

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 25, 2008

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

TIME:8:35PM

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT
 2 MAJORITY SANDY ANNABI
 4 MINORITY LEADER LIAM J. McLAUGHLIN

COUNCIL MEMBERS:

DISTRICT:
 1 PATRICIA D. McDOW
 3 JOAN GRONOWSKI
 5 JOHN M. MURTAGH
 6 DEE BARBATO

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

Minutes of the stated meeting held on March 11, 2008 and a special meeting held on March 18, 2008 approved on motion of Majority Leader Sandy Annabi.

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COMMUNICATIONS

1. To the City Council from the Landmarks Preservation Board a letter dated March 7, 2008 regarding the board's unanimous recommendation designating various properties as a local historic district known as the Philipse Manor Historic District.

2. Correspondence dated March 6, 2008 from James J. Campbell, Executive Director of Leake & Watts regarding Individualized Residential Alternatives at 494-498 Hawthorne Avenue.

3. Letter dated March 25, 2008 from MetroPartners, 92 Main Street, Yonkers informing the City Council about a scholarship to disabled graduating high school seniors in the amount of \$1,000 a year for ten years.

FILED

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COMMITTEE OF THE WHOLE

NO SPEAKERS

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GENERAL ORDINANCE NO.1-2008

1. COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

A GENERAL ORDINANCE GENERALLY AMENDING CHAPTER 22 OF THE CODE OF THE CITY OF YONKERS ENTITLED "BILLPOSTING AND DISTRIBUTION" IN REGARD TO IDENTIFICATION BADGES.

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

Section 1. Chapter 22 of the Code of the City of Yonkers, more commonly known as the "Billposting and Distribution" is hereby amended in part, by deleting the current Section 22-6 and amending Section 22-6, thereof, entitled "Identification badge." to read, as follows:

"Section 22-6. Identification [badge].

A licensed billposter and distributor, while actually engaged in billposting or distribution of advertising material in the City of Yonkers, shall carry and furnish upon request, the valid license issue by the Office of Licensing."

Section 2. This Ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 25, 2008 BY A VOTE OF 7-0.

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GENERAL ORDINANCE NO.2-2008

2. COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

A GENERAL ORDINANCE GENERALLY AMENDING CHAPTER 20 OF THE YONKERS CITY CODE ENTITLED "FOOD VENDORS, HAWKING, PEDDLING, TRANSIENT BUSINESSES AND HOME SOLICITATION" IN REGARD TO FEES.

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

Section 1. Chapter 20 of the Code of the City of Yonkers, more commonly known as "Food Vendors, Hawking, Peddling, Transient Businesses, and Home Solicitation" is hereby generally amended in part, by amending Section 20 - 6 thereof entitled, "Fees" to read as follows;

"§ 20 - 6. Fees.

The Director shall issue licenses after payment of the following fees to the Comptroller therefore:

- A. For each annual food vendor's, peddler, hawker's or solicitor's license the sum of \$750."

Section 2. This Ordinance shall take effect immediately.

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GENERAL ORDINANCE NO.3-2008

3. MAJORITY LEADER ANNABI, COUNCIL PRESIDENT LESNICK, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

AN ORDINANCE AMENDING CHAPTER 74 OF THE CODE OF THE CITY OF YONKERS ENTITLED "FIREARMS" BY ADDING A NEW SECTION THERETO REGARDING POSSESSION OF KNIVES, BOX CUTTERS AND DANGEROUS WEAPONS.

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

Section 1. Chapter 74 of the Code of the City of Yonkers entitled "Firearms" is hereby amended in part by deleting the present Section 74-9 entitled "Penalties" and adding new sections thereto regarding "Knives, box cutters and dangerous weapons." to read as follows;

"§74-9. Definitions.

For the purposes of this Article, the terms listed below shall have the following meanings:

"Box cutter" shall mean any device consisting of any sort of a razor, retractable or not, attached or affixed to any sort of handle whether plastic, metal or any other material.

"Chuka stick" means any device designed primarily as a weapon, consisting of two or more lengths of a rigid material joined together by a thong, wire, rope or chain in such a manner as to allow free movement of a portion of the device while held in the hand and capable of being rotated in such a manner as to inflict serious injury upon a person by striking or choking. These devices, are also known as nunchakus and centrifugal force sticks.

"Dangerous knife" means any fixed, non-"butter" or "spread" type cutlery –design, fixed blade knife, metal or plastic, with a blade length exceeding 2 inches or any folding knife with a blade length exceeding 1 inch in length or any device, metal or plastic, which has been designed, modified or adapted by the person(s) in possession of same, as a stabbing, cutting or slicing weapon;

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GENERAL ORDINANCE NO.3-2008 (CONTINUED)

such modifications include but are not limited to modifications to the blade, handle, the use of a blade cover, guard or holster to aid in concealment during pocket or under cover carry or concealment by hanging about the neck, in footwear, in the mouth or in a body cavity.

“Gravity knife” means any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force.

“School premises” shall mean the buildings, grounds or facilities or any portion thereof, owned, occupied by, or under the custody or control of public or private institutions for the primary purpose of providing educational instruction to students at or below the twelfth grade level, and any vehicle owned, operated or leased by such institutions which are used to transport such students or the personnel of such institutions.

“Shuriken” means a disc –like object with sharpened points or edges on the circumference thereof.

“Switchblade knife” means any knife which has a blade which opens automatically by hand pressure applied by a button, spring or other device in the handle of the knife.

§74- 10. Knives, box cutters and dangerous weapons.

A. No person, firm or corporation within the City of Yonkers shall sell to a consumer under the age of 18 years any box cutter.

B. No person, firm or corporation within the City of Yonkers engaged in the sale of box cutters shall store or display box cutters unless such items are contained within a sealed and locked case, or are located behind the service counter, or in any other manner which restricts easy access to box cutters by their customers and/or the general public.

C. It shall be unlawful for any person to possess any sword, machete, ax, hatchet, bayonet, dagger, single, double or straight razor, stun gun or stun device, pepper spray, mace spray or other noxious chemical, switchblade, gravity knife, butterfly knife, ring knife, key knife, buckle knife, card knife, neck or necklace knife, push dagger, finger hole knife, comb or brush knife, pen knife, cigarette lighter knife, lipstick knife, car remote

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GENERAL ORDINANCE NO.3-2008 (CONTINUED)

knife, clip knife, coin knife, kubotan knife, dangerous knife, knife with a blade exceeding 2 inches in length, dirk, box cutter, stiletto, plastic folding knife, plastic dagger or plastic razor, spike, awl, ice pick, chain, cable, wire, metal or plastic knuckles, shuriken, chuka stick, bludgeon, baton, or bludgeoning device, imitation pistol or any other device or instrumentality which is being carried and/ or has been designed, modified, or adapted for use primarily as a weapon, while on school premises; provided further that nothing in this subdivision shall preclude the use of a box cutter, chain, cable or wire on school premises by any person as long as such a person is performing work on such premises during the course of his or her employment or any pre-approved lawful school activity sanctioned by the principal or any pre-approved and lawful activity sanctioned directly by the principal.

D. A violation of the provisions of this section shall be punishable as a Class 1 offense.

§74-11. Severability.

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated."

Section 2. This ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 25, 2008 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.11-2008

4. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

A SPECIAL ORDINANCE AUTHORIZING AN ENCROACHMENT IN THE RIGHT-OF-WAY IN 66 MAIN STREET, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

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

Section 1. Permission is hereby granted to the Yonkers Community Development Agency, a municipal urban renewal agency and a body corporate and politic created by Chapter 884 of the Laws of 1964, as amended, and codified under Section 605, Article 15-B, Title 36 of the General Municipal Law of the State of New York; and a corporate governmental agency, constituting a public benefit corporation under Section 553(2) of Article 15-A of said General Municipal Law, having its principal office at 87 Nepperhan Avenue, Yonkers, New York ("CDA"), as owner of the property designated at Section 1, Block 501, Lots 1, 3, 4, 5, 42, 44, 45, 46 and 47 on the Tax Map of the City of Yonkers, and now known as 66 Main Street (Block 501, Lot 1) to maintain a sidewalk encroachment, together with the Main Street Lofts Yonkers LLC, as contract vendee ("Contract Vendee") under that certain Urban Renewal Land Disposition Agreement dated as of July 27, 2005, as amended, consisting of retaining walls, landscaping, street furniture, signs, and fences and other similar improvements upon the City rights-of-way located in Main Street and Hawthorne Avenue in accordance with and as shown on a survey approved by the City Engineer and the Director of Housing and Buildings (the "Sidewalk Encroachment").

Section 2. Waiver of certain sidewalk requirements set forth in the Modified Urban Renewal Plan for N.D.P. Areas No. 1 and No. 2 (the "Urban Renewal Plan") are hereby waived based upon recommendations made by the City of Yonkers Planning Board, as set forth in its resolution adopted on December 12, 2007, wherein the previously approved site plan for the project being constructed at 66 Main Street was amended to provide for the Sidewalk Encroachment, subject to several conditions including, but not limited to,

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SPECIAL ORDINANCE NO.11-2008 (CONTINUED)

City Council approval and waiver of certain sidewalk limitations set forth in the Urban Renewal Plan and obtaining consents and approvals from the City Engineer and the City Traffic Engineer.

Section 3. This permission is granted subject to the consents and approvals from the City Engineer and the City Traffic Engineer and the following terms and conditions, to wit:

- a) That the entire cost and expense of obtaining and thereafter repairing, maintaining and replacing the improvements in the Sidewalk Encroachment shall be paid by the Contract Vendee, their successors and/or assigns, without expense to or contribution by the CDA or the City of Yonkers;
- b) That neither the approval of the above-referred survey by the appropriate City official, nor the placement of any improvements by the Contract Vendee in the Sidewalk Encroachment shall be deemed a waiver, or in any way, affect the right of the City of Yonkers to provide for construction or otherwise improve its right-of-way; provided further that the City of Yonkers reserves the right to assess the property benefited in like manner and in like effect as if approval of the Sidewalk Encroachment had not been given by the City of Yonkers. That the granting of this permission shall in no way or release CDA, the Contract Vendee or any assigns from the payment of any assessment hereafter imposed;
- c) That the Contract Vendee, or their successors, assigns, and agents, shall secure all necessary permits and consents and shall obtain and maintain a property damage and public liability insurance policy naming the City and CDA as additional insureds, or as additional named insureds in the amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City with evidence thereof within thirty (30) days of approval of this Special Ordinance;
- d) The City of Yonkers reserves the right to revoke or terminate this permission for whatever reason, upon thirty (30) days written notice to the CDA, whenever it may be deemed such revocation is necessary. Upon revocation or termination of this permission, the CDA, the Contract Vendee, their successors or assigns shall immediately remove any improvements placed within the Sidewalk Encroachment and restore the City's right-of-way in such condition as may approved by the City Engineer and the Director of Housing and Buildings, at the express direction of the City of Yonkers, and at the Contract Vendee's cost and expense;

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SPECIAL ORDINANCE NO.11-2008 (CONTINUED)

- e) That the Contract Vendee, their successors or assigns shall hold harmless and indemnify the City of Yonkers and the CDA, and their officers, employees and agents against all claims, actions, suits, judgments, etc. including all costs related to the defense thereof;
- f) That this ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 25, 2008 BY A VOTE OF 7-0.

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RESOLUTION NO.45-2008

5. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

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

That the settlement by the Corporation Counsel in the amount of Three Thousand Five Hundred Dollars (\$3,500.00) of the action entitled, "State Farm Insurance Company a/s/o Daniel B. Crimmins, Plaintiff against THE CITY OF YONKERS, Defendant", for property damage arising out of an alleged accident on September 17, 2005 on Midland Avenue when a City vehicle rear ended the subrogor's vehicle, 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 Three Thousand Five Hundred Dollars (\$3,500.00) in favor of said plaintiffs Kornfeld, Rew, Newman & Simeone as attorneys for State Farm Insurance Company, 46 Washington Avenue, Post Office Box 177, Suffern, New York 10901.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 25, 2008 BY A VOTE OF 7-0.

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RESOLUTION NO.46-2008

6. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

WHEREAS, by Resolution No. 62-2005, this City Council offered a Salary and Benefits Protection to City Officers and Employees who are Ready Reserve Members called to Active Military Duty pursuant to Executive Order 13223 signed by the President of the United States on September 14, 2001, and to such other City Officers and Employees compelled to perform duties related to military preparedness; and

WHEREAS, the terms of such legislation has lapsed; and

WHEREAS, the Mayor and the City Council wish to renew the terms of such legislation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YONKERS, that subject to the provisions of this resolution, an officer or employee of the City of Yonkers, called to active duty pursuant to the President's Executive Order 13223, dated September 14, 2001, and performing all military duty during such additional period, which duty is not a part of the regular reservist duties, shall receive from the City their full City salary, including any and all contracted benefits, along with all of any salary paid to him or her for the performance of such ordered military duty provided for under the Military Law. Ordered military duty shall not include duty for which the officer or employee has volunteered. No provision of this resolution shall be offset or diminished by any compensation called to active duty pursuant duty pursuant to Executive Order 13223 nor shall the salary, compensation and benefits due such officer or employee be offset or diminished by virtue of said officer or employee receiving any compensation, stipend or benefit as a result of said ordered military service; and be it further

RESOLVED, that during the time an eligible officer or employee is receiving salaries provided for under this resolution, said officer or employee shall also continue to receive health coverage, medical overage an shall receive Credited City Service Time for the purpose of vacation during the period of ordered military duty,

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RESOLUTION NO.46-2008 (CONTINUED)

except if otherwise provided for by law, retirement system contributions shall continue but be subject to the provisions of law; and be it further

RESOLVED, that this resolution shall supercede or replace any existing resolutions, terms or conditions applicable to City Officers and Employees: and be it further

RESOLVED, that a City Officer or Employee seeking to enact the benefits of this resolution shall furnish the proof that the City may deem necessary to implement such benefits as established and deemed appropriate by the Mayor of the City of Yonkers; and be it further

RESOLVED, that this resolution shall take effect immediately and shall expire one (1) year thereafter and shall be subject to renewal or continuation by subsequent resolution and shall be retroactive to September 14, 2001, and shall include any members of the Ready Reserve ordered to active military duty pursuant to Executive Order 13223 or any City of Yonkers Officer or Employee compelled by State or Federal Law or Regulation to perform military duty which is not part of the regular reservist duty.

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RESOLUTION NO.47-2008

7. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

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 April 30, 2010.

Samantha Marie Meier
56 Mile Square Road
Yonkers, New York 10701

Assemblyman Spano NEW

Saida Jereis
19 Woodford Road
Yonkers, New York 10583

Assemblyman Spano NEW

Peter Anthony Commisso
50 Raybrook Road
Yonkers, New York 10704

C. Commisso & Sons NEW

Constance M. Dimaggio
26 Homewood Avenue
Yonkers, New York 10701

Yonkers Schools RENEWAL

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RESOLUTION NO.47-2008 (CONTINUED)

Joan Hayes
570 Yonkers Avenue
Yonkers, New York 10701

Hayes Architect

RENEWAL

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RESOLUTION NO.48-2008

8. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

WHEREAS, we all share responsibility for keeping our communities clean and healthy,

WHEREAS, this year marks the 26th anniversary of New York State's Returnable Container Act (hereinafter referred to as the "Bottle Bill");

WHEREAS, since 1982 more than 90 billion bottles and cans have been returned and recycled in New York, and the volume of litter has been reduced by 30%, because of the 5-cent refundable deposit on beer and soda containers, which has resulted in safer and more attractive streets, parks, playgrounds, beaches, and roadsides and has prevented injuries and property damage from broken glass,

WHEREAS, the bottle bill did not include non-carbonated beverages such as bottled water, iced tea, juice and sports drinks, but they now make up a quarter of the beverage market,

WHEREAS, litter surveys conducted in New York by coastal cleanup volunteers found that two-thirds of the bottles and cans polluting New York's rivers and beaches are non-deposit containers, and these containers make up 20% of the total litter volume, non-carbonated beverages make up nearly two thirds of the beverage container litter in New York

WHEREAS, 80% of deposit containers are recycled through the bottle bill and curbside recycling programs in New York, while only 20% of non-deposit containers are recycled,

WHEREAS, New York's law does not provide for the disposition of any unclaimed deposits, and the beverage industry has retained over \$1.5 billion in unclaimed deposits since 1982,

WHEREAS, The Governor has proposed in the executive budget for FY 2008-2009 updating the bottle bill to include non-carbonated beverages and requiring beverage companies to transfer unclaimed deposits to the state's Environmental Protection Fund,

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RESOLUTIONNO.48-2008 (CONTINUED)

WHEREAS, the Environmental Protection Fund is a dedicated trust fund for New York's environment that supports local recycling programs, parks, waterfront revitalization, open space, farmland preservation, and other programs to protect out land, air, and water,

WHEREAS, The Governor estimates that the unclaimed deposits would generate at least \$100 million annually for the Environmental Protection Fund,

WHEREAS, this proposal, known as the Bigger Better Bottle Bill, was passed in 2005 and 2006 and supported in last year's budget by the New York State Assembly, and has been endorsed by more than 400 groups, businesses, and local governments across the state,

NOW, THEREFORE, BE IT RESOLVED that the City of Yonkers does hereby urge state lawmakers to support cleaner communities, a healthier environment, and increased funding for environmental programs by adopting the Bigger Better Bottle Bill in the 2008-2009 state budget and, be it further

BE IT FURTHER RESOLVED that the Clerk of the City of Yonkers is hereby directed to forward copies of this resolution to the Governor of New York State, Senate Majority Leader Joseph L. Bruno, Assembly Speaker Sheldon Silver, Assembly Member Mike Spano, Assembly Member Gary Pretlow, Assembly Member Richard Brodsky, Senator Andrea Stewart-Cousins, and Senator Jeffrey Klein.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 25, 2008 BY A VOTE OF 7-0.

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RESOLUTION NO.49-2008

9. BY COUNCILMEMBER BARBATO, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI AND MURTAGH:

WHEREAS, the speed limit on streets in the City of Yonkers is currently thirty miles per hour; and

WHEREAS, believing that local authorities have the best knowledge as to what is appropriate level of speed for its streets, the City of Yonkers wants the authority to establish speed limits of thirty miles an hour or less on certain streets within the City; and

WHEREAS, in order to achieve this result, it is necessary to amend the Laws of the State of New York to allow the City of Yonkers to adopt speed limits of thirty miles an hour or less; and

WHEREAS, legislation allowing the City of Yonkers to adopt a resolution for new speed limits of thirty miles an hour or less which shall then be forwarded to the New York State Department of Transportation for action; and

WHEREAS, Senate Bill No. S.07084 and Assembly Bill No. A06781 have been introduced into the New York State Legislature for the purpose of authorizing the City of Yonkers to modify the speed limits within its jurisdiction.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Yonkers hereby issues this Home Rule Request Message for Senate Bill No. S.07084 and Assembly Bill No. A06781 for the authority of the City of Yonkers to lower the speed limit on its city streets; and

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RESOLUTION NO.49-2008 (CONTINUED)

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, MARCH 25, 2008 BY A VOTE OF 7-0.

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RESOLUTION NO.50-2008

10. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

WHEREAS, the City of Yonkers hereby requests the authority to adopt a local law that would permit the creation of a Transportation Improvement District or Districts within the City of Yonkers; and

WHEREAS, the City of Yonkers is in the early stages of a rebirth involving the development and redevelopment of a number of critical areas including the Tuckahoe Road Corridor, the Northern and Southern Waterfront Development Areas, the Nepperhan/Saw Mill Industrial Valley area, the Riverdale Avenue Corridor, the Yonkers Raceway Area, South Broadway, as well as various neighborhood commercial areas throughout the City; and

WHEREAS, allowing the City of Yonkers to create one or more Transportation Improvement Districts would increase the opportunity of improving and enhancing both the development and quality of transportation within our City: and

WHEREAS, by creating such District or Districts, the City of Yonkers would be liable to benefit not only through the enhanced ability to secure financial aid, grants, and other stated federal assistance, but also because it would be easier to obtain developer fees for such uses including but not limited to mobility improvement, congestion management, environmental justice and economic development; and

WHEREAS, Senate Bill No. S.07082 and Assembly Bill No. A.06410 have been introduced to the State Legislature to provide such benefits not only to the residents of the City of Yonkers but to anyone who would be using the Transportation District(s).

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Yonkers hereby declares that the enactment of S.07082 and A. 06410 to provide for the creation of a Transportation District

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RESOLUTION NO.50-2008 (CONTINUED)

or Districts within the City of Yonkers is in the best interests of the City and is essential to improving the City's financial stability and independence, 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.

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CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 25, 2008

RESOLUTION NO.51-2008

11. BY MAJORITY LEADER ANNABI, COUNCIL PRESIDENT LESNICK, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

WHEREAS, the City of Yonkers has over 26,000 students who depend on our schools for a sound and basic education, which shall provide them the basis for their livelihood for the rest of their lives, and

WHEREAS, an integral part of a student's well being and success in school is determined not only by the dedicated teaching staff, but also depends upon the assistance of support staff, and,

WHEREAS, part of the District's support staff includes Social Workers, whose numbers are down to 17 from 35 due to District cuts dating to the Summer of 2004, and,

WHEREAS, our district's support staff are struggling to meet mandated services and to cover the growing needs of our students, while having to cope with the obstacles of increased workloads distributed over a decreased workforce of social workers, and,

WHEREAS, none of Yonkers 29 elementary schools currently has a full time Social Worker, and,

WHEREAS, all but 3 social workers who service the 3 locations of heaviest demand are assigned "district-wide days," which include intakes into the District and parochial cases, and,

WHEREAS, unforeseen crisis situations, precipitated by various uncontrollable factors in the lives of individual students, cause an even greater strain on the workers covering the increased workload, as the time and processing requirements of an urgent intervention remove them physically and actually from processing regularly scheduled cases and,

WHEREAS, the welfare of our students thus greatly depends on our District's support staff and any continued or further reductions in crucial services will only serve to harm the well-being of Yonkers' thousands of students and endanger their futures.

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RESOLUTION NO.51-2008 (CONTINUED)

THEREFORE, be it resolved that the Yonkers City Council hereby supports the call to supplement the cadre of social workers active in our schools to help address the social issues which would otherwise hinder the learning and development of our students.

BE IT FURTHER RESOLVED that the City Council urges the Administration and the Board of Trustees to stretch all efforts in securing additional funding for the school district to obtain funding for the restoration of social workers, including, but not limited to State and Federal incentives, Federal grants, and private sector grants.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 25, 2008 BY A VOTE OF 7-0.

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CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 25, 2008

RESOLUTION NO.52-2008

12. BY MAJORITY LEADER ANNABI, COUNCILMEMBER GRONOWSKI, COUNCIL PRESIDENT LESNICK, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, MURTAGH & BARBATO

Whereas, the City of Yonkers has adopted a Final 2008 Grant Budget (Year 34) totaling \$5,804,169, including more than \$3.6 million in Community Development Block Grants (CDBG), over \$165 thousand in Emergency Shelter Grants (ESG), and more than \$1.9 Million in HOME Grants, and

Whereas, the City awards some of the grant funds to Community Based Organizations (CBOs), and these grants are intended to help underwrite programs that enhance the quality of life in lower income areas identified by the City of Yonkers' Department of Planning and Development, in order to address various social and economic issues, and

Whereas, the number of worthy applicants for grant funding exceed the amount of City grant money that is available, making it vitally important to ensure the utmost efficiency and integrity in the use of these funds, and

Whereas, both the South Broadway Business Improvement District and the Downtown Business Improvement District are recipients of City grant funds and both perform a great service to the city of Yonkers.

Whereas, as the guardians of the public interest, the City Council of Yonkers seeks to increase accountability and responsibility in all organizations and agencies which receive grants or other funds from the City, so as to ensure the taxpayers in Yonkers that the funds are being used appropriately and for the public benefit, and

Whereas, under City Charter §C7-2A, the City Council possesses the power to direct the Department of the Inspector General to conduct any review that the Council deems appropriate, and under Charter §C7-2D the Inspector General's jurisdictions extends to any entity that receives money from the City.

Therefore, be it resolved, to ensure that appropriate safeguards are now in place, the City Council directs the Inspector General to perform an operational and financial review of the South Broadway Business Improvement District, and report to the Council his findings and recommendations, and

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RESOLUTION NO.52-2008 (CONTINUED)

Be it further resolved, to ensure that CBOs and other entities are appropriately utilizing City grant funds, the City Council directs the Inspector General to develop an ongoing oversight program to monitor CBOs and other entities that receive grant funding from the City of Yonkers, where the details of the Inspector General's plan shall also be communicated by him to the City Council.

MOTION BY COUNCIL PRESIDENT LESNICK, SECONDED BY MAJORITY LEADER ANNABI TO AMEND PARAGRAPH FOUR TO INCLUDE THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT AS WELL AS REPLACING THE LAST SENTENCE TO READ BOTH THE SOUTH YONKERS BID AND THE DOWNTOWN BID PERFORM A GREAT SERVICE TO THE CITY. THIS MOTION CARRIED BY A ROLL CALL VOTE OF 4-3. COUNCILMEMBERS BARBATO, MURTAGH & MCDOW VOTING NAY.

MOTION BY COUNCILMEMBER BARBATO SECONDED BY COUNCILMEMBER MCLAUGHLIN TO AMEND LAST PARAGRAPH TO STRIKE THE WORD IMPLEMENT AND REPLACE WITH DEVELOP AS WELL AS STRIKING THE WORD IMPLEMENTATION AND REPLACING WITH PLAN. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF 4-2 WITH COUNCILMEMBERS MURTAGH AND MCDOW VOTING NAY AND COUNCILMEMBER BARBATO ABSTAINING.

MOTION BY MAJORITY LEADER ANNABI, SECONDED BY COUNCILMEMBER GRONOWSKI TO VOTE THIS RESOLUTION.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 25, 2008 BY A ROLL CALL VOTE OF 4-3. COUNCILMEMBERS BARBATO, MURTAGH & MCDOW VOTING NAY.

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CITY COUNCIL OF THE CITY OF YONKERS
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RESOLUTION NO. 53-2008

12A BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

WHEREAS, the County of Westchester is proposing authorization of a plan for up-county diversion of sewage into Yonkers, and

WHEREAS, these up-county towns currently dispose of their sewage through the use of malfunctioning and badly maintained treatment plants or failing septic systems that do not employ available modern technology, and

WHEREAS, the up-county towns are currently proposing to divert additional sewage into the Yonkers Joint Treatment Plant (hereinafter the "Yonkers Plant") which has an original design capacity of 92 million gallons per day, and

WHEREAS, the Plant has historically been a source of foul odors and loud noises throughout the surrounding area, and

WHEREAS, the County of Westchester has failed to keep numerous promises it has made over the years to address and remedy the odor and noise problems that emanate from their treatment facility, and

WHEREAS, these odors and noises have been a constant source of problems for the residents of Ludlow Park and surrounding neighborhoods in Yonkers, and

WHEREAS, the County has already obtained, and continually renews, a special permit that allows the County to process in excess of 100 million gallons of sewage per day at the Yonkers Plant ; the proposed diversion of new sewage sources from up-county will significantly increase this flow, thus far exceeding the system's original design capacity of 92 million gallons a day and resulting in the very imminent jeopardy of potentially serious environmental problems, and

WHEREAS, the County and the Municipalities producing the sewage have failed to fulfill their responsibility to upgrade their own systems, and to find alternatives which will not increase the burden on other municipalities, before attempting to divert higher volumes of waste through Yonkers, and

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RESOLUTION NO.53-2008 (CONTINUED)

WHEREAS, the Yonkers City Council has historically opposed the gratuitous overloading of the Yonkers Joint Treatment Plant, as demonstrated by unanimous passage of Resolution number 152-2004 and Resolution number 65-2003, and

WHEREAS, with the new development being planned for Yonkers and that is already being developed in Yonkers, the additional sewerage from New Castle may increase the intake at the plant to a point that the plant may be overwhelmed, and

WHEREAS, the Westchester County Board of Legislators' Government Operations Committee shall meet on Wednesday, March 26, 2008 at 7:00 PM at the Riverfront Library to gather information regarding the Town of New Castle's request to add 263 parcels totaling 320 acres of land to the Saw Mill River Sanitary Sewer District from outside the District, which shall have financial, health and quality of life impacts on the communities in the current Saw Mill River Sanitary Sewer District, including the Yonkers Plant.

NOW, THEREFORE, BE IT RESOLVED that the Yonkers City Council hereby declares its firm opposition to any law, regulation or practice which will allow any additional sewage dumping privileges or the diversion of any sewage from up-county into the Yonkers Plant, and

BE IT FURTHER RESOLVED, that the City of Yonkers request that the County of Westchester and the Town of New Castle develop alternative methods to handle sewage from that town and other Up County municipalities, including but not limited to the construction of a Sewage Treatment Plant in alternate locations, which will not result in an overwhelming increase to the Yonkers Plant.

BE IT FURTHER RESOLVED, that the City Clerk is directed to forward certified copies of this Resolution to our County delegation and to the Town of New Castle and to the Yonkers Engineering Department for the purpose of this becoming part

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of the official record of the Public Hearing dated March 26, 2008 and expressing the City's protest against practices increasing the sewage load for the Yonkers Plant.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 25, 2008 BY A VOTE OF 7-0.

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 9:52PM