

**PENDING BOARD APPROVAL**

**BRONX COMMUNITY BOARD NO. 8**

**MINUTES OF THE REGULAR BOARD MEETING HELD OCTOBER 13, 2016  
AT RIVERDALE YM/YWHA, 5625 ARLINGTON AVENUE  
BRONX, NY 10471**

- PRESENT:** S. Alexander, E. Bell, A. P. Creaney, L. Croft, L. Daub, P. Ellis, D. Escano, R. Fanuzzi, P. Friedman, S. Froot, D. Gellman, R. Ginty, M. Goodman, S. Gozland, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter Lowe, T. Moran, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, J. M. Reyes, A. J. Robateau, D. Santiago, G. Santiago, J. Santiago, S. Sarao, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young
- ABSENT:** B. Bender, M. Donato, N. Friedman, D. Fuchs, A. Guzman, M. Marquez, D. McCord, C. G. Moerdler, D. Santiago
- STAFF:** P. Manning – District Manager  
M. Yawger – Intern
- GUESTS:** J. Dinowitz – Assemblyman, A. Cohen – Councilman, D. Johnson, Staff, Councilman Andrew Cohen, A. Castano – Staff, Assemblyman Jeffrey Dinowitz, D. Ojeda-Tiru – rep. Congressman Eliot Engel, A. Toledo – rep. Bronx Borough President Ruben Diaz, Jr., C. Lang – rep. State Senator Jeffrey Klein, T. Miller – rep. State Senator Gustavo Rivera, M. Lett, M. Salazar, T. Kelly, K. Vasquez, S. Hassan, L. Leper, J. Rivera, R. Press, C. Flores, E. Thompson, N. R. Jaffe, D. Travis, T. Tureski-Spuyten Duyvil Library, D.I. O'Toole - NYPD, 50<sup>th</sup> Police Precinct, P.O. Ventura - NYPD, 50<sup>th</sup> Police Precinct, M. Munkley, W. O'Brien. M. Jazendalara, G Jensen, M. Ketcnan

Budget Chair Yagamata convened the Public Hearing on the Capital and Expense Budget Priorities Requests for Fiscal Year 2018 at 7:05 PM.

Chair Padernacht asked for speakers.

1. Robert Press commented about not being given the opportunity to review the budget before the hearing so he could offer suggestions.
2. Elizabeth Thompson, KHNIA, expressed hope that the Board would continue support for new construction of a restroom at Fort Four Park that has been a budget request for many years.

The Budget Chair presented the draft prioritized budget requests which consisted of 24 Capital budget requests and 25 Expense budget requests. The floor was open for discussion. The order of the priorities was reviewed. Recommendations were made for switching and moving some of the priorities to higher numbers. The revisions were accepted.

Chair Padernacht called for a vote on the Capital Budget.

**Vote: 35 In Favor, 1 Opposed, and 0 Abstentions**

**In Favor -**

S. Alexander, E. Bell, A. P. Creaney, L. Croft, L. Daub, P. Ellis, D. Escano, R. Fanuzzi, P. Friedman, S. Froot, D. Gellman, R. Ginty, M. Goodman, S. Gozland, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter Lowe, T. Moran, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, J. M. Reyes, A. J. Robateau, D. Santiago, G. Santiago, J. Santiago, S. Sarao, L. Spalter, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

**Opposed –**

I. W. Stone

Chair Padernacht called for a vote on the Expense Budget.

**Vote: 35 In Favor, 1 Opposed, and 0 Abstentions**

**In Favor -**

S. Alexander, E. Bell, A. P. Creaney, L. Croft, L. Daub, P. Ellis, D. Escano, R. Fanuzzi, P. Friedman, S. Froot, D. Gellman, R. Ginty, M. Goodman, S. Gozland, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter Lowe, T. Moran, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, J. M. Reyes, A. J. Robateau, D. Santiago, G. Santiago, J. Santiago, S. Sarao, L. Spalter, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

**Opposed**

I.W. Stone

Not hearing from any additional speakers, the hearing was closed.

Chairman Padernacht convened the Board Meeting.

1. Gallery Session

- A. Robert Press asked a question pertaining to the Board's bylaws concerning entries related to the Treasurer's position. The Chair directed the question to the Board Parliamentarian, M. Wolpoff. The Parliamentarian stated that no response would be given at this time as a Bylaw amendment regarding the Treasurer's role would be presented at this meeting. I
- B. Irving Ladimer discussed the importance of developing techniques to get the word out to the community about the activities of the Community Board.

- 2. Chairman Padernacht welcomed Assemblyman Jeffrey Dinowitz; Councilman Andrew Cohen; DI Terence O'Toole, 50<sup>th</sup> Precinct; Andy Toledo, representing Bronx Borough President Ruben Diaz, Jr.; Doris Ojeda-Tiru, representing Congressman Eliot Engel; Andrea Castano, Office of Councilman Cohen; Cristina Lang, representing State Senator Jeff Klein; and Terence Miller, representing State Senator Gustavo Rivera;

Chairman invited DI O'Toole to address the Board.

DI O'Toole presented the year to date stats:

<u>Crime</u>	<u>This Year</u>	<u>Last Year</u>
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Murders	8	16
Rapes	8	16
Robberies	114	119
Felony Assaults	120	86
Burglaries	92	89
Grand Larceny	344	362
Grand Larceny Auto	70	81

He gave an update on the house explosion at 300 West 234<sup>th</sup> Street where FDNY Battalion Chief Michael Fahy had lost his life. Five Police Officers from the 50<sup>th</sup> Precinct were injured. He informed that the house had been under surveillance, and that the call to 911 was made by a citizen walking by who smelled the odor of gas.

School Safety Guards will join forces with School Crossing Guards to make up the shortage of school crossing guards.

Three arrests were made in connection to the recent death of a patron at Parrilla Latina, 5523 Broadway, Bronx. Chair Padernacht stated that the Public Safety committee will be discussing the issue at its upcoming meeting.

The 50<sup>th</sup> Precinct will hold its annual blood drive on November 11<sup>th</sup>, from 9AM to 3PM. All were urged to donate.

### 3. Report from the Office of the Bronx Borough President – A. Toledo

Look for announcements on upcoming courses on Parliamentary Rules and Procedures and the ULURP Process and Zoning.

The annual Tour de Bronx will be held on October 23, 2016.

### 4. Chair's Report

- The election for the Treasurer's position will be held at the November 9<sup>th</sup> Board meeting. The Chair asked that interested parties notify the Board Office before the next Executive Committee meeting on November 2<sup>nd</sup> in order to notify the Board of candidates. The names of candidates will be sent out following the Executive meeting.

### 5. District Manager's Report

- Refer to Executive Committee Minutes.
- Street Naming ceremony for former District Manager Grace Belkin will be held on October 15<sup>th</sup>, at 11:00 AM at West 246<sup>th</sup> Street and Henry Hudson Parkway West.

### 6. Recommendation of Law, Rules and Ethics Committee to Amend Bylaw

M. Wolpoff explained that an amendment to the Board's Bylaws regarding the Treasurer's duties was necessary to bring the responsibilities in line with new financial operational procedures set upon the Board. He presented the following resolution:

The Treasurer is the Chief Financial Officer of the Board. The Treasurer shall monitor board finances, maintain the Board's financial records and oversee budget modifications and expenditures. The Treasurer shall submit a written report to the Board each month and shall approve all payments of the Board, pursuant to methodologies prescribed by the City of New York. If the Treasurer is incapacitated another individual selected by the Chair may approve the payments of the Board. In the absence of the treasurer, the Chairperson may designate any other officer of the Board to act as treasurer on a temporary basis. In addition, the treasurer shall have such powers and perform such duties as shall be assigned to the treasurer by the Chairperson of the Board.

Discussion ensued:

-P. Friedman stated that the Treasurer cannot be the Chief Financial Officer, that certain duties cannot be performed by non-City employees. He also stated that the Treasurer cannot unilaterally allocate funds or modifications to the Budget, but that they must be done by the Treasurer at the request of the Chairperson. He proposed that the Committee take up discussion again on the amendment at the next meeting.

-I. Ladimer recommended that there be no Bylaw change, rather the Treasurer's role can be added to the Ethical Guidance Manual.

-B. Fanuzzi suggested checking with the Borough President's Office as to whether or not the phrase "Chief Financial Officer" was proper for the amendment.

-M. Wolpoff will check with the Borough President's Office for clarification on the issue of non-City employee having the role of Chief Financial Officer.

The question was called. The amendment carried and it will be re-voted at the next consecutive Board Meeting on November 9<sup>th</sup>.

**Vote: 31 In Favor, 3 Opposed, and 2 Abstentions**

**In Favor –**

S. Alexander, E. Bell, A. P. Creaney, L. Croft, L. Daub, P. Ellis, D. Escano, S. Froot, D. Gellman, R. Ginty, M. Goodman, S. Gozland, M. Heller, D. Kornbluh, R. Pochter Lowe, T. Moran, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, , A. J. Robateau, D. Santiago, G. Santiago, J. Santiago, S. Sarao, L. Spalter, I. W. Stone, M. Wolpoff, M. Yamagata, H. Young

**Opposed –**

P. Friedman, I. Ladimer, J. Reyes

**Abstentions –**

R. Fanuzzi, S. Villaverde

7. Committee Reports

A. Parks and Recreation – R. Fanuzzi, Vice Chair

1. Thanked the Elected Officials for contributing to the funding for new bathroom construction at Fort Four Park, as well as neighborhood groups and individuals for their support.
2. PEP has been giving special attention to patrolling Van Cortlandt Park. Recently 42 summonses were given over one weekend on a Sunday.
3. Daffodil planting event being held in Ewen Park on October 14<sup>th</sup> at 1:00PM.
4. R. Fanuzzi presented the following resolution:

Whereas Councilman Andrew Cohen has introduced into the City Council a bill, 0834-2015, that would: prohibit the use of all-terrain vehicles (ATVs) in New York City. Those found to be illegally operating an ATV shall be liable for a civil penalty of \$500 for a first offense and a civil penalty of \$1,000 for subsequent offenses. ATVs used illegally shall be subject to forfeiture; and

Whereas illegally operated ATV's have been a persistent problem in Van Cortlandt park, where they damage trails, plants, wildlife, and endanger other park users; and

Whereas in 2014 the operator of an ATV fled the park after being spotted by police officers and was subsequently struck and killed on Broadway near W. 259th Street; and

Whereas the NYPD has repeatedly called ATVs, which cannot legally be operated anywhere in New York City, a danger to the public; and

Whereas the proposed legislation will make it less likely that operators of ATV's will use their vehicles in Van Cortlandt Park and elsewhere in New York City; therefore

Be It Resolved that the Parks & Recreation Committee of Bronx Community Board 8 supports the proposed legislation and urges members of the City Council to pass the legislation the following resolution was presented:

**Vote: 36 In Favor, 0 Opposed, and 0 Abstentions**

**In Favor -**

S. Alexander, E. Bell, A. P. Creaney, L. Croft, L. Daub, P. Ellis, D. Escano,

R. Fanuzzi, P. Friedman, S. Froot, D. Gellman, R. Ginty, M. Goodman, S. Gozland, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter Lowe, T. Moran, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, J. M. Reyes, A. J. Robateau, D. Santiago, G. Santiago, J. Santiago, S. Sarao, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

B. Public Safety – J. O'Brien

1. J. O'Brien presented the following resolution:

Whereas, Mr. Vigg's at 5676 Mosholu Ave., appeared before the Public Safety Committee on September 15, 2016 for a full liquor license renewal; and whereas no adverse information was presented; and whereas the Public Safety Committee unanimously approved the application; Be it resolved that Community Board 8 approves the application.

**Vote: 36 In Favor, 0 Opposed, and 0 Abstentions**

**In Favor -**

S. Alexander, E. Bell, A. P. Creaney, L. Croft, L. Daub, P. Ellis, D. Escano, R. Fanuzzi, P. Friedman, S. Froot, D. Gellman, R. Ginty, M. Goodman, S. Gozland, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter Lowe, T. Moran, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, J. M. Reyes, A. J. Robateau, D. Santiago, G. Santiago, J. Santiago, S. Sarao, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

2. The next Committee meeting will be held on October 20<sup>th</sup>, at the 50<sup>th</sup> Precinct, at 7:00 PM.

C. Traffic and Transportation – M. Heller

M. Heller presented the following resolutions for SAPO and Playstreet applications:

1. SAPO application for a full street closure for an event entitled "Safety Awareness Day Block Party," October 30, 2016 on West 237<sup>th</sup> Street between Independence Avenue and Henry Hudson Parkway. The Street will be closed from 8:00 AM to 2:00 PM. The event has taken place before.
2. SAPO application for a full street closure for an event entitled "Kinneret Day School Sukkot Carnival Block Party," October 30, 2016 on West 235<sup>th</sup> Street between Douglas Avenue and Independence Avenue. The Street will be closed from 9:00 AM to 5:00 PM. The event has taken place before.
3. Playstreet application for St. Margaret's of Cortona School – Request to close West 260<sup>th</sup> Street between Riverdale Avenue and Delafield Avenue on school days 7:30AM to 8:30 AM and 2:30PM to 3:30PM.

**Votes (1, 2, 3): 36 In Favor, 0 Opposed, and 0 Abstentions**

**In Favor -**

S. Alexander, E. Bell, A. P. Creaney, L. Croft, L. Daub, P. Ellis, D. Escano, R. Fanuzzi, P. Friedman, S. Froot, D. Gellman, R. Ginty, M. Goodman, S. Gozland, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter Lowe, T. Moran, O. Murray, J. O'Brien, D. Padernacht, L. Parker, K. Pesce, J. M. Reyes, A. J. Robateau, D. Santiago, G. Santiago, J. Santiago, S. Sarao, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

The Committee reviewed Playstreet applications for Horace Mann School for permit to close parts of Tibbett Avenue and PS 307. The Department of Transportation has determined that the Horace Mann School application does not meet guidelines for a playstreet. DI O'Toole is reviewing for other alternative. The Playstreet request for PS 307 involves closing Eames Place between Webb and Claflin Avenues from 7:30AM to 3:00PM. M. Heller has been in touch with the Principal to discuss alternatives that would allow egress to the residents.

The Committee will hold its next meeting on October 19<sup>th</sup>, at the Riverdale YM/YWHA at 7:30PM. The agenda will include discussion on installation of sidewalks along West 254<sup>th</sup> Street between Riverdale Avenue to the Metro-North Station.

**D. Aging – L. Daub**

1. Refer to minutes.
2. The next meeting will be held on Thursday, October 20<sup>th</sup>, at the Atria, at 3:30PM.

**E. Economic Development – S. Villaverde**

1. Refer to minutes.
2. Next meeting will be held on November 1<sup>st</sup> at a location on the district's East side.

**F. Education – S. Alexander**

1. Refer to minutes. The meeting was very interesting. The representative from School Construction Authority answered a lot of questions with more responses to be sent in writing. Their door seems to be opening up with regard to communication.
2. No meeting in October. The next meeting will be held on November 22<sup>nd</sup>.

**G. Environment and Sanitation – L. Spalter**

1. Refer to minutes.
2. Next meeting will be held on November 16<sup>th</sup>, at 7:30PM, location to be determined. There will be a presentation from the Department of Environment & Protection on Jerome Park Reservoir and the aqueduct rehabilitation.

Another presentation will be given by John Butler, Friends of Van Cortlandt Park's Ecological Manager, on Tibbett's Brook Water Monitoring program.

H. Health, Hospitals, and Social Services – L. Croft

1. Refer to minutes.
2. The Committee will meet and hold a public hearing on October 31<sup>st</sup> at Atria Riverdale, at 7:30PM.  
Public Hearing: Proposal by Special Citizens Futures Unlimited, Inc. (SCFU) to establish a 24 hour Supervised Individual Residential Alternative (IRA) for four people with Autism Spectrum Disorders. SCFU is looking to develop the IRA at 442 West 259<sup>th</sup> Street.

Following the public hearing the Committee will be given an update on Marble Hill Mental Health Outreach Program.

I. Housing – P. Ellis

1. Planning the agenda for 2016/17 was done at the September meeting. A meeting on Green housing energy initiatives will be held November 28<sup>th</sup>. D. Kornbluh is working on a survey to assess housing needs in CB8.
2. No October meeting.
3. A forum on Heat and Hot Water in NYCHA houses will be held on November 3<sup>rd</sup>. This has been a perennial issue. NYCHA representatives will discuss what will be done differently this year to avoid no heat and hot water during the winter season.

J. Land Use – M. Wolpoff, Vice Chair

1. M. Wolpoff provided background on the resolution regarding the Department of Homeless Services/ Van Cortlandt Motel.  
He advised that Assistant Commissioner Matthew Borden, Department of Homeless Services (DHS) had made promises at the Committee meeting held on July 21, 2016 concerning the homeless men that were moved in at the Van Cortlandt Motel without notice to the Board. He promised that the men would move out and not return and that DHS would discontinue use of the Motel for the homeless. Further he promised to give notice to the Board before placement of any future homeless individuals anywhere in CB8. The Assistant Commissioner lied. Just as the men moved out, families were moved in without any notice to the Board. Therefore, the following resolution was passed at the Land Use Committee meeting on September 29, 2016:

**WHEREAS**, at a public hearing and meeting of the Land Use Committee of Community Board No. 8, Bronx, County, Matthew Borden, Assistant Commissioner of the Department of Homeless Services responded to precise questions posed by elected officials and the Chair of the Committee concerning the use of Van Cortlandt Motel, 6393 Broadway, as a departmental facility by representing that the existing homeless population would move out before the end of September and would not be replaced

nor would the premises be used as a departmental resource facility; and that any future placements anywhere in our community was to receive prior notification;

**WHEREAS**, Assistant Commissioner Matthew Borden represented that this was official DHS policy and that he was authorized to make the foregoing representations as such;

**WHEREAS**, Assistant Commissioner Matthew Borden was advised and did not disagree that the Board and Community were of the opinion the Van Cortlandt Motel is not a fit and habitable place for homeless persons or for any similar transient use and that is a primary ground for community opposition to such use;

**WHEREAS**, the foregoing representations were false and constitute in the opinion of the community and the Land Use Committee material misrepresentations of fact in that within a matter of a short few weeks, DHS has determined to continue to use the facility as a departmental housing resource, notwithstanding its prior contrary representations, and, without prior notice, is inserting a new population in facilities that in our opinion are unfit;

**NOW THEREFORE**, Bronx Community Board No. 8 demands that

1. Commissioner Steven Banks and Assistant Commissioner Matthew Borden be discharged;
2. That the Public Advocate, Comptroller and District Attorney of Bronx County examine into the material misstatements made to a City Agency, Community Board No. 8; and that
3. The Van Cortlandt Motel not be used as a DHS resource and that the Departments of Buildings and Health examine said facilities and determine its compliance with applicable laws and regulations.

Discussion ensued. Arguments were made in defense of the homeless in that “we are our brother’s keeper;” and against placement at the Motel. Chairman Padernacht made it clear that the resolution has to do with violation of public trust by public officials not about the Board’s unwillingness to have placement of homeless in its community.

The question was called.

**Vote: 27 in favor, 7 Opposed, 0 Abstentions**

**In Favor -**

S. Alexander, E. Bell, L. Croft, L. Daub, P. Ellis, R. Fanuzzi, S. Froot, D. Gellman, R. Ginty, M. Goodman, S. Gozland, I. Ladimer, R. Pochter Lowe, O. Murray, J. O’Brien, D. Padernacht, K. Pesce, A. J. Robateau, G. Santiago, S. Sarao, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

**Opposed –**

D. Escano, M. Heller, D. Kornbluh, T. Moran, J. Reyes, D. Santiago, J. Santiago

2. M. Wolpoff presented the following resolution on Horace Mann School’s Expansion:

**RESOLVED**, Bronx Community Board No. 8 approves Department of City Planning Application Nos. M 000617 (A) ZAX Horace Mann School Expansion, generally bounded by Broadway, West 246<sup>th</sup> Street, and Waldo Avenue, for a large scale community facility development (N 000617 ZAX) to update the previously approved plans and related zoning calculations to reflect the proposed new science center, the new aquatics center, the new entry vestibule (to the existing gymnasium), a new maintenance building, the demolition of two structures on the northwest portion of the zoning lot, the reconfiguration of the existing tennis courts and on grade parking areas, and to reflect an enlargement of the boundary of the large scale to include Block 5814, Lot 1102, on a zoning lot (Block 5814, Lots 1401, 1465, 1463, 1462 & 1102) within the referenced existing large scale community facility.

**In Favor –**

S. Alexander, E. Bell, A. P. Creaney, L. Croft, L. Daub, P. Ellis, D. Escano, R. Fanuzzi, S. Froot, D. Gellman, R. Ginty, M. Goodman, S. Gozland, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter Lowe, T. Moran, O. Murray, J. O'Brien, D. Padernacht, K. Pesce, J. M. Reyes, A. J. Robateau, D. Santiago, G. Santiago, J. Santiago, S. Sarao, L. Spalter, I. W. Stone,

S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

3. M. Wolpoff advised that the resolution regarding Bally's Total Fitness Board of Standards and Appeals application for an Extension of term of variance passed by the Land Use Committee would be laid over due to late receipt of information requested which the Land use Chair had no opportunity to review before the meeting.
4. M. Wolpoff presented the following resolution by request of Land Use Chair Charles Moerdler having to do with him filing an Amicus Brief regarding 5278 Post Road:

Based on its unanimous vote to oppose the presented plans for construction at 5278 Post Road, Bronx, NY, Community Board No. 8 Bronx, authorizes Charles Moerdler to file an Amicus brief before the Board of Standards and Appeals in opposition of said project.

**Vote: 34 In Favor, 0 Opposed, and 0 Abstentions**

**In Favor -**

S. Alexander, E. Bell, A. P. Creaney, L. Croft, L. Daub, P. Ellis, D. Escano, R. Fanuzzi, S. Froot, D. Gellman, R. Ginty, M. Goodman, S. Gozland, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter Lowe, T. Moran, O. Murray, J. O'Brien, D. Padernacht, K. Pesce, J. M. Reyes, A. J. Robateau, D. Santiago, G. Santiago, J. Santiago, S. Sarao, L. Spalter, I. W. Stone, S. Villaverde, M. Wolpoff, M. Yamagata, H. Young

K. Libraries and Cultural Affairs – M. Goodman

1. The meeting went very well. Refer to the minutes for report.

L. Youth –

R. Pochter Lowe reported. The next meeting will be held at Wave Hill on October 26<sup>th</sup> at 1:00PM.

M. Law Rules and Ethics – M. Wolpoff

1. The revised Ethical Guidance Manual was sent out.

8. Approval of Board Meeting Minutes of September 14, 2016

The minutes were approved unanimously.

9. Discussion of Executive Committee Meeting Minutes of October 5, 2016

No comments.

Meeting adjourned 10:10 PM.

Respectfully submitted,

Patricia Manning  
District Manager