

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 24, 2009

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

TIME: 9:10 P.M.

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT
 2 MAJORITY SANDY ANNABI - ABSENT
 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 March 10, 2009 and special meeting held on March 18, 2009 approved on motion of Minority Leader Liam McLaughlin..

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OLD BUSINESS

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NEW BUSINESS

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COMMUNICATIONS

FROM: ASSEMBLYMAN SPANO AKNOWLEDGING RECEIPT OF
COUNCILS RESOLUTION NO. 35-2009 (PILOT ARRANGEMENTS)
ON DESKS.

FILED

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COMMITTEE OF THE WHOLE

<u>NAME:</u>	<u>ADDRESS:</u>	<u>ITEM NO.</u>
1. Vernon Brinkley	Rep. Community Benefits Alliance	2

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OLD BUSINESS

LOCAL LAW

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

A LOCAL LAW TO MODIFY THE REDESIGNATION OF CERTAIN AREAS WITHIN THE YONKERS EMPIRE ZONE ESTABLISHED UNDER ARTICLE 18-B OF THE GENERAL MUNICIPAL LAW ENTITLED "NEW YORK STATE EMPIRE DEVELOPMENT ZONE ACT"

WHEREAS, pursuant to Article 18-B of the New York State General Municipal Law, as amended (the "Act"), the Yonkers City Council authorized, pursuant to Local Law No. 3-1987 adopted on February 23, 1988, the submission and execution of the final application for designation of certain areas in the City of Yonkers (the "City") as an Economic Development Zone within the meaning of the Act, and such designation was approved by the New York State Commissioner of Economic Development (the "Commissioner") for an Economic Development Zone (now known as an Empire Zone), which application was amended by Local 13-1989 and Local Law 1-1992 and approved by the Commissioner; and

WHEREAS, the City Council authorized, pursuant to Local Law 1-2002, the submission of proposed revised and expanded boundaries for the Yonkers Empire Zone to the Commissioner and received approval from the Commissioner for its revised and expanded boundaries in accordance with Section 969(c) of the Act, effective as of March 12, 2002; and

WHEREAS, in accordance with certain amendments made to the Act by Chapter 63, Laws of 2005 and Chapter 161, Laws of 2005, the City was required to re-configure its existing zone acreage into three "distinct and separate contiguous" areas (the "Re-designation") subject to the approval of the Commissioner and the N.Y.S. Empire Zones Designation Board (the "State Board"); and

WHEREAS, the City Council authorized, pursuant to Local Law No. 8-2005 adopted on December 29, 2005, that the Re-designation, submitted by the Yonkers Empire Administrative Board (the "Board") be submitted to the Commissioner and State Board for their approval; and

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LOCAL LAW (CONTINUED)

WHEREAS, certain technical corrections to the schedules attached to the Re-designation contained in Local Law No. 8-2005 were submitted to the City Council and filed with the Secretary of State on April 11, 2007, which corrections did not change the boundaries or the distinct and separate contiguous areas of the Yonkers Empire Zone; and

WHEREAS, it is desirous that certain modifications be made to the boundaries constituting the Re-designation and contained in Local Law No. 8-2005 to accommodate future redevelopment and expansion of the Cross County Center and Redevelopment Projects proposed by Struever Fidelco Cappelli LLC for the River Park Center and Cacace Center in the downtown sector of Yonkers,

NOW, THEREFORE, BE IT ENACTED, by the City Council of the City of Yonkers:

Section 1. The minor modifications to the boundaries of the Re-designation as presented to the City Council, as set forth in Exhibit A attached hereto and made a part hereof, are hereby approved, provided that the modified Re-designation shall show that approximately 53.89 zone acres be removed from Area 2; that approximately 47.51 zone acres be added to Area 1; and that approximately 6.39 zone acres be added to Area 3, and provided further that the existing number of 1,235.4 zone acres in the Yonkers Empire Zone (where the maximum acreage allowed under the Act is 1,280 acres) does not change; that there will be no adverse affect on any tax parcels or businesses in the Yonkers Empire Zone; and that the modifications will not affect the distinct and separate contiguous areas within the Yonkers Empire Zone.

Section 2. Local Law 8-2005 is hereby amended to reflect the minor modification to the Re-designation as set forth in this Local Law and shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Section 3. This Local Law shall take effect immediately upon its enactment into law.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL CITY COUNCIL MEETING HELD ON SATURDAY, MARCH 21, 2009.

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NEW BUSINESS

RESOLUTION

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

WHEREAS, the City of Yonkers facilitates economic development through its Office of Economic Development, Empire Zones Office, Empowerment Zone, Community Development Agency, Industrial Development Agency, Parking Authority and other entities; and

WHEREAS, developers of commercial, residential and mixed use projects frequently seek approval from the City Council, the Planning Board, the Zoning Board of Appeals, the Landmarks Board or other bodies; and

WHEREAS, during the approval process developers frequently make promises to the community and the approving entities as to the physical social and economic aspects of the proposed projects including but not limited to women and minority hiring, Yonkers First provisions for hiring and procurement, affordable housing, energy conservation, historic preservation, and other community benefits; and

WHEREAS, some of the government programs on the city, state and federal levels have certain secondary goals and objectives intended to benefit the community and many use demographic statistics to demonstrate economic need as a predicate to the funding; and

WHEREAS, some members of the community have questioned whether promises made by developers are indeed carried out and have urged the City Council to review selected projects and suggest a model for oversight in the public arena; and

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 approvals or 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

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RESOLUTION (CONTINUED)

Charter §C7-2D the Inspector General's jurisdictions extends to any entity that receives money or benefits 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 a review of various development projects in Yonkers: starting with Mulford Gardens/HOPE VI and Ridge Hill with input from the Council and the community and to report back to the Council and the community his findings and recommendations as to whether mandates as outlined and approved in any and all legal documents and binding agreements-including, but not limited to project findings and/or land disposition agreements-have been met or are to be met at an appropriate time during the course of the projects development.

BE IT FURTHER RESOLVED, the City Council directs the Inspector General to develop an ongoing oversight program to monitor developers and other entities that receive approvals and grant funding from the City of Yonkers, and that the details of the oversight program developed by the Inspector General are communicated to the City Council. Once a report is issue by the Inspector General, the Council will have at least one public hearing to review the findings.

Section 3. This Resolution shall take effect immediately upon its enactment into law.

MOTION BY COUNCILMEMBER MURTAGH, SECONDED BY COUNCILMEMBER McDOW TO REFER THIS RESOLUTION TO THE COMMUNITY SERVICES COMMITTEE. THE MOTION WAS CARRIED UNANIMOUSLY, MAJORITY LEADER ANNABI WAS ABSENT.

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RESOLUTION NO. 37-2009

3. 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

Maria Rendina
10 Greenway Terrace North
Mahopac, New York 10541

Municipal Housing RENEWAL

Catherine Jones
199A Powell Avenue
Bronx, New York

Municipal Housing RENEWAL

Terrie Jackson
39 Orchard Street
Yonkers, New York 10701

Municipal Housing RENEWAL

Jannine Ferraiola
7 Heck Road
Garrerville, New York 10923

Municipal Housing RENEWAL

Michael DeFlorio
11 Richard Drive
Mahopac, New York 10541

Municipal Housing RENEWAL

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Debra Rose Kayal
60 Odin Ct.
Yorktown heights, New York 10598

Legislative Aide NEW

Jessica Alyse Arco
538 Riverdale Avenue
Yonkers, New York 10705

Law Firm NEW

Miriam Forte
375 kneeland Avenue
Yonkers, New York 10704

Yonkers Public Schools RENEWAL

Albert Shamsid-Deen
33 South Broadway
Yonkers, New York 10701

Insurance Broker RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A
STATED CITY COUNCIL MEETING HELD ON TUESDAY, MARCH 24,
2009 BY A VOTE OF 6-0, MAJORITY LEADER ANNABI WAS ABSENT.

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RESOLUTION NO. 38-2009

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

WHEREAS, the effects global warming have become increasingly evident and concerns for its effects on wildlife, environment, sea levels, and human health have increased; and

WHEREAS, World Wildlife Fund is asking individuals, businesses, governments and organizations around the world to turn off their lights and switch off unused appliances for one hour, Earth Hour, on March 28, 2009 from 8:30 to 9:30 pm in order to make a global statement of concern about climate change and to demonstrate commitment to finding solutions; and

WHEREAS, the number of participants will be tallied and presented at the Global Climate Change Conference in Copenhagen 2009 with the hopes of meeting the World Wildlife Funds goal of one billion participants; and

WHEREAS, 1,429 cities and towns in 80 countries, including New York City have already committed to participate in Earth Hour 2009 as part of a global display against climate change; and

WHEREAS, The Yonkers City Council is committed to supplying the city with clean energy, promoting sustainable growth, and finding new strategies to reduce carbon emissions, conserve energy thus reducing global warming;

NOW, THEREFORE, BE IT RESOLVED that the Yonkers City Council will officially register the City with the World Wildlife Foundation as a participant in Earth Hour;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the exterior lights of city hall be turned off for one hour on March 28 2009, from 8:30 to 9:30 pm as a symbol of the City's participation in Earth Hour and a show of support for the fight against global warming.

WHEREAS, the effects global warming have become increasingly evident and concerns for its effects on wildlife, environment, sea levels, and human health have increased; and

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RESOLUTION NO. 38-2009 (CONTINUED)

WHEREAS, World Wildlife Fund is asking individuals, businesses, governments and organizations around the world to turn off their lights and switch off unused appliances for one hour, Earth Hour, on March 28, 2009 from 8:30 to 9:30 pm in order to make a global statement of concern about climate change and to demonstrate commitment to finding solutions; and

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THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED CITY COUNCIL MEETING HELD ON TUESDAY, MARCH 24, 2009 BY A ROLL CALL VOTE OF 5-1, COUNCILMEMBER MURTAGH VOTING "NAY". MAJORITY LEADER ANNABI WAS ABSENT.

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COMMITTEE REPORTS

MOTION TO ADJOURN BY COUNCILMEMBER MURTAGH SECONDED BY COUNCILMEMBER McDOW. THE MOTION WAS CARRIED UNANIMOUSLY, MAJORITY LEADER ANNABI WAS ABSENT.

THIS COUNCIL MEETING WAS ADJOURNED AT 9:15 P.M. IN MEMORY OF SID SLOVES, WHO PASSED AWAY THIS WEEK, IN RECOGNITION OF HIS MANY YEARS OF SERVICE TO THE CITY OF YONKERS.