

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, APRIL 24, 2012

Committee of the Whole 7:30 P.M.
Stated Meeting 8:00 P.M.
City Council Chambers

TIME: 805PM

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT:

 2 MAJORITY LEADER WILSON A. TERRERO
 6 MINORITY LEADER JOHN J. LARKIN

COUNCIL MEMBERS:
DISTRICT:

 1 CHRISTOPHER A. JOHNSON
 3 MICHAEL R. SABATINO
 4 DENNIS E. SHEPHERD
 5 MICHAEL B. BREEN

Recitation of the Pledge of Allegiance to the Flag followed by a minute of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on April 10, 2012 approved on motion of Majority Leader Wilson Terrero.

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OLD BUSINESS

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COMMUNICATIONS FROM CITY OFFICIALS

FROM MAYOR MIKE SPANO RECEIVED APRIL 16, 2012. RE: 2012-13
PROPOSED CAPITAL AND OPERATING BUDGETS.

FILED

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COMMUNICATIONS - GENERALLY

NONE

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COMMITTEE OF THE WHOLE

NO SPEAKERS

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OLD BUSINESS

RESOLUTION

1. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

WHEREAS, Teutonia Hall was originally built in built in 1891 and played a significant role as a "singing and literary society" in Yonkers; and

WHEREAS, the proposed Buena Vista Avenue Teutonia Development includes a mixed use development of 412 new dwelling units, mechanical parking garage and rooftop hydroponic garden adjoining the existing 40-unit trolley barn development. The Trolley Barn building, previously converted to loft residential-live-work units, is a National Register of Historic Places site; and.

WHEREAS, additionally the project includes the rehabilitation of three frame dwellings on the east side of Buena Vista Avenue into multi-family structures. These dwellings are proposed for historic preservation quality rehabilitation; and

WHEREAS, other factors in the project include the brown field clean- up of the site; and

WHEREAS, Teutonia Buena Vista LLC ("TBV LLC") is the sponsor of a project to construct a transit-oriented residential development located at 92 Main Street, 41-65 and 66-72 Buena Vista Avenue in Yonkers, New York; and.

WHEREAS, the City of Yonkers Planning Board, as lead agency, completed a coordinated environmental review of the project and issued a Findings Statement on March 15, 2012 and;

WHEREAS, as part of its environmental review, the Planning Board considered the potential impact of the project on a building known as Teutonia Hall which is presently located at 49-51 Buena Vista Avenue and within a NYSDEC designated Brownfield site that the project will remediate; and

WHEREAS, The Planning Board Findings identify Teutonia Hall as a "National Register Eligible" building but determined preservation of the building at its present location is not economically feasible; and

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RESOLUTION (CONTINUED)

WHEREAS, pursuant to the Findings, TBV LLC is required to dismantle and store the Teutonia Hall front (easterly) façade under the direction of a qualified building historian prior to site remediation, and reconstruct it as an integral part of the two-story façade of the nearby street front, thereby permanently incorporating the most visible element of the historic building into the project; and

WHEREAS, once the Teutonia Hall existing structure has been recorded pursuant to the Planning Board Findings and the façade dismantled and stored, the remaining components of the building will be demolished and removed so that remediation of the site can be completed.

WHEREAS, on March 7, 2012 the Yonkers Landmark Preservation Board unanimously issued a recommendation to the City Council that Teutonia Hall be designated as a local landmark; and

WHEREAS, on March 15, 2012, the Planning Board issued a recommendation to the City Council, not to landmark the building because its Findings Statement incorporates and subjects TBV LLC to the conditions requiring the recording of the existing structure and the preservation and relocation of the façade; and

THEREFORE BE IT RESOLVED, The City Council will not designate Teutonia Hall as a local landmark but reserves the right to reconsider the designation of Teutonia Hall as a local landmark if, after two years of the issuance of a demolition permit, TBV LLC has not documented the existing Teutonia Hall structure, dismantled and stored the façade, and demolished the remaining structure in accordance with the conditions of the Planning Board Findings; and

FURTHER RESOLVED, that within XXX years, TBV LLC places the reconstructed façade on a building comparable in size and massing as the current Teutonia Hall and;

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RESOLUTION (CONTINUED)

FINALLY RESOLVED, that if TBV LLC conveys its interest in the project and/or the Teutonia Hall property prior to the issuance of a certificate of occupancy for the project, the terms of any said conveyance will require that TBV LLC's successor in interest is bound by the conditions set forth in the Planning Board Findings Statement as to Teutonia Hall and the attached Stipulation.

THE ABOVE LEGISLATION WAS RETURNED TO SMART GROWTH, ENVIRONMENTAL AND HISTORIC PRESERVATION COMMITTEE.

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NEW BUSINESS

SPECIAL ORDINANCE

2. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

AN ORDINANCE AUTHORIZING AND PERMITTING THE PROPERTY OF 5 COURTSIDE TERRACE (BLOCK 4605, LOT 113) TO MAKE A LONG HOUSE CONNECTION TO THE CITY'S SANITARY SYSTEM IN ROSEDALE ROAD (NO EXPENSE TO THE CITY OF YONKERS)

The City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby granted to the property owner of 5 COURTSIDE TERRACE, Block 4605 Lot 113 to make a long house sanitary sewer connection from said lot to a city sanitary sewer in Central Park Ave. at his own cost and expense and in accordance with the plan submitted by ANTHONY OLIVERI P.E #072638 dated MARCH 9, 2012 filed in the Plumbing Division, subject to the conditions of a Plumbing Permit to be secured from the Plumbing Division and a street opening permit to be secured from the City Engineer.

Section 2. This permission is granted under the following terms and conditions, to wit:

The granting of this permission shall, in no way, free or release the said owner, or his successors, from the payment of any assessments or benefits accruing to said lot by reason of the construction of any sanitary sewer already built, or that hereafter shall be built, to serve the area within which the lot herein referred to is located.

The cost of construction, maintenance and repairs of said long house connection shall be the responsibility of the owner of the building served by the long house connection.

Section 3. This ordinance shall take effect immediately.

THE ABOVE LEGISLATION WAS PUT OVER BY THE COUNCIL.

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RESOLUTION NO.56-2012

3. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

WHEREAS, the City of Yonkers' Code C1A-26 Section C empowers the Ethics Board with many duties including the responsibility to provide training and education to City officers and employees, including dissemination of the Ethics Code and any related explanatory material prepared by or on behalf of the Ethics Board to maximize knowledge and awareness of the Ethics Code by all City officers and employees, including but not limited to annual training for all City officers and employees; and

WHEREAS, the City of Yonkers' Code C1A-26 Section D assigns the office of the Corporation Counsel to function as staff to the Ethics Board and shall assist the Ethics Board in among other things providing training to City officers and employees regarding compliance with the Ethics Code and Article 18 of the General Municipal Law; and

WHEREAS, it is the obligation of every City of Yonkers officer and employee to pursue a course of conduct that will not engender public concern as to whether the individual is engaged in acts that may violate his or her public trust and be incompatible with the public trust; and

WHEREAS, the office of the Yonkers City Council President, the offices of the Members of the Yonkers City Council and the office of the Yonkers City Clerk, by virtue of their positions, are guardians of the public trust and have sworn to uphold the Constitutions of the United States and the State of New York along with the Yonkers City Charter and are bound by the laws rules and regulations pertaining to the conduct of public officers in the State of New York; and

WHEREAS, it is the obligation of the Yonkers City Council to provide its officers and employees clear guidance on these laws, rules and regulations; now therefore be it.

RESOLVED, that the Yonkers City Council hereby issues the following directive reaffirming the Code's mandate for training and expanding the training curriculum to include the Public Officer's Law and applicable New York State lobbying laws; and requiring comprehensive ethics and lobbying training:

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RESOLUTION NO.56-2012 (CONTINUED)

A. Definitions

1. "Officer or Employee" shall mean the City Council President and the members of his staff, the Members of the Yonkers City Council and their respective staff members, the City Clerk and Deputy City Clerk.

2. "Approved Training Program" shall mean a training program approved and/or recommended by the City of Yonkers Corporation Counsel in consultation with the New York State Joint Commission on Public Ethics, for the purpose of providing comprehensive education and training in the applicable laws, rules and regulations pertaining to ethical standards consistent with the City of Yonkers Code of Ethics.

B. Mandatory Training in Ethics

1. Every Officer or Employee shall participate in an approved training program within one hundred and eighty (180) days of the enactment of this Resolution.

2. New Covered Employees shall participate in such approved training program within sixty (60) days of commencing their employment with the City Council or City Clerk.

3. Every Covered Employee shall participate in an approved training program on an annual basis following his or her initial training session pursuant to this Resolution.

4. Covered Employees shall submit a signed statement certifying their participation in each approved training program pursuant to this Resolution, which statement shall be placed in the covered employee's personnel file.

5. The Commissioner of the Department of Human Resources for the City of Yonkers shall: (a) be responsible for notifying covered employees of their duty to comply with this Resolution; (b) develop and distribute a certification statement as outlined in paragraph 4 herein; (c) maintain a comprehensive report of such compliance or non-compliance, as the case may be; and (d) transmit such report to the City Council President and the Corporation Counsel of the City of Yonkers on an annual basis.

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RESOLUTION NO.56-2012 (CONTINUED)

6. The office of the Corporation Counsel for the City of Yonkers in conjunction with the City of Yonkers Ethics Board, pursuant to their responsibilities under the Code of Ethics, shall be responsible for implementing and providing the approved training program pursuant to this Resolution and any subsequent updates as from time to time may be required.

C. Penalties

Any violation of this Resolution may result in an appropriate sanction in accordance with the applicable disciplinary process.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 24, 2012 BY VOTE OF 7-0.

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RESOLUTION NO.57-2012

4. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

WHEREAS, Tibbetts Brook Park is one of the first parks developed by Westchester County; and,

WHEREAS, Tibbetts Brook Park is a 161 acre park offers many recreational activities throughout the year and hosts ethnic celebrations, fairs and festivals during the summer months; and,

WHEREAS, the Park's former 81-year-old pool has been replaced with an exciting new aquatic complex including a spray playground for kids of all ages, in-pool basketball and volleyball for some cool competition, lap lanes for getting in a daily swim workout, and of course, the signature "lazy river" that inspired the re-naming of this fabulous destination as "The Brook."

WHEREAS, Tibbetts Brook Park has become a focal point for the residents of the City of Yonkers for regular use of the aquatic recreation as well as the use of the athletic fields for sports such as soccer, softball and baseball; and

WHEREAS, Westchester County charges parking fees only at the following facilities: Glen Island*, Blue Mountain Reservation, Croton Point Park, George's Island Park, Tibbetts Brook Park and Ward Pound Ridge Reservation; and,

THEREFORE, BE IT RESOLVED, the City of Yonkers recognizes that the high use of Tibbetts Brook Park requires additional stress on city's municipal services as well as increased traffic in the surrounding neighborhood; and,

RESOLVED, the City of Yonkers is aware that other Westchester County park facilities located in White Plains and Mount Vernon do not require a fee to park; and

ALSO RESOLVED, the City of Yonkers calls upon Westchester County to cease charging a fee for County residents to park in Tibbetts Brook Park; and

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RESOLUTION NO.57-2012 (CONTINUED)

FINALLY RESOLVED, that the City Clerk should deliver this resolution to Westchester County Executive and the Board of Legislators.

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RESOLUTION NO.58-2012

5. BY COUNCILMEMBER SABATINO, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SHEPHERD AND BREEN:

WHEREAS, the North Yonkers Knights Football and Cheer Program will be holding registration which will run from May 22 to July 19, 2012, and has requested permission from the City Council to place banners throughout the City promoting the event, and

WHEREAS, the North Yonkers Knights Football and Cheer Program has asked that they be permitted to place two (2) banners at the following locations: (1) on the intersection of Lake Ave and Park Avenue; (2) the intersection of Ashburton and Yonkers Avenue;, on or around May 7, 2012 and to be removed as soon after July 19, 2012 as is possible.

WHEREAS, said locations are subject to the scheduling and availability of the banner sites as administered by the Department of Public Works.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Yonkers hereby grants permission to the North Yonkers Knights Football and Cheer Program to place two banners in the aforementioned locations, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 8:15PM