

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, APRIL 10, 2012

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

TIME: 8:00PM

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 March 27, 2012 approved on motion of Majority Leader Wilson Terrero.

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COMMUNICATIONS FROM CITY OFFICIALS

NONE

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COMMUNICATIONS - GENERALLY

NONE

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COMMITTEE OF THE WHOLE

<u>NAME</u>	<u>ADDRESS</u>	<u>ITEM NO.</u>
1. THERESA RUSSEL	CSEA	2
2. JOSEPH RICKNE	YPA	2
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RESOLUTION NO.50-2012

1. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, COUNCILMEMBERS JOHNSON AND SABATINO;

WHEREAS, it is imperative that the incumbent Mayor of the City of Yonkers along with the Yonkers City Council and the Board of Education have the ability to control the board of trustees for the Yonkers Education Construction Fund; and

WHEREAS, under the current law, a former Mayor and his Board appointees retain voting rights on the Yonkers Education Construction Fund thus depriving the new administration an ability to make necessary decisions related to the timely construction and rehabilitation of school buildings in combination with other compatible and lawful uses; which combination would provide advisable and economic utilization of available land; and

WHEREAS, the proposed legislation would also authorize appointments to the board of trustees of the Education Construction Fund by the Yonkers City Council; and

WHEREAS, in an effort to affect a logical transition, the legislation will authorize the reestablishment of the board of trustees of the Yonkers Education Construction Fund as of April 1, 2012.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby declares that the enactment of S 6775-A and A 9445-A are in the best interests of the City of Yonkers to reestablish the Board of Trustees of the Yonkers Education Construction Fund; and

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to the Legislature of the State of New York requesting the passage of the aforesaid bills.

MOTION BY MINORITY LEADER LARKIN, SECONDED BY COUNCILMEMBER BREEN TO POSTPONE VOTE ON ABOVE RESOLUTION AND PUT IN COMMITTEE. THIS MOTION WAS DEFEATED BY A ROLL CALL VOTE OF 4-3. MINORITY LEADER LARKIN AND COUNCILMEMBERS SHEPHERD AND BREEN VOTING "YEA".

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RESOLUTION NO.50-2012 (CONTINUED)

MOTION BY MAJORITY LEADER TERRERO, SECONDED BY COUNCILMEMBER JOHNSON TO MOVE THE QUESTION FOR A VOTE. THIS MOTION WAS CARRIED BY A ROLL CALL VOTE OF 4-3. MINORITY LEADER LARKIN AND COUNCILMEMBERS SHEPHERD AND BREEN VOTING "NAY".

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 10, 2012 BY A ROLL CALL VOTE OF 4-3. MINORITY LEADER LARKIN, COUNCILMEMBERS SHEPHERD AND BREEN VOTING "NAY".

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RESOLUTION NO.51-2012

2. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, COUNCILMEMBERS JOHNSON AND SABATINO;

WHEREAS, the City of Yonkers Parking Authority was established in 1964 pursuant to the New York State Public Authorities Law; and

WHEREAS, the mission of the Yonkers Parking Authority is to operate and maintain municipal parking facilities and on street parking meters in the City of Yonkers; and

WHEREAS, since its inception, the Yonkers Parking Authority board has consisted of a Chairman and four members; and

WHEREAS, in an effort to increase public participation on this board, the instant legislation seeks authorization to increase the board membership from four members to eight members exclusive of the chair of said board; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby declares that the enactment of S 6555-A and A 9414-A are in the best interests of the City of Yonkers to increase the membership of the Yonkers Parking Authority from four members to eight members; and

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to the Legislature of the State of New York requesting the passage of the aforesaid bills.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 10, 2012 BY A ROLL CALL VOTE OF 4-3. MINORITY LEADER LARKIN, COUNCILMEMBERS SHEPHERD AND BREEN VOTING "NAY".

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3. 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;

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 PUT OVER BY THE CITY COUNCIL.

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RESOLUTION NO.52-2012

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

WHEREAS, the Yonkers City Council established the Human Rights Commission pursuant to Resolution #622 of 1963, and amended under Resolution #713 of 1966, #116 of 1969, and #131 of 1982; and

WHEREAS, the mission of the Commission is to foster mutual respect and understanding among all racial, religious, and ethnic groups in the community, and to recognize all forms of discrimination based on sex or age; and

WHEREAS, the Commission may undertake such studies in any field of Human Relations within the community as in the judgment of the Commission, which will aid in effectuating improved relationships among all diversified groups; and

WHEREAS, the Commission may inquire into incidents of tension and conflict among or between various racial, religious, and nationality groups, and to take such actions as may be designed to alleviate such tensions and conflict; and

WHEREAS, the Commission may conduct and recommend such educational programs as, in the judgment of the commission will increase goodwill among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants; and

WHEREAS, traditionally, the Commission has organized under the following committees: Screening Committee, Housing Committee; Employment Committee; Education Committee, Legislative Committee and the Events Committee; and

WHEREAS, the members of the Commission are selected by the City council for a term of three consecutive years, except for the first appointments to the Board, of whom four members shall serve for three years, four members shall serve for two years, and three members shall serve for one year. Members shall serve without compensation. All members shall continue to hold office until their successors have been appointed and qualified; and

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RESOLUTION NO.52-2012 (CONTINUED)

BE IT HEREBY RESOLVED that the City Council of Yonkers hereby appoints the following residents of Yonkers to serve on the Human Rights Commission:

BRUNILDA FERNANDEZ, GENE PELFREY, MATTHEW OREFICE, LINDA BOHAN, ANGELA RAMSEY, THERESA BOWMAN SMITH, PAUL MEISSNER, KHADIJEH KHORSANDI, BYRON COLEMAN, CONSTANCE WALKER-FOWLER, DOMINIC A. MORELLI, BARBARA KARSTEN and MANUEL D. FERNANDES, Jr.

FURTHER RESOLVED that Ms. FERNANDEZ, Mr. PELFREY, Mr. OREFICE, Ms. BOHAN and Ms. RAMSEY shall be appointed for a three year term starting April 10, 2012 and ending on April 10, 2015; and

RESOLVED that Ms. SMITH, Mr. MEISSNER, Ms. KHORSANDI and Mr. COLEMAN shall be appointed for a two year term starting April 10, 2012 and ending on April 10, 2014; and

RESOLVED that Ms. WALKER-FOWLER, Mr. MORELLI, Ms. KARSTEN and Mr. FERNANDEZ, Jr. shall be appointed for a one year term starting April 10, 2012 and ending on April 10, 2013; and

ALSO RESOLVED that Manuel Fernandez is hereby designated as Chair and Angela Ramsey as Vice Chair of the Commission; and

FINALLY RESOLVED, that the City Clerk is directed to forward a copy of this legislation to Mayor Michael Spano.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 10, 2012 BY VOTE OF 7-0.

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RESOLUTION NO.53-2012

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

WHEREAS, the Colt's Youth Club Football of Yonkers will be holding it's annual "Football Registration" from Thursday, April12, 2012, until Saturday June 30, 2012 and has requested permission from the City Council to place one banner in the area promoting this event, and

WHEREAS, the Colt's Youth Club Football of Yonkers has asked that they be permitted to place one (1) banner at the location of Odell and Nepperhan Avenue's or where ever convenient in that same area, in early April 2012 and to be removed as soon after June 30th, 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 Colt's Youth Club Football of Yonkers to place one banner in the aforementioned location, 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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RESOLUTION NO.54-2012

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

WHEREAS, Our Lady of Fatima School, located at 963 Scarsdale Road in Yonkers will hold its annual Penny Social on Friday, May 4, 2012, and has requested permission from the City Council to place one banner in the area promoting this event, and

WHEREAS, Our Lady of Fatima School has asked that they be permitted to place one (1) banner at the location of Central Park Ave. & Sadore Lane, on the pedestrian over-pass, or where ever convenient in that same area on Central Park Ave., in early April 2012 and to be removed as soon after May 4, 2012 as is possible; and

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 Our Lady of Fatima School to place one banner in the aforementioned location, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 10, 2012 BY VOTE OF 7-0.

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RESOLUTION NO.55-2012

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

WHEREAS, St. John's Episcopal Church, located at 100 Underhill Street in Yonkers, will hold its "Spring Plant Sale" from Friday, May 4th to Sunday May 6th, 2012, and has requested permission from the City Council to place a banner in the area promoting this event, and

WHEREAS, St. John's Episcopal Church has asked that they be permitted to place one banner at the following location: (1) Central Park Ave. /Sadore Lane Bridge (northbound) around April 13th and to be removed as soon after May 7th 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 St. John's Episcopal Church to place one banner in the aforementioned location, 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 9:10PM.