

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
WEDNESDAY, NOVEMBER 9, 2016



Committee of the Whole 6:30 P.M.
Stated Meeting 7:00 P.M.
City Council Chambers

TIME: _____

PRESENT: PRESIDENT OF THE COUNCIL
 LIAM J. MCLAUGHLIN

DISTRICT:

 6 MAJORITY LEADER JOHN J. LARKIN
 3 MINORITY LEADER MICHAEL R. SABATINO

COUNCIL MEMBERS:
DISTRICT:

 1 CHRISTOPHER A. JOHNSON
 2 CORAZON PINEDA - ISAAC
 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 October 25, 2016 approved on motion of Majority Leader Larkin.

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COMMUNICATIONS FROM CITY OFFICIALS

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COMMUNICATIONS - GENERALLY

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COMMITTEE OF THE WHOLE

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GENERAL ORDINANCE

1. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

AN ORDINANCE AMENDING CHAPTER 75 OF THE CODE OF THE CITY OF YONKERS ENTITLED "POLICE" BY AMENDING SECTION 75-8 AND SECTION 75-12 THEREOF REGARDING FEES.

The City Council of the City of Yonkers, in City Council convened, does hereby ordain and enact as follows:

Section 1. Chapter 75 of the Code of the City of Yonkers entitled "Police" is hereby amended in part by amending Section 74- 8 entitled "Schedule of fees" specifically subdivision (E) thereof, to read as follows;

"§75- 8. Schedule of fees.

E. [For fingerprinting individuals for employment and license and permit applications, a fee of \$25.] For fingerprinting individuals for employment and license and permit applications, a fee of \$50 for up to 2 fingerprint cards for City of Yonkers Residents and a fee of \$75 for up to 2 fingerprint cards for City of Yonkers Non-Residents. Each additional fingerprint card shall be \$25. "

Section 2. Chapter 75 of the Code of the City of Yonkers entitled "Police" is hereby amended in part by amending Section 74- 12 entitled "Issuance of certificate; fee", to read as follows;

"75-12 Issuance of certificate; fee

The Police Department is hereby authorized to issue, in triplicate, to any person making application therefor and entitled a certificate of good conduct for presentation to consuls outside the continental limits of the United States and to the Naturalization Bureau on application for citizenship papers upon payment of a fee in the amount of [\$25.] \$30 for City of Yonkers Residents and \$60 for City of Yonkers Non-Residents. Such fee shall be collected at the time of issuance of the certificate and shall be paid over to the Comptroller of the City of Yonkers not later than the fifth day of the month following the issuance of the certificate and shall be credited to the revenues of the Police Department."

Section 3. This ordinance shall take effect January 1, 2017.

**INTRODUCER'S MEMORANDUM
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

SPONSOR: The Administration

TITLE OF BILL: A General Ordinance amending Chapter 75 of the Code of the City of Yonkers entitled "Police" by amending Section 75-8 and Section 75-12 thereof regarding fees.

PURPOSE: The purpose of the legislation is to increase the fees for fingerprinting for job application and permits and for a certificate of conduct of good conduct.

SUMMARY OF SPECIFIC PROVISIONS: The purpose of the legislation is to increase the fees for fingerprinting for job application and permits and for certificate of conduct.

JUSTIFICATION: The fees for these services have not been amended since their adoption in 1995. Costs for these services have increased significantly and in order to continue providing these services to residents and others, the fees must be increased.

IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS: There will be no effect on any businesses or individuals if this legislation is adopted.

CRIMINAL SANCTION IMPACT: There will be no criminal consequences.

LEGISLATIVE HISTORY: These ordinances have not been amended since their adoption in 1995.

FISCAL IMPLICATIONS: There are no fiscal impacts against the City if this law is enacted.

EFFECTIVE DATE: This law will take effect immediately.

FISCAL IMPACT STATEMENT
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER

SUBJECT: A General Ordinance amending Chapter 75 of the Code of the City of Yonkers entitled "Police" by amending Section 75-8 and Section 75-12 thereof regarding fees.

X NO FISCAL IMPACT PROJECTED

BUDGET IMPACT

(To be completed by operating department and reviewed by Finance Department)

A) General Fund Board of Education Special Revenue fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: _____

Total Current Year Revenue: _____

Source of Funds (Check one): Current Appropriations Additional Appropriations Transfer of Existing Appropriations Fee/Fine/Tax/Other (Explain)

Identify

Accounts: _____

Potential Related Operating Budget Expenses: Annual

Amount: \$ _____

Describe:

Potential Related Revenues: Annual

Amount: \$ _____

Current Year:

Next 5 years:

Anticipated Savings: Annual

Amount: \$ _____

Current Year:

Next 5 years:

C) FISCAL IMPACT: None.

Prepared By: Denise Egiziaco

Title: Chief of Staff

Department: Mayor's Office

Reviewed By: FINANCE DEPARTMENT

Signature: /s/ John Liszewski, Commissioner

Date: //2016

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SPECIAL ORDINANCE

2. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE DECLARING A PORTION OF MCGEORY AVENUE A PUBLIC STREET ON PROPERTY NEAR DEWEY AVENUE PURSUANT TO SECTION 29 OF THE GENERAL CITY LAW.

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

Section 1. A portion of McGeory Avenue, commencing from its intersection with Dewey Avenue for 154 feet to the southern terminus of McGeory Avenue, is hereby declared to be a public street or highway of the City of Yonkers pursuant to Section 29 of the General City Law.

Section 2. The affected City departments, bureaus and agencies shall amend the necessary City records accordingly.

Section 3. This Special Ordinance shall take effect as provided by law.

**INTRODUCER'S MEMORANDUM
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

SPONSOR: The Administration

TITLE OF BILL: A Special Ordinance declaring a portion of McGeory Avenue a public street on property near Dewey Avenue pursuant to Section 29 of the General City Law.

PURPOSE: The purpose of this legislation is to declare a portion of McGeory Avenue a private street near Dewey Avenue pursuant to section 29 of the General City Law.

SUMMARY OF SPECIFIC PROVISIONS: This legislation declares a portion of McGeory Avenue.

JUSTIFICATION: This portion of McGeory Avenue is a paper street and dedication as a public street will allow its maintenance and upkeep by the City and benefit those who use it.

IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS: There will be no effect on any businesses or individuals if this legislation is adopted.

CRIMINAL SANCTION IMPACT: There will be no criminal consequences.

LEGISLATIVE HISTORY: There is no legislative history.

FISCAL IMPLICATIONS: An estimated \$20,000. Cost to the City for the resurfacing of the road every 20 years is anticipated.

EFFECTIVE DATE: This law will take effect immediately.

FISCAL IMPACT STATEMENT
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER

SUBJECT: A Special Ordinance declaring a portion of McGeory Avenue a public street on property near Dewey Avenue pursuant to Section 29 of the General City Law.

X NO FISCAL IMPACT PROJECTED

BUDGET IMPACT

(To be completed by operating department and reviewed by Finance Department)

- A) General Fund Board of Education Special Revenue fund or District
B) EXPENSES AND REVENUES

Total Current Year Cost: _____

Total Current Year Revenue: _____

Source of Funds (Check one): Current Appropriations Additional Appropriations
 Transfer of Existing Appropriations Fee/Fine/Tax/Other (Explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount: \$ _____
Describe:

Potential Related Revenues: Annual Amount: \$ _____
Current Year:

Next 5 years:

Anticipated Savings: Annual Amount: \$ _____
Current Year:

Next 5 years:

C) FISCAL IMPACT: None.

Prepared By: Denise Egiziaco

Title: Chief of Staff

Department: Mayor's Office

Signature: _____

Reviewed By: FINANCE DEPARTMENT

Signature: /s/ John Liszewski, Commissioner

Date: 0/0/2016

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RESOLUTION

3. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

RESOLVED, by the City Council of The City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$7,500.00), of the action entitled JANET SKYDEL, Plaintiff, against the CITY OF YONKERS, Defendant, for personal injury and property damage arising out of an incident wherein it is alleged that on October 27, 2009, plaintiff was involved in an intersection collision due to an obstructed stop sign at the intersection of Wendover Road and Devoe Avenue in the City of Yonkers, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$7,500.00) in favor of said plaintiff and her attorney Laurence J. Sass, Esq.

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RESOLUTION

4. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

RESOLUTION AUTHORIZING ACCEPTANCE OF A GIFT

WHEREAS, Allergan PLC has reached out to the Yonkers' Police Department ("PD") with a proposed gift of REFRESH® Lubricant Eye Drops; and

WHEREAS, Allergan advised the PD that that Refresh America is Allergan's cause-marketing program aimed at providing first responders with dry eye symptom relief; and

WHEREAS, first responders are often exposed to elements such as heat, wind, smoke and dust, which can cause dry eye symptoms such as dryness, burning and Irritation;

WHEREAS, acceptance of this gift requires no expenditure of City funds to make such gift operative.

NOW, THEREFORE, BE IT RESOLVED, that the City of Yonkers hereby accepts Allergan's donation to the Police Department of 1,008 packages of REFRESH® eye drops, valued at \$13,578; and

RESOLVED, that this Resolution shall take effect immediately.

**INTRODUCER'S MEMORANDUM
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

SPONSOR: Police Department

TITLE OF BILL: Resolution Authorizing Acceptance of a gift.

PURPOSE: Accept a gift of eye drops for the PD.

SUMMARY OF SPECIFIC PROVISIONS: Same as above.

JUSTIFICATION: The eye drops will be helpful.

IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS: None.

CRIMINAL SANCTION IMPACT: None.

LEGISLATIVE HISTORY: N/A

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: Immediately.

SUBJECT: Resolution Authorizing Acceptance of a gift.

NO FISCAL IMPACT PROJECTED

BUDGET IMPACT

A) General Fund Board of Education Special Revenue fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: 0.00

Total Current Year Revenue: 0.00

Source of Funds (Check one): Current Appropriations Additional Appropriations Transfer of Existing Appropriations Fee/Fine/Tax/Other (Explain)

Identify Accounts: 10% match to be obtained from Federal HOME funding over the next two fiscal years _____

Potential Related Operating Budget Expenses: Annual
Amount: \$0.00
Describe:

Potential Related Revenues: Annual
Amount: \$0.00
Current Year:
Next 5 years:

Anticipated Savings: Annual
Amount: \$0.00
Current Year:
Next 5 years:

C) FISCAL IMPACT

Potential for additional personnel: 0

Prepared By: Karen Ramos

Department: Police Department

Signature: /s/ Karen Ramos

Reviewed By: FINANCE
DEPARTMENT

Signature: /s/ John Liszewski

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RESOLUTION

5. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

RESOLUTION APPROVING EXECUTION OF A PROJECT AGREEMENT WITH THE STATE OF NEW YORK IN ACCORDANCE WITH THE PROVISIONS OF TITLE 9 OF THE ENVIRONMENTAL PROTECTION ACT OF 1993

WHEREAS, the City of Yonkers (the "City") received grant funding (the "Grant") through the Environmental Protection Fund Municipal Grant Program, implemented by the Environmental Protection Fund ("EPF") Act of 1993 (Title 9 of Article 54 of the Environmental Conservation Law);

WHEREAS, the Grant funded "EPF 540363 Untermeyer Park," which consisted of the following: Restoration of the arcades, amphitheater, stage, sphinxes, lighting and plantings (the "Project"); and

WHEREAS, the Department of Parks, Recreation and Conservation has advised that the Project funded by the Grant have been completed; and

WHEREAS, the Grant require a resolution by your Honorable Board to authorize entering into and executing an amended project agreement to amend the budget to remove the audit and project sign expenses and modify the total expenses to reflect actual totals to close-out said Grant; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his authorized designee, including without limitation, Susan Gerry, Deputy Mayor is hereby authorized to enter into and execute a project agreement with the State of New York in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 for such financial assistance to the City for the Project and further empowered to execute all instruments and take all actions reasonable and necessary to effectuate the purposes hereof; and be it further

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RESOLUTION (CONTINUED)

RESOLVED, that the above constitutes either a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR Part 617, or is not an action under SEQRA, both of which constitute actions determined not to have a significant effect on the environment and therefore do not require further environment review; and be it further

RESOLVED, that this resolution shall take effect immediately.

**INTRODUCER'S MEMORANDUM
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE
CHARTER**

SPONSOR: Department of Parks, Recreation and Conservation

TITLE OF BILL: A Resolution approving execution of a Project Agreement with the State of New York in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993.

PURPOSE: To close out Parks' grant.

SUMMARY OF SPECIFIC PROVISIONS: The resolution authorizes execution of grant close out documentation.

JUSTIFICATION: Required by NYS.

IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS: None

CRIMINAL SANCTION IMPACT: None

LEGISLATIVE HISTORY: N/A

FISCAL IMPLICATIONS: None

EFFECTIVE DATE: Immediately.

SUBJECT: RESOLUTION APPROVING EXECUTION OF A PROJECT AGREEMENT WITH THE STATE OF NEW YORK IN ACCORDANCE WITH THE PROVISIONS OF TITLE 9 OF THE ENVIRONMENTAL PROTECTION ACT OF 1993.

NO FISCAL IMPACT PROJECTED

BUDGET IMPACT

General Fund Board of Education Special Revenue fund or District

EXPENSES AND REVENUES

Total Current Year Cost: 0.00

Total Current Year Revenue: 0.00

Source of Funds (Check one): Current Appropriations Additional Appropriations Transfer of Existing Appropriations Fee/Fine/Tax/Other (Explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount:\$0.00

Describe:

Potential Related Revenues: Annual Amount:\$0.00

Current Year:

Next 5 years:

Anticipated Savings: Annual Amount:\$0.00

Current Year:

Next 5 years:

FISCAL IMPACT

Potential for additional personnel: 0

Prepared By: Steve Sansone

Title: Deputy Parks Commissions
Department: PR&C

Signature: /s/ S.Sansone

Reviewed By: _____
FINANCE DEPARTMENT

Signature: /s/ John Liszewski

Date: _____

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RESOLUTION

6. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

RESOLUTION OF THE COUNCIL OF THE CITY OF YONKERS

WHEREAS, the Coast Guard is contemplating a Yonkers Extension Anchorage Ground that would cover approximately 715 acres for up to 16 vessels with a draft of less than 35 feet for long term usage which commercial tankers would use as rest stops; and

WHEREAS, the proposed rule would extend significantly the Hudson River Anchorage Ground adjacent to the City of Yonkers, Village of Hastings-on-Hudson, Village of Dobbs Ferry, and other locations in order to allow for increased shipping and on-river storage activities; and

WHEREAS, the Mayor and the City Council, pursuant to Resolution 108-2016, have voiced their strong opposition to this proposed rule; and

WHEREAS, Congressman Sean Patrick Maloney has introduced legislation that would prohibit any entity from proposing or enacting additional anchorage sites on the Hudson River; and

WHEREAS, the "Hudson River Protection Act", H.R. 6202, would forbid the establishment of additional anchorage sites for vessels carrying hazardous flammable material within five miles of an existing superfund site, a nuclear power plant, a site on the national register of historical places, or a critical habitat of an endangered species; and

WHEREAS, the City of Yonkers urges the immediate passage of the Hudson River Protection Act; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Yonkers urge the President and the United States Congress to pass and enact into law the Hudson River Protection Act; and

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RESOLUTION (CONTINUED)

AND BE IT FURTHER RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to President Barack Obama; Department of Homeland Security Secretary Jeh Johnson; Senator Chuck Schumer; Senator Kirsten Gillibrand; Congressman Sean Patrick Maloney; Congresswoman Nita Lowey; Congressman Eliot Engel; Admiral Paul F. Zukunft, Commandant of the Coast Guard; Rear Admiral Steven D. Poulin, Commander, First Coast Guard District.

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7. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

A RESOLUTION BY THE CITY COUNCIL OF YONKERS APPOINTING BRENTIN BROWN-BULLOCK, BISHOP NAGI F. H. YOUSEF, RYAN J. CARUCCI, and BRITT SADY TO THE HUMAN RIGHTS COMMISSION

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

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RESOLUTION (CONTINUED)

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

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

BRENTIN BROWN-BULLOCK of 26 BELMONT TERRACE, YONKERS, NY is appointed for a term ending June 2017.

BISHOP NAGI F. H. YOUSEF of 34 CAROLINE AVE. #2L, YONKERS, NY, RYAN J. CARUCCI of 15 MAYFAIR ROAD, YONKERS, NY, and BRITT SADY of 45 SOUTH BROADWAY #5B, YONKERS, NY to each fill terms ending June 2018.

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

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8. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA-ISAAC, SHEPHERD AND BREEN:

BE IT RESOLVED, that the following applicant(s) are hereby appointed and/or reappointed to the office of Commissioner of Deeds for a period of two years to expire on November 30, 2018

Norbert Chrostowski
464 McLean Avenue
Yonkers, New York 10705

Rink Maintenance

RENEWAL

Janet Lee Masone
24 Runyon Avenue
Yonkers, New York 10710

Executive Administration

NEW

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COMMITTEE REPORTS