

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

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

TIME: 8:10 P.M.

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 minute of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on February 24, 2009 approved on motion of Majority Leader Sandy Annabi.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

INDEX

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1. S. O. 6-2009	S.O. – FIRE DEPARTMENT GRANT - \$2,000,000.	6
2. S. O. 7-2009	S. O. – GRANT – UNTERMYER PARK - \$240,000	7
3. R. 30-2009	RES. – GRANT AGREEMENT – FIRE DEPT.	8
4. R. 31-2009	RES. – GRANT AGREEMENT – UNTERMYER PK.	9
5. R. 32-2009	RES. – SETTLEMENT - IRVING (\$750.00)	10
6. R. 33-2009	RES. – SETTLEMENT - McLAUGHLIN (\$3,738.87)	11
7. R. 34-2009	RES. – COMMISSIONER OF DEEDS	12
8. R. 35-2009	RES. – PAYMENT IN LIEU OF TAXES	13/15
9. R. 36-2009	HON. – ST. PATRICK’S DAY PARADE	16/17

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

COMMUNICATIONS FROM CITY OFFICIALS

From the Yonkers Planning Board, dated February 25, 2009 , Notice of Completion – Final Environmental Impact Statement – Proposed Change to the South Westchester Executive Park Comprehensive Development Plan/Elizabeth Seton Pediatric Center Site Plan, Yonkers, New York.
DISTRIBUTED TO COUNCIL 3/3/2009

FILED

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

COMMUNICATIONS

1. RECEIVED FROM BENNETT KIELSON STORCH DeSANTIS, THE GOVERNMENT SERVICES DIVISION OF O'CONNOR DAVIES MUNNS & DOBBINS, LLP, THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING, JUNE 30, 2008.

FILED

2. FROM THE YONKERS PLANNING BOARD, THE RESPONSE TO THE CITY COUNCIL'S REQUEST FOR AN ADVISORY RECOMMENDATION REGARDING THE PROPOSED ALEXANDER STREET URBAN RENEWAL PLAN. *DISTRIBUTED TO COUNCIL MARCH 3, 2009.*
3. FROM THE HYATT ASSOCIATION A PETITION IN OPPOSITION TO A SPECIAL USE PERMIT FOR PREMISES LOCATED AT 931 McLEAN AVENUE. *DISTRIBUTED TO COUNCIL MARCH 13, 2009.*

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

COMMITTEE OF THE WHOLE

NO SPEAKERS

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

SPECIAL ORDINANCE NO.6 - 2009

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

A SPECIAL ORDINANCE AMENDING THE CITY OF YONKERS GRANT BUDGET FOR FISCAL YEAR 2008/2009.

The City of Yonkers hereby ordains and enacts:

Section 1: The City's Grant Budget for fiscal year 2008/2009 is hereby amended by increasing revenues and appropriations for the Fire Department for a grant from NYS Homeland Security Office for the purchase supplies and expenditures of Overtime to prepare for catastrophic events.

Increase Estimated Revenues

NYS Homeland & Security	049-G07-3445-3445	\$2,000,000
-------------------------	-------------------	-------------

Increase Appropriation

Fire Dept. – Overtime	049-G07-3445-0198	950,000
Equipment	049-G07-3445-0250	1,045,000
Misc. Supplies	049-G07-3445-0313	5,000

Section 2: The unencumbered balance of such appropriation equals or exceeds the estimated expenditures the City requires for such purpose during the remainder of the budget year.

Section 3: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MARCH 10, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

SPECIAL ORDINANCE NO.7 - 2009

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

A SPECIAL ORDINANCE AMENDING THE CITY OF YONKERS GRANT BUDGET FOR FISCAL YEAR 2008/2009.

The City of Yonkers hereby ordains and enacts:

Section 1: The City's Grant Budget for fiscal year 2008/2009 is hereby amended by increasing revenues and appropriations for the Parks Department for a grant from NYS Parks and Recreation, for the expenses relating to upgrading Untermyer Park Carriage Trail.

Increase Estimated Revenues

NYS Parks & Recreation	049-G18-7188-8450	\$200,000
Grant Cash Match	049-G18-7188-3200	40,000

Increase Appropriation

Parks Dept. – Special Projects	049-G18-7188-0496	\$240,000
--------------------------------	-------------------	-----------

Section 2: The unencumbered balance of such appropriation equals or exceeds the estimated expenditures the City requires for such purpose during the remainder of the budget year.

Section 3: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MARCH 10, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

RESOLUTION NO. 30 – 2009

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

WHEREAS, the New York State Office of Homeland Security, has awarded the City of Yonkers an Urban Area Security Initiative (UASI) Grant, in the amount of 2 million dollars (\$2,000,000), in order to enhance its ability to respond to acts of terrorism and plan for catastrophic training and equipment; and

WHEREAS, the term of this UASI grant is from July 1, 2007 until June 30, 2010, with no matching funds provided by the City of Yonkers; and

WHEREAS, the Mayor of the City of Yonkers is hereby authorized to execute such agreement with the New York State Office of Homeland Security, for a term of July 1, 2007 to June 30, 2010, in order to provide such funds to the Fire Department of the City of Yonkers;

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of Yonkers is hereby authorized to execute the UASI grant agreement with New York State Office of Homeland Security, for the purchase of equipment and the planning and training of the Yonkers Fire Departments to respond to acts of terrorism, with the total amount of the award at \$2,000,000; and be it further

RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MARCH 10, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

RESOLUTION NO. 31 - 2009

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

BE IT RESOLVED, by the Yonkers City Council, that August J. Cambria, as Commissioner of the Department of Parks, Recreation and Conservation, is hereby authorized to apply for and accept grant funds from the New York State Office of Parks, Recreation and Historic Preservation, in accordance with the provisions of the Recreation Trails Program, to continue the restoration work in Untermyer Park's Historic Carriage Trail, the grant is in the amount of \$200,000, with \$40,000 coming from matching funds from the City of Yonkers, which would be requested in next years CIP Budget; and be it further

RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MARCH 10, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

RESOLUTION NO.32 - 2009

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 seven hundred fifty dollars and no cents (\$750.00) of the action entitled, "Steven Irving, (residing at 220 East 67th St., New York, NY 10065) plaintiffs against The City of Yonkers Police Department and Lt. Frank Coriello, Defendants", for property damage arising out of an accident alleging that his vehicle was damaged by a Yonkers police 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 seven hundred and fifty dollars and no cents (\$750.00) to Steven G. Irving, 220 East 67th Street, New York, New York 10065.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MARCH 10, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

RESOLUTION NO. 33 - 2009

6. 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 SEVEN HUNDRED THIRTY-EIGHT and 87/100 DOLLARS (\$3,738.87) of the action entitled, "ALLSTATE INSURANCE COMPANY A/S/O DEBBIE MCLAUGHLIN, residing at 51 Crotty Avenue, Yonkers, New York 10701 plaintiff, against THE CITY OF YONKERS, Defendant", for property damage arising out of an incident on the 26th day of January, 2008 in which it is alleged that a Yonkers Sewer Department truck proceeding on Cross-Hill Avenue in the City of Yonkers, struck and pulled down a tree limb overhanging the street and that limb landed on the claimant's subrogor's vehicle which was also proceeding on Cross-Hill Avenue, 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 SEVEN HUNDRED THIRTY-EIGHT and 87/100 DOLLARS (\$3,738.87) in favor of said plaintiff and its attorneys, Carl S. Young & Associates.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MARCH 10, 2009 BY A VOTE OF 6-0. MINORITY LEADER McLAUGHLIN RECUSED HIMSELF AND DID NOT PARTICIPATE IN THE VOTE.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

RESOLUTION NO. 34 – 2009

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, 2011

Peter Harris
1470 Midland Avenue Apt.50
Yonkers, New York 10704

Real Estate Broker

RENEWAL

Lema L. Boroff
40 Morrow Avenue
Yonkers, New York 10701

Law

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MARCH 10, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

RESOLUTION NO. 35 - 2009

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

WHEREAS, for decades the City of Yonkers struggled to attract potential developers to invest in our city, and

WHEREAS, was this no where more evident then in attempts to jump start redevelopment and overall revitalization of our waterfront and downtown area, and

WHEREAS, only in recent years have we seen a number of projects moved from the drawing board to the approval process to fruition, and

WHEREAS, in order to spur on such development, the City Administration acting through its Industrial Development Agency offered prospective developers a number of significant benefits including, but not limited to, very favorable Payment in Lieu of Taxes (PILOT) arrangements in accordance with section 858(15) of the General Municipal Law, and

WHEREAS, while these PILOT arrangements may have been necessary to spur on the initial private investment in the revitalization of our waterfront and downtown areas, this may no longer be the case, and

WHEREAS, while PILOTS are not to be discounted as an important development and redevelopment tool for any municipal government, it is important that any PILOT be controlled so as not to 'give away the proverbial store', most especially at a time when the potential for much needed new revenue sources are so necessary to the fiscal health of our city; specifically, to maintain city services and, especially, to add additional dollars to our already cash strapped school system without further burdening our homeowners, and

WHEREAS, in addition to the financial burden created by these developments there has also been an overwhelming amount of complaints from tenants living in Federal, State and/or locally funded (YIDA, MHA, HUD funded) buildings that have been made possible by PILOT arrangements in regard to sub-standard living and maintenance conditions

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

RESOLUTION NO. 35 – 2009 (CONTINUED)

WHEREAS, in many instances the developer/owner of the property is enjoying the benefits of tax abatements and other monetary benefits while failing to meet local code requirements, and putting the health, safety and welfare of the occupants and the general public in jeopardy,

WHEREAS, because the Local Municipal Legislative Body is charged with approving and adopting the Municipality's Budget and Tax Roll it only makes sense to provide the Local Municipal Legislative Body with the authority to determine the need for such incentives as well as the Municipality's actual ability to extend the same benefits to developers/owners while maintaining fiscal accountability to the Municipality's citizens and taxpayers.

WHEREAS, in order to accomplish this important balance between spurring on development and redevelopment and sound fiscal policy, a policy of control in the hands of the local legislative body should be added to section 858(15) of the General Municipal Law as it pertains to the creation of the Local Industrial Development Agency.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Yonkers, hereby requests that section 858(15) of the General Municipal Law be amended to include the following as it pertains to the implementation of PILOT arrangements;

- a) That the sum and substance of all future PILOT arrangements including, but not limited to all terms and conditions, are to be approved by a SEPARATE resolution of the Local Municipal Legislative Body;
- b) That the Local Municipal Legislative Body be provided with full justification for the need of the PILOT and its economic benefit, including the rationale for such an agreement and the benchmarks to ensure that we are realizing said benefit.
- c) That all terms and agreements presented to the Local Municipal Legislative Body include any and all other tax relief, incentives, or benefits being sought by the beneficiary from any other level of government;
- d) That the maximum term of any future PILOT arrangement shall be no more than 10 years with any extension being voted on by the Local Municipal Legislative Body;

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

RESOLUTION NO. 35 – 2009 (CONTINUED)

- e) That all future PILOT arrangements shall include a provision to upwardly adjust the PILOT payments at least every 2 years at a rate that is equal to an amount that is no less than the cumulative amount of the rate of inflation during the proceeding period;
- f) That all future PILOT arrangements must contain a provision which negates the ability of the developer (or other beneficiary of the PILOT, or successor in title or deed) from filing a tax certiorari during the entire life of the PILOT arrangement, and;
- g) In addition, the PILOT arrangement must also contain a provision by which the developer (or other beneficiary of the PILOT, or successor in title or deed) agrees that the 'look-back' period of any future tax certiorari cannot go back into that time period during which the PILOT arrangement was in effect; and be it further
- h) That the Local Municipal Legislative Body will be allowed to establish the conditions for these benefits/abatements and the ability to revoke such benefits if the projects do not meet the established conditions;

BE IT FURTHER RESOLVED that the Yonkers City Clerk is hereby directed to forward certified copies of this resolution to the Yonkers delegation in the New York State Senate and Assembly.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MARCH 10, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

RESOLUTION NO. 36 – 2009

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

WHEREAS, the City of Yonkers is proud of its many diverse community groups who play an integral leadership role in preserving and displaying the rich history of each community represented in our beautiful mosaic of communities; and

WHEREAS, foremost among these groups is the St. Patrick's Day Parade Committee which spearheads the efforts each year to highlight the notable achievements and contributions of prominent caring members of the Irish-American Community; and

WHEREAS, the St. Patrick's Day Parade originated in Yonkers at the Irish Centre on November 29, 1955 and the first festive Parade commemorating this annual celebration in Yonkers took place on Sunday March 11, 1956; and

WHEREAS, each year the St. Patrick's Day Parade Committee hosts a series of events in our City, sharing its proud heritage with all our residents, beginning with the "Changing of the Sash" in early February and culminating with the festive St. Patrick's Day Parade and dinner, this year on the 8th day of March 2008 and will once again celebrate the history and splendor of the Irish and those most supremely proud of their Irish-American heritage; and

WHEREAS, these annual events provide opportunities for the Committee to bestow well deserved honors upon outstanding members of the community who have selflessly given of their time, expertise and resources to promote the welfare and advancement of not only the Irish-American Community but also that of our beloved Yonkers; and

WHEREAS, this year the Members of the St. Patrick's Day Parade Committee has chosen the very dedicated Richard Fitzgerald as the 2009 Parade Grand Marshal and the following distinguished individuals as his Aides for the festivities: Thomas Allison, Kay Amicone, Oliver Charles, Agnes McNamara, Jack McCrudden, Gerry O'Shea, Br. John Reidy, and Robert Taggart;

NOW, THEREFORE BE IT RECOGNIZED, that the Members of the Yonkers City Council join with the St. Patrick's Day Parade Committee in congratulating Parade Grand Marshal Richard Fitzgerald and his Aides on this most auspicious occasion and we wish them much success in their continued endeavors on behalf of the citizens of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MARCH 10, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 10, 2009

COMMITTEE REPORTS

THIS COUNCIL MEETING WAS ADJURNED AT 8:24 P.M.