

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

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

TIME: 8:00PM

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.

Motion by Council President Lesnick, Seconded by Councilmember McDow to reconsider the minutes of the Special Council Meeting held on April 30,2009 so that Minority Leader McLaughlin could vote in the affirmative.

Minutes of the stated meeting held on April 28, 2009 and Special Meeting's held on April 28, 2009 and April 30, 2009 approved on motion of Majority Leader Sandy Annabi.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

INDEX

OLD BUSINESS

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1. GO-2-2009	ZONE CHANGE (382 WARBURTON AVENUE)	8

NEW BUSINESS

2. SO-8-2009	BUDGET AMENDMENT–EDUCATION (\$1,500,000	9
3. OVER	SEQRA – ALEXANDER ST. MASTER PLAN	10/13
4. OVER	ALEXANDER ST. MASTER PLAN & BROWN FIELD OPPORTUNITY AREA PLAN	14/16
5. OVER	ALEXANDER ST URBAN RENEWAL PLAN	17/20
6. RES-75-2009	TAX CERTIORARI SETTLEMENTS	21
7. RES-76-2009	SETTLEMENT – CAPARELLI (\$1,000.00)	22
8. RES-77-2009	SETTLEMENT – BOADU (\$1, 500.00)	23
9. RES-78-2009	SETTLEMENT – LANDY (\$2,892.26)	24
10.RES-79-2009	SETTLEMENT – MARTINEZ (\$35,000.00)	25
11.RES-80-2009	RENEWAL OF LICENSE AGREEMENT TARGET REALTY	26/29
11A.RES-81-2009	POLICE DEPT. GRANT-BYRNE JUSTICE JAG	30/31
12. RES-82-2009	COMMISSIONERS OF DEEDS	32/34
13. RES-82-2009	RES–IDA OVERSIGHT	35/37
14. RES-84-2009	APPOINTMENT OF MANUEL D. FERNANDES HUMAN RIGHTS COMMISSIONER	38

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
15. RES-85-2009	REVIEW BY INSPECTOR GENERAL (CELL PHONES)	39
16. RES-86-2009	BANNER ST. MICHAEL'S UKRAINIAN CHURCH	40
17. RES-87-2009	HON. ST. RENAMING (JOSEPH A. AMERICO)	41/42
18. RES-88-2009	SILVER ALERT SENIOR PROGRAM	43/44

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**COMMUNICATIONS**

1. FROM: TOWN BOARD OF THE TOWN OF GREENBURGH: A PUBLIC HEARING AT GREENBURGH TOWN HALL 177 HILLSIDE AVENUE, GREENBURGH, NEW YORK WEDNESDAY MAY 13, 2009 AT 8:30PM TO CONSIDER THE ADOPTION OF A LOCAL LAW AMMENDING 285-25 OF THE ZONING ORDINANCE OF THE TOWN OF GREENBURGH.

**COPIES ON DESKS**

2. FROM EDWARD BOROUGHS, DEPUTY COMMISSIONER OF THE WESTCHESTER COUNTY PLANNING BOARD, DATED MAY 11, 2009, CORRESPONDENCE IN RESPONSE TO THE CITY COUNCIL'S REFERRAL REGARDING THE ZONING TEXT AMENDMENTS FOR THE STREUVER FIDELCO CAPPELLI, LLC PROJECT.
3. FROM EDWARD BOROUGHS, DEPUTY COMMISSIONER OF THE WESTCHESTER COUNTY PLANNING BOARD, DATED MAY 11, 2009, CORRESPONDENCE IN RESPONSE TO THE CITY COUNCIL'S REFERRAL REGARDING APPLICATIONS OF STREUVER FIDELCO CAPPELLI, LLC:
  - 1) OFFICIAL MAP AMENDMENTS
  - 2) URBAN RENEWAL PLAN MODIFICATIONS – GETTY SQUARE, N.D.P. 1 AND N.D.P. 2
  - 3) WATERFRONT MAST PLAN AMENDMENTS

**FILED**

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

COMMITTEE OF THE WHOLE

NO SPEAKERS

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**PUBLIC HEARING NO.1**

A PUBLIC HEARING ON THE HONORARY STREET RE-NAMING TO RE-NAME WORTH STREET "JOSEPH AMERICO DRIVE" IN MEMORY OF THE LATE JOSEPH A. AMERICO.

**NO SPEAKERS**

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**PUBLIC HEARING NO.2**

A GENERAL ORDINANCE AMENDING GENERAL ORDINANCE NO.24-1968 AS READOPTED, CONFIRMED, REENACTED AND REAFIRMED BY GENERAL ORDINANCE NO. 39-1970 (COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF YONKERS) AND THE ZONING MAP BY CORRECTING SAID MAP BY CHANGING THE ZONE CLASSIFICATION OF LOTS 41, 43 AND 46 IN BLOCK 2146 ALSO KNOWN AS 382-394 WARBURTON AVENUE FROM ITS PRESENT RESIDENTIAL ZONE DISTRICT CLASSIFICATION TO A "B" ZONE DISTRICT.

<u>NAME</u>	<u>ADDRESS</u>
ANDREW BAILINT	1 N. LEXINGTON AVE
TONI VANLOAN	656 WARBURTON AVE.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

OLD BUSINESS

GENERAL ORDINANCE NO.2-2009

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

A GENERAL ORDINANCE AMENDING GENERAL ORDINANCE NO.24-1968 AS READOPTED, CONFIRMED, REENACTED AND REAFFIRMED BY GENERAL ORDINANCE NO. 39-1970 (COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF YONKERS) AND THE ZONING MAP BY CORRECTING SAID MAP BY CHANGING THE ZONE CLASSIFICATION OF LOTS 41, 43 and 46 IN BLOCK 2146 ALSO KNOWN AS 382-394 WARBURTON AVENUE FROM ITS PRESENT RESIDENTIAL ZONE DISTRICT CLASSIFICATION TO A "B" ZONE DISTRICT.

Be it ordained by the City Council of the City of Yonkers, as follows:

Section 1. General Ordinance No. 24-1968 as readopted, confirmed, reenacted and reaffirmed by General Ordinance No. 39-1970, commonly known as the Zoning Ordinance of the City of Yonkers and the zoning map, is hereby amended by correcting said map by changing the zone district classification of Block 2146, Lots 41, 43 and 46 as shown and designated on the Official Tax Map of the City of Yonkers, said property also known as 382-394 Warburton Avenue, Yonkers, N.Y, from its present residential zone district classification to a "B" zone district classification.

Section 2. This ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MAY 12, 2009 BY A VOTE OF 7-0.



**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**NEW BUSINESS**

**SPECIAL ORDINANCE NO.8-2009**

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 Budget for Fiscal Year 2008/2009 by transferring \$1,500,000 from Contribution to Education to the City Contingency Account to be used to offset revenue declines.

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

Section 1: The Budget for fiscal year 2008/2009 is hereby amended by transferring funds as follows:

FROM:

Contribution to Education	020-021-9535-0906	\$1,500,000
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TO:

Contingency	020-0020-1990-0487	\$1,500,000
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Section 2: The unencumbered balance of said appropriations remaining after transfer equals or exceeds the estimated expenditures that the City requires for such purposes during the remainder of the budget as per the attached justification document required by the State Comptroller.

Section 3: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MAY 12, 2009 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION**

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

A RESOLUTION AUTHORIZING THE ISSUANCE OF FINDINGS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT RELATING TO THE ALEXANDER STREET MASTER PLAN, THE ALEXANDER STREET URBAN RENEWAL PLAN AND THE BROWNFIELD OPPORTUNITY AREA PLAN.

WHEREAS, the Yonkers Community Development Agency (“Agency”) has prepared Draft and Final Environmental Impact Statements (the “DGEIS” and “FGEIS” respectively) that examine the adoption of an Alexander Street Master Plan (the “Master Plan”), an Alexander Street Urban Renewal Plan (the “Urban Renewal Plan”), and the adoption of a Brownfield Opportunity Area Plan (the “BOA Plan”) under the State of New York’s BOA Program (collectively, the “Proposed Action”); and

WHEREAS, the Master Plan is an area-wide plan having the same geographic area as the Alexander Street Urban Renewal Area and the Brownfield Opportunity Area, and is intended to create a physical planning framework for redevelopment and revitalization of the Alexander Street waterfront area; the Urban Renewal Plan and the BOA Plan are intended to remove blighted conditions and underwrite an implementation program to facilitate future redevelopment activities; and

WHEREAS, the City Council of the City of Yonkers (“City Council”) is the approving agency for the Urban Renewal Plan, the Master Plan and the BOA Plan and, as a result, must adopt a Statement of Findings pursuant to the requirements of New York State law set forth below; and

WHEREAS, in preparation of the activities set forth above, the City Council by Resolution No. 8-2005 adopted on January 11, 2005, approved and authorized urban renewal site designation for certain parcels along the Hudson River waterfront, immediately north of the adjoining Riverview Urban Renewal Area in accordance with Section 504 of Article 15 of the New York State General Municipal Law (the “Alexander Street Urban Renewal Area”); and

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION (CONTINUED)**

WHEREAS, the Agency, by Resolution No. 17-2005 adopted on August 31, 2005, was authorized to undertake all actions required under the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law of the State of New York) and the implementing regulations issued thereunder by the Commissioner of the Department of Environmental Conservation of New York State (6 NYCRR Part 617) (such act and regulations being hereinbelow referred to as "SEQRA"), to complete and file a Notice of Lead Agency Designation/Coordination Review for the purpose of securing Lead Agency Status for the Agency and to conduct an environmental review of the Proposed Action under SEQRA; and

WHEREAS, the Agency, by Resolution No. 24-2005 adopted on December 29, 2005, confirmed its Lead Agency status and was authorized to undertake all actions required under SEQRA for a Coordinated Environmental Review in connection with the Proposed Action; and

WHEREAS, the Agency, upon the adherence and compliance with the comment and public hearing requirements set forth under SEQRA, by Resolution No. 12 – 2007 adopted on December 20, 2007, accepted the DGEIS for the Proposed Action as complete and adequate for public review; and

WHEREAS, the Agency, by Resolution No. 1 -2008 adopted on October 30, 2008, upon the adherence and compliance with the requirements under SEQRA, accepted the Final Generic Environmental Impact Statement ("FGEIS") for the Proposed Action as complete and authorized all circulation, filing, notification and publication actions required under SEQRA in connection with the FGEIS and the completion thereof; and

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION (CONTINUED)**

WHEREAS, the Agency by Resolution No. 2-2008 adopted on November 20, 2008, approved the Statement of Findings for the Proposed Action (“Findings Statement”) and caused same to be filed in accordance with the applicable requirements of SEQRA and submitted the Proposed Action to the Planning Board of the City of Yonkers (“Planning Board”) for its review and determination; and

WHEREAS, on January 14, 2009 the Planning Board held, upon due notice, a public hearing on the Urban Renewal Plan in accordance with Section 505(2) of Article 15 of the General Municipal Law; and

WHEREAS, the Planning Board, at its meeting held on February 25, 2009, unqualifiedly approved the Urban Renewal Plan for approval by the City Council, determined that the Urban Renewal Plan is in compliance with the provisions of subdivision 7 of Section 502 of Article 15 of the General Municipal Law, and directed the Planning Director to submit to the City Council the report of the Planning Board certifying such unqualified approval and such determination and findings, and requesting further proceedings under subdivision 3 of Section 505 of Article 15 of the General Municipal Law; and

WHEREAS, the Planning Board, as an Involved Agency under SEQRA, at its meetings held on February 25, 2009, and March 11, 2009, carefully reviewed the FGEIS and the Findings Statement prepared by the Agency for the Proposed Action and considered areas of environmental concern set forth in the FGEIS in connection with the Proposed Action and compared them to the criteria identified in the SEQRA Regulations 6 NYCRR §617.7 to determine if the Proposed Action will have a significant impact upon the environment, and recommended the adoption of a negation declaration; and

WHEREAS, the City Council, as an Involved Agency under SEQRA, carefully reviewed FGEIS and the Findings Statement adopted by the Agency and considered areas of environmental concern set forth in the FGEIS in connection with the Proposed Action and compared them to the criteria identified in the SEQRA Regulations 6 NYCRR § 617.7 to determine if the Proposed Action will have a significant Impact upon the environment,

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION (CONTINUED)**

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YONKERS, that based upon it's review of the aforesaid documents it hereby finds that the Proposed Action will not have a significant adverse impact upon the environment, the Statement of Environmental Findings prepared by the City of Yonkers Department of Planning on behalf of the City Council for the FGEIS for the Proposed Action is hereby approved and adopted (the "FGEIS Findings"), and the President of the City Council is hereby authorized and directed to execute such FGEIS Findings on behalf of the City Council, and directs the City Clerk to file these findings as required under SEQRA Part 617; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

THE ABOVE RESOLUTION WAS PUT OVER TO A SPECIAL COUNCIL MEETING TO BE HELD ON MAY 19, 2009 AT 8PM

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTIONS**

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

WHEREAS, the Yonkers Community Development Agency, (the "Agency") by Resolution No. 7-2004 adopted on September 22, 2004, and the City Council of the City of Yonkers by Resolution No. 8-2005 adopted on January 11, 2005, approved and authorized site designation for certain parcels along the Hudson River waterfront, immediately north of the adjoining Riverview Urban Renewal Area in accordance with Section 504 of Article 15 of the New York State General Municipal Law (the "Alexander Street Urban Renewal Area"); and

WHEREAS, the Agency , in cooperation with the City of Yonkers (the "City"), in accordance with Articles 15 and 15-A of the General Municipal Law, caused to be prepared an urban renewal plan for the area known as the Alexander Street Urban Renewal Area, (the "Alexander Street Urban Renewal Plan"); and

WHEREAS, the Agency by Resolution No. 17-2005 adopted on August 31, 2005 was authorized to undertake all actions required by the State Environmental Quality Review Act ("SEQRA") to complete and file a Notice of Lead Agency Designation/Coordination Review for the purpose of securing Lead Agency Status for the Agency and to conduct an environmental review of the proposed Alexander Street Urban Renewal Plan, the Alexander Street Master Plan and a Brownfield Opportunity Area Plan for the Alexander Street Urban Renewal Area under SEQRA (hereinafter referred to collectively as the "Alexander Street Plans"); and

WHEREAS, the Agency by Resolution No. 24-2005 adopted on December 29, 2005, confirmed its Lead Agency status and was authorized to undertake all actions required under SEQRA for a Coordinated Environmental Review in connection with the proposed Alexander Street Plans; and

WHEREAS, the Agency had caused to be prepared a Draft Generic Environmental Impact Study ("DGEIS") in connection with the Alexander Street Plans; and

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTIONS (CONTINUED)**

WHEREAS, the Agency, by Resolution No. 12 – 2007 adopted on December 20, 2007, accepted the DGEIS as complete; and

WHEREAS, the Agency, by Resolution No. 1 -2008 adopted on October 30, 2008, accepted the Final Generic Environmental Impact Statement (“FGEIS”) for the Alexander Street Plans as complete and authorized all circulation, filing, notification and publication actions (collectively, “notification actions”) required under SEQRA in connection with the FGEIS and the completion thereof; and

WHEREAS, the Agency, by Resolution No. 2-2008 adopted on November 20, 2008, approved the Statement of Environmental Findings (the “Findings Statement”), caused same to be filed in accordance with the applicable requirements of SEQRA and submitted the Alexander Street Plans to the Planning Board of the City (the “Planning Board”); and

WHEREAS, in accordance with a recommendation heretofore made by the Planning Board, the City Council reserves the right to conduct proceedings with respect to the Alexander Street Master Plan pursuant to Section 28-a of the New York State General City Law; and

WHEREAS, the approval being sought hereunder is limited to the Master Plan and Brownfield Opportunity Area Plan for the Alexander Street Urban Renewal Area; and

WHEREAS, earlier at this meeting the City Council, as an Involved Agency under SEQRA, adopted its own findings statement in connection with the Alexander Street Plans,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers that, after a public hearing held on due notice pursuant to Section 28-a of the New York State General City Law, the Alexander Street Master Plan as submitted by the Planning Board to the City Council, is hereby approved and, the Brownfield Opportunity Area Plan, as submitted by the Planning Board to the City Council, is hereby approved; and be it further

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

RESOLUTIONS (CONTINUED)

RESOLVED, that, this resolution shall take effect immediately.

THE ABOVE RESOLUTION WAS PUT OVER TO A SPECIAL COUNCIL MEETING TO BE HELD ON MAY 19, 2009 AT 8PM



**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION**

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

WHEREAS, the Yonkers Community Development Agency, (the "Agency") by Resolution No. 7-2004 adopted on September 22, 2004, and the City Council of the City of Yonkers by Resolution No. 8-2005 adopted on January 11, 2005, approved and authorized site designation for certain parcels along the Hudson River waterfront, immediately north of the adjoining Riverview Urban Renewal Area, in accordance with Section 504 of Article 15 of the New York State General Municipal Law (the "Alexander Street Urban Renewal Area"); and

WHEREAS, the Agency in cooperation with the City of Yonkers (the "City") in accordance with Articles 15 and 15-A of the General Municipal Law, caused to be prepared an urban renewal plan for the area known as the Alexander Street Urban Renewal Area (the "Alexander Street Urban Renewal Plan"); and

WHEREAS, the Agency by Resolution No. 17-2005 adopted on August 31, 2005 was authorized to undertake all actions required under the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law of the State of New York) and the regulations issued thereunder by the Commissioner of Environmental Conservation of New York State (6 NYCRR Part 617) (such Act and regulations being hereinbelow referred to as "SEQRA"), to complete and file a Notice of Lead Agency Designation/Coordination Review for the purpose of securing Lead Agency Status for the Agency and to conduct an environmental review of the proposed Alexander Street Urban Renewal Plan, the Alexander Street Master Plan ("Master Plan") and a Brownfield Opportunity Area plan ("BOA Plan") for the Alexander Street Urban Renewal Area under SEQRA (hereinafter referred to collectively as the "Alexander Street Plans"); and

WHEREAS, the Agency by Resolution No. 24-2005 adopted on December 29, 2005, confirmed its Lead Agency status and was authorized to undertake all actions required under SEQRA for a Coordinated Environmental Review in connection with the proposed Alexander Street Plans; and

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION (CONTINUED)**

WHEREAS, the Agency had caused a Draft Generic Environmental Impact Study (“DGEIS”) in connection with the Alexander Street Plans; and

WHEREAS, the Agency by Resolution No. 12 – 2007 on December 20, 2007, accepted the DGEIS as complete; and

WHEREAS, by Resolution No. 1 -2008, adopted by the Agency on October 30, 2008, the Agency accepted the Final Generic Environmental Impact Statement (“FGEIS”) for the Alexander Street Plans as complete and authorized all circulation, filing, notification and publication actions (collectively, “notification actions”) required under SEQRA in connection with the FGEIS and the completion thereof; and

WHEREAS, the Agency by Resolution No. 2-2008, adopted on November 20, 2008, approved the Findings Statement on behalf of the Agency, caused same to be filed in accordance with the applicable requirements of SEQRA and submitted the Alexander Street Urban Renewal Plan to the Planning Board of the City (the “Planning Board”) for its review and certification in accordance with Section 505(2) of Article 15 of the General Municipal Law; and

WHEREAS, on January 14, 2009 the Planning Board held, upon due notice, a public hearing on the Alexander Street Urban Renewal Plan in accordance with Section 505(2) of Article 15 of the General Municipal Law; and

WHEREAS, the Planning Board, at its meeting held on January 14, 2009, unqualifiedly approved the Alexander Street Urban Renewal Plan for approval by the City Council, determined that the Alexander Street Urban Renewal Plan is in compliance with the provisions of subdivision 7 of Section 502 of Article 15 of the General Municipal Law, found that it conformed to a comprehensive community plan for the development of the municipality as a whole, confirmed the finding made pursuant to Section 504 of the General Municipal Law, and directed the Planning Director to submit to the City Council the report of the Planning Board certifying such unqualified approval and such determination and findings, and requesting further proceedings under subdivision 3 of Section 505 of Article 15 of the General Municipal Law; and

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION (CONTINUED)**

WHEREAS, in accordance with a recommendation heretofore made by the Planning Board, the City Council reserves the right to conduct proceedings with respect to the Master Plan pursuant to Section 28-a of the General City Law; and

WHEREAS, the approval being sought hereunder is limited to the Alexander Street Urban Renewal Plan; and

WHEREAS, earlier at this meeting the City Council, as an Involved Agency under SEQRA, adopted its own findings statement in connection with the Alexander Street Plans

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers that, after a public hearing held on due notice pursuant to Section 505(3) of Article 15 of the General Municipal Law , the proposed Alexander Street Urban Renewal Plan as submitted by the Planning Board to the City Council, is hereby approved; and be it further

RESOLVED, that the factors and characteristics in the Alexander Street Urban Renewal Area contributing to urban blight are hereby found to be appropriate for urban renewal as defined in Section 502 of Article 15 of the General Municipal Law; and be it further

RESOLVED, that in accordance with Section 505(4) of Article 15 of the General Municipal Law, the City Council hereby makes the following additional findings:

( a ) The Alexander Street Urban Renewal Area is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality.

( b ) Any financial aid provided to the municipality is necessary to enable the project to be undertaken in accordance with the Alexander Street Urban Renewal Plan (the "Urban Renewal Plan").

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION (CONTINUED)**

( c ) The Urban Renewal Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of the urban renewal program contained in the Urban Renewal Plan.

( d ) The Urban Renewal Plan conforms to a comprehensive community plan for the development of the municipality as a whole.

( e ) There is a feasible method for the relocation of families and individuals from the Alexander Street Urban Renewal Area into decent, safe and sanitary dwellings which are or will be provided in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonable accessible to their places of employment.

( f ) The undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of the Alexander Street Urban Renewal Area; and be it further

RESOLVED, that, this resolution shall take effect immediately.

THE ABOVE RESOLUTION WAS PUT OVER TO A SPECIAL COUNCIL MEETING TO BE HELD ON MAY 19, 2009 AT 8PM

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.75-2009**

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

BE IT THEREFORE RESOLVED, that the City Council of the City of Yonkers hereby approves the following tax certiorari settlements. (See attached list.)

TWO VOTES WERE TAKEN ON THE ABOVE RESOLUTION MAJORITY LEADER ANNABI DISCLOSED THAT SHE RESIDES AT 245 RUMSEY ROAD AND RECUSED HERSELF ON THE FIRST VOTE. THE RESOLUTION WAS ADOPTED 6-0 WITH MAJORITY LEADER ANNABI ABSTAINING.

THE SECOND VOTE WAS ON ALL ITEMS EXCEPT ITEM NUMBER 29 AND WAS ADOPTED BY VOTE OF 7-0.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MAY 12, 2009.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.76-2009**

7. 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 ONE THOUSAND DOLLARS AND 00/100 (\$1,000.00) of the action entitled Guido Caparelli (residing at 64 Puritan Avenue, Yonkers, NY 10710) Plaintiff, against the City of Yonkers, Defendant, for property damage arising out of an incident wherein it is alleged that on the 2<sup>nd</sup> day of August 2008, his vehicle was struck by a large tree branch while it was parked in front of his home at 64 Puritan Avenue in the City of Yonkers, New York, 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 ONE THOUSAND AND 00/100 DOLLARS (\$1,000.00) in favor of said plaintiff.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MAY 12, 2009 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

RESOLUTION NO.77-2009

8. 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 ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) of the action entitled, "EVELYN BOADU, plaintiff (residing at 160 Warburton Avenue – Apartment 7B, Yonkers, NY 10701) v. CITY OF YONKERS, et al., defendants; for violations of civil rights allegedly sustained by plaintiff in the course of a search warrant execution by City of Yonkers police officers on May 13, 2008; 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 ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) in favor of said plaintiff and her attorney, John Grill, payable to: Evelyn A. Boadu and O'Connor Reed,LLP, as attorneys".

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MAY 12, 2009 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.78-2009**

9. 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 two thousand eight hundred ninety two dollars and twenty six cents (\$2,892.26) of the action entitled, "In the Matter of the Claim of Matthew Landy, (residing at 137 Homewood Avenue, Yonkers, New York 10701) claimant against The City of Yonkers, Respondent", for property damage arising out of an accident alleging that on 29<sup>th</sup> of December, 2008 his car was hit by a City of Yonkers fire truck while he was stopped at a red light on Mile Square Road and Tuckahoe Road, 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 two thousand eight hundred ninety two dollars and twenty six cents (\$2,892.26) in favor of said plaintiff.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MAY 12, 2009 BY A VOTE OF 7-0.



**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.79-2009**

10. 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 THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$35,000.00) of the action entitled, "JOSE MARTINEZ (residing at 460 Thornbush Trace, Lawrenceville, Georgia 30045), Plaintiff, against THE CITY OF YONKERS, Defendant", for personal injuries and medical expenses arising out of a motor vehicle accident on July 24, 2004 wherein it is alleged that plaintiff was injured when a City of Yonkers Department of Public Works truck driven by Louis Federico struck the plaintiff's vehicle in the rear on Yonkers Avenue at or near its interchange with the Saw Mill River Parkway 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 THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$35,000.00) in favor of said plaintiff and his attorney, Michael H. Schwartz & Associates, P. C..

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MAY 12, 2009 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.80-2009**

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

RESOLUTION APPROVING THE RENEWAL OF A LICENSE AGREEMENT FOR THE USE OF PROPERTY AT 180 LINDEN STREET (SECTION 1, BLOCK 465, LOT 34) BY AMA TARGET REALTY, INC.

WHEREAS, this Council had previously approved a license agreement pursuant to Resolution No. 181-1989 and subsequent renewals of said agreement pursuant to Resolution 161-1993, Resolution No. 45-2003, Resolution No. 12-2006 and

WHEREAS, AMA Target Realty, Inc. with a mailing address at P.O. Box 157, Yonkers, New York 10703, had previously received permission from the City Council to use City-owned property at 180 Linden Street, Block 465, Lot 34, and

WHEREAS, said license agreement contains a renewal clause for an additional term of not more than three years, subject to City Council approval, and

WHEREAS, 180 Linden Street, Block 465, Lot 34, was obtained by the City of Yonkers through In-Rem foreclosure, and

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF YONKERS:

1. The Mayor of the City of Yonkers is hereby authorized to enter into a renewal of a license agreement with AMA Target Realty, Inc. for the use of 180 Linden Street, Yonkers, New York with AMA Realty, Inc. subject to the following terms and conditions:
  - a) The renewal term shall be for a term of not more than three years (February 1, 2009 to January 31, 2012).
  - b) The license fee shall be in the sum of \$5,605.00 per year for the years (February 1, 2009 to January 31, 2012).
  - c) The licensee shall continue to deposit with the City, the sum of six (6) months fee as security (\$2,852.50).

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.80-2009 (CONTINUED)**

- d) Use of licensed property shall be limited to the parking of vehicles by staff, tenants or patrons of the licensee while in attendance at the licensee's premises and for no other purpose, and licensee shall not impose and fee to staff, tenants or patrons for this privilege.
- e) The use of the licensed property shall conform with all applicable City ordinances, State and Federal laws.
- f) Any further improvements necessary for the use of the licensed property as a parking area are to made at the licensee's expense and shall become the property of the City upon termination of the license.
- g) Every improvement shall be subject to the requirements of the City Engineer or the City Department or Bureau with jurisdiction with regard to fencing, paving, marking, signage, lighting, installation of bumper stops and guardrails and other safety precautions.
- h) Licensee shall, at its sole cost and expense, maintain and keep the property in good order, condition, and repair and free of snow, ice, litter, rubbish and debris.
- i) Licensee shall, at all times, maintain unobstructed access to the premises for fire, police and other emergency vehicles and personnel, and permit regular inspection of said premises by any Department or Agency of Licensor.
- j) Licensee shall not assign, transfer, encumber or sublease the premises, or any part thereof, or any right or privilege connected therewith, without prior written consent of the City.
- k) Licensee shall not make any alterations, additions or improvements in, on, to, or about premises without the prior written consent of the City Engineer and the Director of Real Estate or the Commissioner of Planning and Development.
- l) Licensee shall comply with all laws, orders, ordinances, and other public requirements now or hereafter affecting the premises or the use thereof, and save the City harmless from expense or damage resulting from failure to do so. The licensed premises are not exempted from compliance with zoning or any other municipal codes or ordinances nor from any other requirements of law due to title being in the name of the City.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.80-2009 (CONTINUED)**

- m) In the event that water, sewer or drain lines are required to be installed or repaired, or public utility lines have been or are required to be installed or repaired, or, in the event that the licensed premises are needed for City purposes, this license may be cancelled and terminated by the City without penalty, at any time upon thirty (30) days written notice to the Licensee at the address designated for that purpose.
- n) The Licensee shall be required to defend, indemnify and hold harmless the City of Yonkers, its officers, agents, and employees from any loss, liability, expense, cost, or damaged that may occur or be claimed with respect to any person or property on, in or about the licensed premises or the licensed premises itself resulting from any act done or omission by or through the licensee, its agents, employees, invitees, or any person on the premises by reason of the licensee's use or occupancy or resulting from licensee's non-use, or possession of such property and any and all loss, cost, liability or expense resulting there from, including all attorneys fees which may be incurred by the City of Yonkers in connection therewith.
- o) Licensee shall be required to maintain the premises in a safe and careful manner. During the term of the license, the licensee shall be required to obtain, pay all premiums for, and furnish certificates to, the City for insurance as specified herein:
  - 1) Public liability insurance protection the parties hereto, their agents, officers, elected officials, representatives, or employees because of liability incurred by the parties hereto in the performance of the terms of this lease when such liability imposed on account of injury to or death of a person or persons, such policy to provide limits on account of any accident resulting in injury or death to one person of not less than \$1,000,000.00 and a liability limit on account of any accident resulting in injury or death to more than one person of not less than \$1,000,000.00 and a liability limit on account of any accident resulting in injury or death to more than one person of no less than \$1,000,000.00
  - 2) Property damage insurance protecting the parties because of liability which may be incurred by the parties hereto, their officers, agents, elected officials, representatives, or employees in the performance of the terms of this lease, such policy to provide for a limitation on account of each accident of not less that \$1,000,000.00

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.80-2009 (CONTINUED)**

3) All such policies of insurance shall name the City of Yonkers as an additional insured and/or co-insured and shall be with companies licensed to do business in New York State and acceptable to the City and shall require a minimum of sixty (60) days notice by Certified Mail, Return Receipt Requested, prior to the date of cancellation.

p) If a default be made in any of the terms, covenants and conditions contained in this license renewal agreement which the Licensee has failed to cure upon ten (10) days written notice from Licensor to Licensee, Licensor may, at its option, declare the license forfeited, re-enter the premises and take possession thereof without recourse to any Court order.

q) Such other terms and conditions as, in the discretion of the Mayor, may be necessary and in the best interest of the City of Yonkers.

2. This resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MAY 12, 2009 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.81-2009**

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

WHEREAS, the United States Department of Justice, Bureau of Justice Assistance has selected the City of Yonkers to participate in the 2009 Byrne Justice Assistance Grant (JAG) Program in order to purchase advance technology and emergency equipment as needed and to pay for patrol officer overtime expenditures for foot posts, bike patrol, plain clothes patrol, and other high saturation law enforcement patrols in small, specific areas to be determined throughout the grant period; and

WHEREAS, funds will also be made available to purchase technology and emergency equipment, such as computers, hand-held devices such as "Blackberries" and protective gear as needed, and other items such as vehicular equipment and related expenses, which will all be used for criminal investigations and law enforcement purposes as determined over the grant period; and

WHEREAS, this JAG, in the amount of \$1,319,212. will be received by twelve parties in Westchester County, in which the City of Yonkers will act as the fiscal breakthrough agent and divide the sum amongst the following municipalities, pursuant to the attached Inter-municipal Agreement in the following amounts: (i) City of Yonkers, \$522,581, (ii) County of Westchester, \$37,169, (iii) City of Mt. Vernon, \$360,592, (iv) City of New Rochelle, \$133,327, (v) City of White Plains, \$82,844, (vi) Village of Port Chester, \$47,524, (vii) City of Peekskill, \$33,655, (viii) Village of Ossining, \$33,285, (ix) Town of Greenburgh, \$26,259, (x) Town of Yorktown, \$17,382, (xi) ;Town of Harrison, \$13,129 and (xii) Village of Hastings –on –Hudson, \$11,465; and

WHEREAS, the Mayor of the City of Yonkers is hereby authorized to execute such Inter-municipal agreement with the aforementioned municipalities, for a term of June 1, 2009 to May 31, 2010, in order to provide such funds to the Police Departments of the City of Yonkers and the other municipalities mentioned in the Inter-municipal agreement ; and

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION (CONTINUED) NO. 81 – 2009**

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of Yonkers is hereby authorized to execute the Inter-municipal Agreement with the above mentioned municipalities for the purchase of equipment and advanced technology and to pay for various patrols as set forth herein and accept the JAG, with the total amount of the award at \$1, 319, 212., (\$522,581. of which is to be available to the City of Yonkers during the term of the grant); 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 MAY 12, 2009 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.82-2009**

12. 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 June 30, 2011

Sara Monaco  
538 Riverdale Avenue  
Yonkers, New York 10705

Law Firm

RENEWAL

Yohany Garcia  
538 Riverdale Avenue  
Yonkers, New York 10705

Law Firm

RENEWAL

Vincent R. Marchionni  
8 Marion Avenue  
Yonkers, New York 10710

Retired

NEW

John Larkin  
78 Hearst Street  
Yonkers, New York 10703

Retired

NEW

Frank Stilo  
105 Gailmore Drive  
Yonkers, New York 10710

Retired

NEW



**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION (CONTINUED)**

Gail O'Rourke  
105 Clunie Avenue  
Yonkers, New York 10704

Retired NEW

Lynda D. Yedowitz  
30 Edison Avenue  
Yonkers, New York 10706

Law Firm NEW

Marie Louise Murray  
39 Salisbury Road  
Yonkers, New York 10710

City of Yonkers NEW

Ronald J.P. Volino  
385 Kimball Avenue  
Yonkers, New York 10704

Doctor NEW

Annette T. Volino  
385 Kimball Avenue  
Yonkers, New York 10704

Teacher NEW

Sonia Diaz  
263 Palisade Avenue  
Yonkers, New York 10704

Board of Ed NEW

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION (CONTINUED)**

Sandra Jakominic  
6 Winthrop Avenue  
Yonkers, New York 10710

Board of Ed NEW

Anthony M. Jakominic  
6 Winthrop Avenue  
Yonkers, New York 10710

Student NEW

Joshua Mathew Goldstein  
365 Green Farms Road  
Westport, Ct. 06880

Law Firm NEW

Justin John Tubiolo  
25 Churchhill Avenue  
Yonkers, New York 10704

Securities Regulation NEW

David J. Tubiolo  
25 Churchhill Avenue  
Yonkers, New York 10704

Student NEW

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A  
STATED MEETING HELD ON TUESDAY MAY 12, 2009 BY A VOTE OF  
7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.83-2009**

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

RESOLUTION REQUESTING THAT THE STATE SENATE AND ASSEMBLY AMEND SECTION 858 OF ARTICLE 18-A OF CHAPTER 24 OF THE CONSOLIDATED LAWS KNOWN AS THE GENERAL MUNICIPAL LAW TO REQUIRE THAT THE LEGISLATIVE BODY IN A MUNICIPALITY THAT HAS AN INDUSTRIAL DEVELOPMENT AGENCY PURSUANT TO THE GENERAL MUNICIPAL LAW TO CONSENT TO THE EXECUTION OF ANY AGREEMENT FOR PAYMENTS IN LIEU OF TAXES.

WHEREAS, the unprecedented downturn in the economy has had a profound and lasting impact on our Nation, our State and our City.

WHEREAS, to the great dismay of those elected officials and public servants who have been entrusted with the fiduciary responsibility for adopting and administering government budgets while fulfilling the government's obligation to foster responsible and sustainable economic development this economic downturn has forced everyone to turn over every stone and examine every option in order to maximize government resources and minimize government costs.

WHEREAS, recently the State Comptroller's Office completed an audit of the Yonkers Industrial Development Agency as well as other IDAs throughout the State of New York.

WHEREAS, unfortunately this audit revealed a fundamental lack of record keeping and performance evaluation such that there is a complete lack of internal or external controls over the issuance of said PILOT Agreements

WHEREAS, furthermore, this audit also revealed that the IDA has failed to monitor the performance of the parties that benefited greatly from PILOT Agreements promulgated by the IDA.

WHEREAS, as a result of the foregoing the City of Yonkers and other host municipalities have suffered with the loss of valuable tax revenues compounded with a serious diminution of the economic development that was supposed to result from these agreements.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.83-2009 (CONTINUED)**

WHEREAS, as the legislative body in the City of Yonkers and as the body responsible for adopting the City Budget and monitoring the City's finances the City Council is forced to address the foregoing issues while trying to balance the budget and provide an open and transparent budgeting process to the taxpayers and citizens of our fair City.

WHEREAS, allowing the IDA to grant such far reaching significant incentives without the consent of the City Council undermines the municipalities' obligation to be accountable to the public while promulgating prudent financial policy

WHEREAS, the IDA is not a governmental body and thus is not subject to the open meeting requirements and FOIL requirements that are applicable to the City Council

WHEREAS, accordingly, the IDA makes many of these decisions without any input from the public and without any regard for the overall fiscal well being of the host City.

WHEREAS, these PILOT Agreements have steadily eroded the City's tax base while falling short of the promised benefits.

WHEREAS, year after year, the City Council is left to make up the shortfall and balance the annual budget on the backs of its citizens in the form of diminished services, increased taxes or both.

WHEREAS, the only effective way to end this vicious cycle is to change the law and require that any such PILOT Agreements receive the approval of the City Council before they can be executed.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Yonkers hereby REQUESTS THAT THE STATE SENATE AND ASSEMBLY AMEND SECTION 858 OF ARTICLE 18-A OF CHAPTER 24 OF THE CONSOLIDATED LAWS KNOWN AS THE GENERAL MUNICIPAL LAW TO REQUIRE THAT THE LEGISLATIVE BODY IN A MUNICIPALITY THAT HAS AN INDUSTRIAL DEVELOPMENT AGENCY PURSUANT TO THE GENERAL MUNICIPAL LAW CONSENT TO THE EXECUTION OF ANY AGREEMENT FOR PAYMENTS IN LIEU OF TAXES OR TAX BREAKS OF ANY KIND and that the City Council of the City Of Yonkers urges its representatives to THE ASSEMBLY and the SENATE as well as the GOVERNOR TO Propose and ENACT Such LEGISLATION AT THE EARLIEST OPPORTUNITY THEREBY

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.83-2009 (CONTINUED)**

AMENDING PARAGRAPH #15 OF THE ENUMERATED POWERS OF Industrial Development Agencies to insert the words: "With the Consent of the Legislative Body..."

BE IT FURTHER RESOLVED that the Yonkers City Clerk is hereby directed to forward copies of this support resolution to the Yonkers delegations to the New York State Senate and Assembly as well as the Office of the Governor.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MAY 12, 2009 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

RESOLUTION NO.84-2009

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

BE IT HEREBY RESOLVED, that the City Council of Yonkers hereby nominates MANUEL D. FERNANDES, JR. (139 Westminster Drive, Yonkers, New York 10710), as Commissioner of the Yonkers Commission on Human Rights, replacing Monica Bertran, as of April 1, 2009.

FURTHER RESOLVED, that the City Clerk is directed to forward a copy of this legislation to the Human Rights Office.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MAY 12, 2009 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

RESOLUTION NO.85-2009

15. COUNCILMEMBER GRONOWSKI, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, , COUNCILMEMEBERS McDOW, MURTAGH AND BARBATO:

WHEREAS, The City of Yonkers Inspector General recently completed a review of gasoline usage for the City's fleet of vehicles, to evaluate how the City administers the use of City gasoline, determine whether gasoline was used for non-municipal purposes and determine whether employees with take-home vehicle privileges followed policies prohibiting the personal use of their City vehicles; and

WHEREAS, This review revealed that the City did not have policies and procedures in place related to the use of City fuel and that some employees with take-home vehicle privileges violated City policy by using their vehicles for personal driving; and

WHEREAS, In addition to the very costly taxpayer-funded take-home city vehicles, the City of Yonkers also allows for city cellular phones and pagers for certain employees; and

WHEREAS, Several years ago the Town of Islip began a review process of the town's cell phone bills, which revealed 13 different calling plans, 74 phones that weren't being used, 25 phones whose users could not be identified, and cell phone assignments for ten employees who had retired or otherwise left the town's employ; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers directs the Office of the Inspector General to undertake a complete review of the taxpayer-funded cellular phones and pagers assigned to city employees and elected officials, to determine the cost to the city, the number of cell phones and pagers, the employees to whom the phones and pagers are assigned, the justification for each assignment, identification of policies in place for phones to be used solely for conducting city business, ensuring reimbursement to the city for all personal usage and the filing of any required IRS or other tax documents related to any personal usage.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MAY 12, 2009 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.86-2009**

16. COUNCILMEMBER GRONOWSKI, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, , COUNCILMEMEBERS McDOW, MURTAGH AND BARBATO:

WHEREAS, St. Michael's Ukrainian Catholic Church and the Yonkers branch of the Ukrainian American Youth Association will celebrate their Twenty-fourth Annual Yonkers Ukrainian Heritage Festival on June 19, 20<sup>th</sup> and 21<sup>st</sup> of 2009; and

WHEREAS, this three-day event will take place on the grounds of St. Michael's Ukrainian Catholic Church, located at the corner of 510 North Broadway & 21 Shonnard Place; and

WHEREAS, the Ukrainian Heritage Committee has requested permission from the City Council to place promotional banners in the surrounding area; and

WHEREAS, the Heritage Committee has asked that they be permitted to place four (4) banners at the following locations on or before May 29th, to be removed as soon after June 21<sup>st</sup> as is possible:

1. North Broadway, in front of St. John's Hospital – toward Executive Blvd.
2. Saw Mill River Road between Lockwood Avenue and Palmer Road
3. Yonkers Avenue in front of Gold's Gym and Great Bear Mufflers
4. On the Tuckahoe Road Bridge going over Central Park Avenue to be read by those traveling south on Central Park Avenue and Tuckahoe Road

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Yonkers hereby grants permission to the Heritage Committee to place four banners in the aforementioned locations, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MAY 12, 2009 BY A VOTE OF 7-0.



**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.87-2009**

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

WHEREAS, Joseph A. Americo, son of Italian immigrants epitomized the “American Dream” by becoming one of Yonkers self-made and most respected and successful businessman of 61 years until the very sad day of his passing on August 1<sup>st</sup>, 2007; and

WHEREAS, in 1946 after serving in the United States Navy during World War II, Joseph A. Americo invested his discharge bonus of \$300. in a tow truck that he used as a scrap metal and junk hauling business, creating what is known today as “Saw Mill International Corp.” a successful and profitable business, earning him the title of the “Pioneer” of the industry and the “Aristotle Onassis” of the car salvage business; and

WHEREAS, Joseph married his high school sweetheart Mary Grace, and had 4 wonderful children, Joseph A. Jr., Roseann, Linda, and Hope; and

WHEREAS, in addition to Joseph’s success in business, and his devotion to his family, employees and friends, Joseph generously supported and advocated for the Yonkers Chamber of Commerce, was a member and enthusiastic supporter of the Boys Town of Italy, the Italian Welfare League, Coalition of Italian-American Associations, American Committee of Italian Migration, St. Joseph and St. John’s Hospital’s, the Friendly Sons of St. Patrick, Yonkers Rotary Club, the Salvation Army, Big Brother-Big Sister’s, Columbus Citizens Foundation, and many other organizations; and

WHEREAS, in memory of the beloved Joseph A. Americo, family and friends request to have Worth Street designated as an honorary street, in the name of “JOSEPH AMERICO DRIVE;” and

WHEREAS, Worth Street is a dead-end street approximately 300 yards long, there are no homes, and has five businesses on each side, intersecting at Saw Mill River Road; and

WHEREAS, Yonkers City Council Rules of January 2006 require a public hearing take place for such as request.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.87-2009 (CONTINUED)**

NOW, THEREFORE BE IT RESOLVED, that the Yonkers City Council hereby directs the City Clerk to set a public hearing date for the consideration of the honorary street naming in memory of the late "Joseph A. Americo".

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MAY 12, 2009 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.88-2009**

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

WHEREAS, according to the Alzheimer's Association as many as 5.2 million people in the United States are living with Alzheimer's, and 10 million baby boomers will develop Alzheimer's in their lifetime; and

WHEREAS, every 71 seconds, someone will develop Alzheimer's—the sixth-leading cause of death—and although the disorder is associated with seniors, some 200,000 people between 30 – 40 years of age have early onset of the disease; and

WHEREAS, the City of Yonkers is calling upon our New York State Delegation to enact a "New York Silver Alert" or "Senior Program" emergency alert plan modeled on the well-known "Amber Alert Program" already in affect throughout the nation; and

WHEREAS, knowing that time is of the essence for patients living with cognitive disorders—be it dementia, Alzheimer's disease or other mental impairments—that may become lost or wander away, the "Silver Alert Program" will immediately activate a system that will allow law enforcement and the public to react quickly to the alert, through highway message boards, along with radio and television broadcast interruptions, posting the name, description, photo, and any other pertinent information that may help locate the lost patient. Unfortunately, Alzheimer's Association statistics have shown that if a lost patient is not found within 24 hours at least half suffer serious injury or death.

THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers calls upon our New York State Delegation to enact an emergency alert system similar to those in effect presently in a number of states, which alerts the public about the elderly, or any Alzheimer's or Dementia patient, or anyone suffering from other mental impairments, that may have wandered away or gotten lost, through a system called the "Silver Alert" or Senior Program".

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**RESOLUTION NO.88-2009 (CONTINUED)**

BE IT FURTHER RESOLVED, that the City Council directs the City Clerk to forward copies of this Home Rule Message to Yonkers Delegation to the New York State Legislature.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY MAY 12, 2009 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 12, 2009**

**COMMITTEE REPORTS**

AT THE REQUEST OF COUNCIL MEMBER MURTAGH; MEETING WAS  
ADJOURNED AT 9:16 PM IN THE MEMORY OF THE 13 MEMBERS OF  
THE YONKERS POLICE DEPARTMENT THAT LOST THEIR LIVES IN  
THE LINE OF DUTY

P.O. EDWARD BURNS	MONDAY, SEPTEMBER 5, 1904
P.O. DENNIS McELROY	WEDNESDAY, OCTOBER 25, 1916
P.O. WILFRED MATTHEWS	SUNDAY, OCTOBER 29, 1916
P.O. JOHN HUDOCK	TUESDAY, FEBRUARY 21, 1928
P.O. MICHAEL J. WALSH	MONDAY, DECEMBER 23, 1929
P.O. PATRICK F. WHALEN	FRIDAY, FEBRUARY 23, 1934
P.O. GEORGE J. ERLING	SUNDAY, JUNE 30, 1935
P.O. DANIEL E. QUILTY	THURSDAY, OCTOBER 15, 1936
P.O. JOSEPH KOSTIK	SUNDAY, APRIL 17, 1938
P.O. ALBERT LIPTAK	MONDAY, APRIL 18, 1938
P.O. JOHN W. CAHILL	TUESDAY, JANUARY 23, 1940
P.O. HAROLD L. WOODS	SUNDAY, SEPTEMBER 22, 1974
P.O. JOHN SILINSKY	THURSDAY, SEPTEMBER 30, 1982