, including recreational parklands, waterfront activities, limited residential uses in the area, and other existing and planned tourist/destination facilities such as Dia:Beacon, the Rivers and Estuaries Center and Denning's Point State Park.