

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 9, 2009

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

TIME: 8:45 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 moment of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on May 26, 2009 on approved on motion of Majority Leader Sandy Annabi.

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COMMUNICATIONS FROM CITY OFFICIALS

1. From Roman Kozicky, Yonkers Planning Board Chairman, dated May 21, 2009, forwarding the Planning Board's approval of:

A PLANNED URBAN REDEVELOPMENT (PUR) SPECIAL USE PERMIT ON PROPERTY KNOWN AS PARCELS H & I OF THE YONKERS WATERFRONT BLOCK: 640 LOT: 1, 25 AND 38 AND BLOCK: 643 LOTS: 1, 24 AND 40 PURSUANT TO ARTICLE VII OF THE YONKERS ZONING ORDINANCE.

FILED

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COMMITTEE OF THE WHOLE

SPEAKERS

<u>NAME:</u>	<u>ADDRESS</u>	<u>ITEM</u>
1. Mike hertz	1 David Lane	4
2. Kathryn Spann	1178 Warburton Ave.	4
3. Gary Weinberg	1085 Warburton Ave.	4
4. Stanley Fishburn	1155 Warburton Ave.	4
5. Roel Kunst	1195 Warburton Ave	4
6. George Gierer	1193 Warburton Ave.	4
7. Jon Steenfield	1167 Warburton Ave.	4
8. Michael Sabatino	10 Belmont Place	4

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PUBLIC HEARING

A PUBLIC HEARING ON A PROPOSAL IDENTIFYING CERTAIN URBAN RENEWAL SITES TO BE DEVELOPED AND LOCATED IN THE RIVERVIEW URBAN RENEWAL AREA AND THE GETTY SQUARE URBAN RENEWAL AREA, WHICH AREAS ARE GOVERNED BY THE MODIFIED URBAN RENEWAL PLAN FOR N.D.P. AREAS NO. 1 AND NO. 2 AND THE GETTY SQUARE URBAN RENEWAL PLAN, RESPECTIVELY.

SPEAKERS

<u>NAME</u>	<u>ADDRESS</u>
1. Alvina Mae Tyropolis	41 Curtis Lane
2. Kevin Cacase	55 Main Street
3. Terry Joshi	YCSD
4. George Kuri	204 New Main Street
5. Louis Maggiotto	Sugar House
6. Walter Lipscomb	164 Ashburton Ave.
7. Phylis Harrison	164 Ashburton Ave.
8. Valerie Pearson	164 Ashburton Ave.
9. Eymard Smith	3 Halstead Ave.
10. Louis A. Picani	160 S. Central Ave.
11. Margaret Setterholm	146 Warburton Ave
12. John Kemoh	81 Hamilton Ave.
13. Joan Cummings	1 Alexander Street
14. Michael Carriere	14 saw Mill River Rd.

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SPEAKERS (CONTINUED)

<u>NAME</u>	<u>ADDRESS</u>
15. Richard Fitzgerald	466 Palisade Ave.
16. Steve Kubasek	4 Garfield
17. Nick Motteron	30 Jefferson
18. Barbara Howard	68 Gard Ave.
19. Barrymore Scherer	9 Hillside Ave.
20. Gail Averill	158 Alta Ave.
21. Patrick Welsh	243 Jackson Ave.
22. Deirdre Hoare	16 Cross Street
23. Al Villate	54 Windermere Drive
24. Michael Sabatino	10 Belmont Place
25. Kevin Gorman	6 Jervis place
26. Toni Van Loan	657 Warburton Ave.
27. Noel DiSalvo	158 Dunwoodie St.

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OLD BUSINESS

RESOLUTION NO.99-2009

1. 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

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RESOLUTION NO.99-2009 (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

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

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RESOLUTION NO.99-2009 (CONTINUED)

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,

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

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RESOLUTION NO.99-2009 (CONTINUED)

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, JUNE 9, 2009 BY A VOTE OF 7-0.

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RESOLUTION NO.100-2009

2. 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

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RESOLUTION NO.100-2009 (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

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RESOLUTION NO.100-2009 (CONTINUED)

RESOLVED, that, this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 9, 2009 BY A VOTE OF 7-0.

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RESOLUTION NO.101-2009

3. 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

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RESOLUTION NO.101-2009 (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

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RESOLUTION NO.101-2009 (CONTINUED)

further proceedings under subdivision 3 of Section 505 of Article 15 of the General Municipal Law; 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 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").

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RESOLUTION NO.101-2009 (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.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 9, 2009 BY A VOTE OF 7-0.

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NEW BUSINESS

GENERAL ORDINANCE NO.4-2009

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

A GENERAL ORDINANCE AMENDING GENERAL ORDINANCE NO -4-2000 (COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF YONKERS) AND THE ZONING MAP BY AMENDING SAID MAP BY CHANGING THE ZONE CLASSIFICATION OF BLOCK 3570, LOTS 1-20 ALSO KNOWN AS 1167 – 1205 Warburton AVENUE AND ALL LOTS IN BLOCKS 3610 AND 3615, FROM ITS PRESENT “A” ZONE DISTRICT CLASSIFICATION TO A “MG” ZONE DISTRICT.

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

Section 1. General Ordinance No.4-2000 commonly known as the Zoning Ordinance of the City of Yonkers and the zoning map, is hereby amended by AMENDING said map by changing the zone district classification of Block 3570, Lots 1-20 ALSO KNOWN AS 1167 – 1205 Warburton AVENUE and all the lots in Blocks 3610 and 3615 as shown and designated on the Official Tax Map of the City of Yonkers, from its present “A” to an “MG” zone district classification.

Section 2. This ordinance shall take effect immediately.

MOTION BY COUNCILMEMBER MURTAGH, SECONDED BY MAJORITY LEADER ANNABI, TO RETURN THE ABOVE GENERAL ORDINANCE TO COMMITTEE. THE MOTION WAS DEFEATED BY A ROLL CALL VOTE OF 5-2, COUNCILMEMBER MURTAGH AND MAJORITY LEADER ANNABI VOTING “YEA”.

MOTION BY COUNCILMEMBER MURTAGH, SECONDED BY MAJORITY LEADER ANNABI, TO ADOPT ALTERNATIVE NO. 4 OF THE ABOVE GENERAL ORDINANCE. THE MOTION WAS DEFEATED BY A ROLL CALL VOTE OF 4-3, COUNCILMEMBER MURTAGH, MAJORITY LEADER ANNABI AND COUNCIL PRESIDENT LESNICK VOTING “YEA”.

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GENERAL ORDINANCE NO.4-2009 (CONTINUED)

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 9, 2009 BY A ROLL CALL VOTE OF 5-2, COUNCILMEMBER MURTAGH AND MAJORITY LEADER ANNABI VOTING "NAY"

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SPECIAL ORDINANCE NO.11-2009

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

BOND ORDINANCE OF THE CITY OF YONKERS, NEW YORK, AMENDING THE BOND ORDINANCE ADOPTED JUNE 10, 2008 AUTHORIZING THE PAYMENT OF VARIOUS TAX CERTIORARI JUDGMENTS, COMPROMISED CLAIMS AND SETTLED CLAIMS DURING FISCAL YEARS 2008-2009 AND 2009-2010 OF THE CITY.

RECITALS

WHEREAS, the City Council of the City of Yonkers, New York, has heretofore duly authorized the City to finance the cost of the payment of various tax certiorari judgments, compromised claims and settled claims during fiscal year 2008-2009, at the estimated maximum cost of \$14,000,000, pursuant to Special Ordinance No. 20-2008 duly adopted on June 10, 2008, and it has now been determined that due to increased costs for such judgements and claims and the delay in payment of certain of such judgements and claims until fiscal year 2009-2010, the maximum cost thereof is now estimated to be \$20,200,000 and it is necessary to increase the appropriation for such judgments and claims by \$6,200,000 for estimated costs and to make reference to both the 2008-2009 and 2009-2010 fiscal years;

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

Section (A). Special Ordinance No. 20-2008 duly adopted by the City Council on June 10, 2008, entitled:

“BOND ORDINANCE OF THE CITY OF YONKERS, NEW YORK, AUTHORIZING THE PAYMENT OF VARIOUS TAX CERTIORARI JUDGMENTS, COMPROMISED CLAIMS AND SETTLED CLAIMS DURING FISCAL YEAR 2008-2009, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$14,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF

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SPECIAL ORDINANCE NO.11-2009 (CONTINUED)

\$14,000,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.”.

is hereby amended to read as follows:

BOND ORDINANCE OF THE CITY OF YONKERS, NEW YORK, AUTHORIZING THE PAYMENT OF VARIOUS TAX CERTIORARI JUDGMENTS, COMPROMISED CLAIMS AND SETTLED CLAIMS DURING FISCAL YEARS 2008-2009 AND 2009-2010, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$20,200,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$20,200,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

Section 1. The City of Yonkers, in the County of Westchester, New York (herein called “City”), is hereby authorized to pay various tax certiorari judgments, compromised claims and settled claims against the City, approved by the City Council during Fiscal Years 2008-09 and 2009-2010. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$20,200,000, and said amount is hereby appropriated therefor pursuant to the City’s Budgets for Fiscal Years 2008-2009 and 2009-2010. The plan of financing includes the issuance of \$20,200,000 bonds of the City to finance said appropriations, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$20,200,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

Section 3. The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this ordinance are to be issued, within the limitations of Section 11.00 a. 33-a. (a) of the Law, is ten (10) years.

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SPECIAL ORDINANCE NO.11-2009 (CONTINUED)

Section 4. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City without limitation of rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 30.00, Section 50.00, Sections 56.00 to 60.00, and Section 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and all other powers or duties pertaining or incidental to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, and the power to enter into agreements for credit enhancement for said bonds and notes, are hereby delegated to the chief fiscal officer of the City.

Section 6. Pursuant to the provisions of Section 17 of the Special Local Finance and Budget Act of the City of Yonkers constituting Chapters 488 and 489 of the Laws of 1976 of the State of New York (herein called the "Act"), the City is authorized and directed to include the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 17 in this ordinance, and the Act provides that upon payment for the Bonds by the original and all subsequent holders thereof the inclusion of such pledge and agreement shall be deemed conclusive evidence of valuable consideration received by the State and City for such pledge and agreement and of reliance upon such pledge and agreement by any holder and that any action by the State contrary to or inconsistent with the provisions of such pledge and agreement shall be void:

"The state does hereby pledge to and agree with the holders of obligations of the City issued pursuant to the local finance law or this act that the state will not (a) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the power or duty of the City to exercise, perform, carry out and fulfill its responsibilities under this

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SPECIAL ORDINANCE NO.11-2009 (CONTINUED)

act to the extent that the City incorporates in any bond ordinance or credit agreement covenants and agreements to so exercise, perform, carry out and fulfill such responsibilities, (b) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the rights and remedies of any such holders to fully enforce in a court of law such

covenants and agreements so incorporated in the bond ordinance or credit agreement or to enforce the pledge and agreement of the state contained in this section, or (c) otherwise exercise any sovereign power contrary to or inconsistent with the provisions of such bond ordinance or credit agreement, it being hereby determined and declared that the provisions of this act and the powers and duties of the City authorized and imposed hereunder are proper, reasonable and appropriate means by which the state can and should exercise and has exercised its duty under section twelve of article eight of the constitution to prevent abuses by the City in taxation and in the contracting of indebtedness and that the provisions hereof are necessary and in the public interest and proper means to improve market reception for the purchase of bonds and other obligations of the City; provided, however, the foregoing pledge and agreement shall be of no further force and effect if at any time (i) there is on deposit in a separate trust account with the fiscal agent sufficient moneys or direct obligations of the United States of America or the state the principal of and/or interest on which will provide moneys to pay punctually when due at maturity or prior to maturity by redemption in accordance with their terms all principal and interest on all such obligations of the City outstanding, (ii) irrevocable instructions from the state and City to the fiscal agent for such payment of such principal and interest with such moneys have been given, and (iii) notice to the holders of such obligation as provided in the bond ordinance or credit agreement has been given, and provided further that such pledge and agreement by the state may be temporarily suspended upon the declaration of martial law in the City in the event of circumstances in the City deriving directly out of a natural disaster (such as an earthquake or major conflagration or flood but not a snowstorm) or civil disturbance (such as military invasion or civil insurrections but not strikes or crises created by financial abuses or economic events)".

Section 7. The validity of the bonds authorized by this ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

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(b) the provisions of law which should be complied with at the date of the publication of such ordinance are not substantially Complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "THE JOURNAL NEWS," a newspaper published in Yonkers, New York, and in "HOMES NEWS & TIMES," a newspaper published in Yonkers, New York, each having a general circulation in the City and hereby designated the official newspapers of said City for such publication .

Section (B). The amendment of the bond ordinance set forth in Section (A) of this ordinance shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond ordinance, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond ordinance, as so amended.

Section (C). This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "THE JOURNAL NEWS," a newspaper published in Yonkers, New York, and in "YONKERS RISING" (formerly "THE HOMES NEWS & TIMES,") a newspaper published in Yonkers, New York, each having a general circulation in the City and hereby designated the official newspapers of said City for such publication .

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 WITH THE EXCEPTION OF 245 RUMSEY ROAD AND WAS ADOPTED BY VOTE OF 7-0.

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SPECIAL ORDINANCE NO.11-2009 (CONTINUED)

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
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VOTE OF 7-0.

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RESOLUTION NO.102-2009

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 One Thousand Thirty Two Dollars and 98/100 (\$1,032.98) of the action entitled, "Amica Mutual Insurance Company. a/so Vivine Simpson, Plaintiff against THE CITY OF YONKERS, Defendant", for property damage arising from the plaintiff's car being struck by a City owned truck on the ramp in front of 87 Nepperhan Avenue on April 14, 2008 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 One Thousand Thirty Two Dollars and 98/100 (\$1,032.98) in favor of said plaintiff and Amica Insurance Company, PO Box 400, Brookfield, CT 06804.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 9, 2009 BY A VOTE OF 7-0.

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RESOLUTION NO.103-2009

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 two thousand fifty-eight dollars and fifty-three cents (\$2,058.53) of the action entitled, "In the Matter of the claim of Michael Walsh, Claimant, (residing at 4277 Rt.23, East Windham, New York 12439) against The City of Yonkers, Respondent", for property damage arising out of an alleged accident in which claimant alleges his vehicle was damaged on August 28, 2008 while it was parked at the DPW Parking Lot at 190 Saw Mill River Road, 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 fifty-eight dollars and fifty-three cents (\$2,058.53) in favor of said claimant, Michael Walsh.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 9, 2009 BY A VOTE OF 7-0.

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RESOLUTION NO.104-2009

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

WHEREAS, in order to further the development of Parcels H and I on property known as the Yonkers Waterfront, more properly known as Block 640, Lots 1, 25 and 38 and Block 643 Lots 1, 24, and 40 on the Tax Assessment Map of the City of Yonkers, an application for a Planned Urban Redevelopment Special Use Permit for the redevelopment of said property as a Planned Urban Redevelopment project in accordance with Article VII, Section 43-72 C and Section 43-74 F of the Zoning Code of the City of Yonkers, having already been submitted to, and approved by, the City of Yonkers Planning Board (the "Planning Board"), is now before the City Council for its approval; and

WHEREAS, upon review of the application and the record before it, this City Council believes it be in the best interest of the City to approve the actions taken by the Planning Board and grant said application.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled and in accordance with Chapter 43, Section 43-55, that upon the record and findings of the Planning Board with respect to the application submitted pursuant to Article VII, Section 43-72 C and 43-74 F of the Zoning Code of the City of Yonkers for a Planned Urban Redevelopment Special Use Permit at Block 640, Lots 1, 25 and 38, and Block 643 Lots 1, 25 and 40 on the Tax Assessment Map of the City of Yonkers on property known as Parcels H and I on the Yonkers Waterfront, the decision and actions of the Planning Board of the City of Yonkers are hereby approved, subject to the conditions set forth in the Planning Board's Resolution to Approve, including but not limited to the reports of the City Engineer, the Traffic Engineer, the Fire Department, the Police Commissioner and the Parks Commissioner.

This Resolution shall take effect immediately.

MOTION BY MINORITY LEADER McLAUGHLIN, SECONDED BY MAJORITY LEADER ANNABI, TO RETURN THE ABOVE RESOLUTION TO THE REAL ESTATE COMMITTEE. THE MOTION WAS DEFEATED BY A ROLL CALL VOTE OF 4-3, MINORITY LEADER McLAUGHLIN, MAJORITY LEADER ANNABI AND COUNCILMEMBER GRONOWSKI VOTING "YEA".

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RESOLUTION NO.104-2009 (CONTINUED)

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 9, 2009 BY A ROLL CALL VOTE OF 4-3, MINORITY LEADER McLAUGHLIN, MAJORITY LEADER ANNABI AND COUNCILMEMBER GRONOWSKI VOTING "NAY".

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RESOLUTION NO.105-2009

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

WHEREAS, the City of Yonkers hereby requests the New York State Legislature to amend Section 354-a of the Public Authorities Law and discontinue the Yonkers Toll Plaza on the New York State Thruway; and

WHEREAS, the New York State Thruway Authority recently announced that the Spring Valley Toll Plaza would be discontinued and the stated reason for the removal of the plaza was traffic congestion; and

WHEREAS, nearly as many vehicles use the Yonkers Toll Plaza daily as use the Spring Valley Toll Plaza; and

WHEREAS, additionally, the Governor plans to raise the tolls on the Tappan Zee Bridge to make up for the loss of revenue from the loss of tolls from the closing of the Toll Plaza at Spring Valley, forcing many Westchester residents to pay for the removal of the Spring Valley Plaza; and

WHEREAS, Senate Bill No SO. 4287 and Assembly Bill No. AO. 5360 have been introduced to the State Legislature to amend Section 354-a of the Public Authorities Law and provide for the removal of the Yonkers Toll Plaza for the New York State Thruway and to ensure that Westchester residents are not unfairly disadvantaged and will advance the Thruway Authority's goal of relieving traffic congestion in the lower Hudson Valley corridor.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby declares that the enactment of SO. 4287 and AO. 5360 to provide for the discontinuance of the Yonkers Toll Plaza on the New York State Thruway is in the best interests of the City of Yonkers and will also be advantageous to the residents of the County of Westchester; and

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RESOLUTION NO.105-2009 (CONTINUED)

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to the Governor and the Legislature of the State of New York requesting the passage of the aforesaid bills.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 9, 2009 BY A VOTE OF 7-0.

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RESOLUTION NO.106-2009

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

WHEREAS, the City Council of the City of Yonkers has determined that there are a number of areas within the City, where for various reasons, there is insufficient parking to meet current needs; and

WHEREAS, while the City Council recognizes that on street parking is for everyone and that parking on city streets should be on a "first come first served" basis, it is acknowledged that in many areas of our City, due to an inordinate amount of parking by non-residents, there is not enough on-street parking to accommodate the overall demand; and

WHEREAS, as a result, in those areas of Yonkers where the demand for on-street parking outstrips the availability of on-street parking spaces, it is the area residents who are most inconvenienced; and

WHEREAS, the lack of sufficient on-street residential parking in these areas has contributed to and resulted in traffic hazards, traffic congestion and air and noise pollution; and

WHEREAS, the City Council has determined that in certain areas of our City, that the establishment and use of residential parking permits would be an appropriate remedy that would foster assistance in alleviating some of the City's overall parking problem; and

WHEREAS, one area in Yonkers that has suffered greatly because of the inadequacy of on-street parking is the community west of the Yonkers Raceway /Empire City facility consisting of five streets containing over 260 houses, and while Yonkers Raceway/Empire City does provide ample, free, self parking, with a shuttle for patrons as well as valet parking for patrons, parking on nearby streets seems preferable to some of the patrons, as it is faster and easier to park and walk to their cars rather than use the shuttles; and

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RESOLUTION NO.106-2009 (CONTINUED)

WHEREAS, because some of the patrons park on the City streets, the nearby residents are unable to find parking near their homes, and other problems have been reported, such as increased littering, and noise from the patrons as they use their cars, severely limiting residential access to on-street parking, thus contributing to and causing traffic and related problems in the area; and

WHEREAS, this City Council, after setting forth the findings of fact as to traffic hazards and congestion in the Yonkers Raceway/Empire City area, is requesting that the State Legislature to grant the City of Yonkers authority to establish a residential parking permit system in the Yonkers Raceway/Empire City area and enact Assembly Bill A. 5493-A and Senate Bill S.4392-A;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby requests the State Legislature to amend Section 1640 of the Vehicle and Traffic Law to permit the City of Yonkers to adopt a residential parking permit system in the Yonkers Raceway/Empire City area of the City of Yonkers by enacting Assembly Bill A.5493-A and Senate Bill S.4392-A and

BE IT FURTHER RESOLVED, that the residential parking permit system area established for the Yonkers Raceway/Empire City area shall encompass Belmont Avenue from Orient Street to Yonkers Avenue; Boone Street from Central Park Avenue to Dead End; Clark Street from Central Park Avenue to Orient Street; Loring Avenue from Central Park Avenue to Orient Street; and Chamberlain Avenue from Belmont Avenue to Central Park Avenue; and

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RESOLUTION NO.106-2009 (CONTINUED)

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward a duly certified copy of this Home Rule Message to the Governor and to each member of our State delegation in Albany.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 9, 2009 BY A VOTE OF 7-0.

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RESOLUTION

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

WHEREAS, the Yonkers Detention Officers are a small unit comprised of 23 officers, supervisors included that are Peace Officers who supervise and maintain order in Yonkers Penal holding facilities, and

WHEREAS, while Detention Officers in Yonkers complete tasks similar to what Police Officers complete in other municipalities, they do not have similar retirement benefits, and

WHEREAS, New York State Bill Numbers A8021 (Pretlow) and S4802 (Cousins) would amend the retirement and social security law and grant Detention Officers employed by the city of Yonkers or those employees that hold a job with responsibilities similar to those of a detention officer, in the event that the job title of detention officer shall be abolished, retirement benefits after twenty-five years of total creditable service by filing an application, and

WHEREAS, upon retirement, each such Detention Officer shall receive a pension which, together with an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of his or her retirement and an additional pension which is the actuarial equivalent of the reserved- for-increased-take-home-pay to which he or she May then be entitled shall be sufficient to provide him or her with a retirement allowance equal to one-half of his or her final average salary

WHEREAS, this legislation was place in Civil Service and Pensions on April 27, 2009 through corresponding Senate sponsor number, which was recently released as S4802 (Cousins) and

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby resubmits this Home Rule Message to the New York State Legislature in support of Assembly Bill Number A8021 (Pretlow) and State Bill Number S-4802 (Cousins) to amend the related general municipal law to include retirement benefits for Yonkers Detention Officers.

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RESOLUTION (CONTINUED)

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

THIS RESOLUTION WAS HELD OVER

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RESOLUTION NO.107-2009

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

RESOLUTION OF THE YONKERS CITY COUNCIL AUTHORIZING THE ISSUANCE OF A DETERMINATION OF SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") RELATING TO THE GRANTING OF A RIGHT OF WAY AGREEMENT TO ABOVE NET COMMUNICATIONS FOR USE ON EXECUTIVE BOULEVARD AND TUCKAHOE ROAD.

WHEREAS, there is pending before the Yonkers City Council a resolution for the approval of a Right of Way Agreement between the City of Yonkers and Above Net Communications in regard to the use of fiber optic cable to serve the Verizon switching facility on Executive Boulevard; and

WHEREAS, the City Council has determined that the proposed action is an Unlisted Action under the State Environmental Quality Review Act ("SEQRA") requiring the City Council to comply with the regulations promulgated pursuant to SEQRA; and

WHEREAS, an Environmental Assessment Form has been prepared to assist the City Council in complying with its responsibilities under SEQRA; and

WHEREAS, The City Council has carefully considered the proposed action and has reviewed the Environmental Assessment Form and the criteria set forth in Section 617.7 of 6 NYCRR Part 617 of the SEQRA regulations and has identified and carefully considered the relevant areas of environmental concern as are fully set forth in said Environmental Assessment Form to determine if the proposed action will have a significant impact upon the environment; and

NOW THEREFORE, BE IT RESOLVED by the Yonkers City Council that based upon it's review of the Environmental Assessment Form and for the reasons set forth in said Environmental Assessment Form, it is determined that there will be no adverse impact on the environment from the proposed granting of the Right of Way Agreement in regard to the use of the fiber optic cable by Above Net Communications; and,

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RESOLUTION NO.107-2009 (CONTINUED)

BE IT FURTHER RESOLVED, that the Council President is authorized and directed to sign the Determination of Significance on the Environmental Assessment Form, on behalf of the City Council pursuant to Article 8 of the Environmental Conservation Law, indicating that the proposed action will not result in any significant adverse environmental impacts and to immediately transmit same to be filed and made available pursuant to the requirements of 6 NYCRR Part 617; 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, JUNE 9, 2009 BY A ROLL CALL VOTE OF 5-2, COUNCILMEMBERS BARBATO AND MURTAGH VOTING "NAY"

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RESOLUTION NO.108-2009

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

WHEREAS, ABOVENET COMMUNICATIONS, INC., of 360 Hamilton Avenue , White Plains New York, proposes to construct a telecommunications network within the City of Yonkers, not limited to fiber optic cabling, enclosures and ancillary cabling, connectors and equipment, in certain public ways of the City; and

WHEREAS, the City of Yonkers has the legal authority to enter into such Agreement, which would be in the best interests of the residents of this City;

NOW, THEREFORE, BE IT RESOLVED, that the Right of Way Agreement between the City of Yonkers and ABOVENET Communications is hereby approved; and be it further,

RESOLVED, that this resolution will take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 9, 2009 BY A ROLL CALL VOTE OF 5-2, COUNCILMEMBERS BARBATO AND MURTAGH VOTING "NAY"

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RESOLUTION NO.109-2009

14. 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 July 31, 2011

Elizabeth Castillo
128 Edgecliff ter.
Yonkers, New York 10705

Real Estate RENEWAL

Anthony Cellamare
11 Leona Drive
Brewster, New York 10509

City of Yonkers RENEWAL

Nydia E. Vazquez
202 Kneeland Avenue
Yonkers, New York 10704

Westchester County RENEWAL

Carlos A. Orellana
333 Hawthorne Avenue, 2R
Yonkers, New York 10705

Organizer RENEWAL

John Adely
20 Dexter Road
Yonkers, New York 10701

N/A RENEWAL

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RESOLUTION NO.109-2009 (CONTINUED)

Steve Wilgermein
84 park Hill Street
Yonkers, New York 10701

City of Yonkers

RENEWAL

Glen D'Ambrosio
122 Lincoln Avenue
Yonkers, New York 10704

City of Yonkers

RENEWAL

Jaime Smith
221 Ride Avenue
Yonkers, New York 10701

N/A

RENEWAL

Thomas Smith
131 Underhill Street
Yonkers, New York 10710

Westchester

RENEWAL

Leonard Spano
5 Colonial Pkwy North
Yonkers, New York 10710

Spano Fuel

RENEWAL

Rosemarie Gannon
111 Colonial pkwy North
Yonkers, New York 10710

Westchester

RENEWAL

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RESOLUTION NO.109-2009 (CONTINUED)

Eleanor Birrittella
857 Palisade Avenue 1E
Yonkers, New York 10703

Westchester

RENEWAL

Jason Berardis
35 Burtis Avenue
Yonkers, New York 10703

Westchester

RENEWAL

Mario Zuccarelli
17 Floral Lane
Yonkers, New York 10708

City of Yonkers

RENEWAL

Sharon Wynne
228 Roberts Avenue
Yonkers, New York 10703

City of Yonkers

RENEWAL

Wifredo Moreno
5 Fredric Place
Yonkers, New York 10703

Construction

NEW

Lauren A. Rupnauth
190 E 206 St.
Bronx, New York

Law Firm

NEW

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CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 9, 2009

RESOLUTION NO.109-2009 (CONTINUED)

Christine Marie Class
1908 206 St.
Bronx, New York

Law Firm

NEW

George Kevgas
585 Mclean Ave. 4B
Yonkers, New York 10705

N/A

NEW

John Folkerts
4 Birch Brook Road
Yonkers, New York 10708

Yonkers Fire

RENEWAL

German Disla
121 Ludlow Street 2E
Yonkers, New York 10705

Student

NEW

William Wilson
65 Saratoga Avenue
Yonkers, New York 10705

N/A

NEW

Martina Diaz
88 Post Street
Yonkers, New York 10705

N/A

NEW

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 9, 2009

RESOLUTION NO.109-2009 (CONTINUED)

Patrick Brady
62 Sound View Ave.
Yonkers, New York 10704

Yks Fire NEW

Barry McGoey
119 Sedgewick Ave.
Yonkers, New York 10705

Yks Fire NEW

Tod Comissa
56 Woodland Ave.
White Plains, New York 10607

Yks Fire NEW

Graig DeSousa
137-139 Lockwood Ave 1B
Yonkers, New York 10701

Yks Fire NEW

Lianne Navedo
148 Westminster Drive
Yonkers, New York 10710

Yks Fire NEW

Peter Connolly
21 Abner place
Yonkers, New York 10704

Yks Fire NEW

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 9, 2009

RESOLUTION NO.109-2009 (CONTINUED)

Angelo Roxas
194 Rumsey Road
Yonkers, New York 10705

Yks Fire

NEW

Chris Bagan
4 Brookside Ave.
Yonkers, New York 10579

Yks Fire

NEW

Jayda Vera Leder
146 Kneeland Avenue
Yonkers, New York 10704

Student

NEW

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A
STATED MEETING HELD ON TUESDAY, JUNE 9, 2009 BY A VOTE
OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 9, 2009

RESOLUTION NO.110-2009

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

WHEREAS, St. John the Baptist Church, located at 670 Yonkers Avenue in Yonkers will be celebrating its ANNUAL CASINO NIGHT, October 3rd, 2009, and has requested permission from the City Council to place three banners in the area promoting this event, and

WHEREAS, St. John the Baptist Church has asked that they be permitted to place one (1) banner at the intersection of Mclean Avenue & McCollum Place (near Coyne Park) (2) Sadore Lane bridge (at Central Park Avenue) and (3) Yonkers Avenue & Cypress Street (near CVS store) or other appropriate location, on or around September 7th, 2009 and to be removed as soon after October 3rd, 2009 as is possible.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Yonkers hereby grants permission to St. John the Baptist Church to place three 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, JUNE 9, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 9, 2009

RESOLUTION NO.111-2009

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

WHEREAS, St. Mary's Orthodox Church, located at 485 North Broadway in Yonkers will be holding its Annual Spring Flea Market on June 13th, 2009 and has requested permission from the City Council to display their banner in a specific area promoting this event from Thursday, June 4, 2009 through Saturday, June 13, 2009, and

WHEREAS, St. Mary's Orthodox Church requested that they be permitted to place one banner in the following locations:

Banner on Nepperhan Avenue and Odell Avenue

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to St. Mary's Orthodox Church to place a banner 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, JUNE 9, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 9, 2009

RESOLUTION NO.112-2009

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

WHEREAS, the Letter Carriers, Branch #387, located at 72 Main Street in Yonkers will be holding its Annual Co-Ed Softball Tournament and Cookout @ Cook Field on August 2, 2009 to benefit the Muscular Dystrophy Association and has requested permission from the City Council to display their banner in a specific area promoting this event from Monday, July 1, 2009 through Sunday, August 2, 2009, and

WHEREAS, the Letter Carriers, Branch #387 requested that they be permitted to place one banner in the following locations:

Banner on North Broadway, at the intersection/overpass of Roberts Road.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to the Letter Carriers, Branch #387 to place a banner 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, JUNE 9, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 9, 2009

RESOLUTION NO.113-2009

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

WHEREAS, the Young Women's Christian Association of Yonkers, located at 87 South Broadway in Yonkers will be holding its 17th "Celebrity Chef's" Benefit on Sunday, June 14, 2009 from 2:00PM until 6:00PM, and has requested permission from the City Council to display their banners in specific area promoting this event as soon as possible to Monday, June 15, 2009, and

WHEREAS, the Young Women's Christian Association of Yonkers requested that they be permitted to place two banners in the following locations:

Banner on Central Park Avenue, at the intersection/overpass of Yonkers Avenue (Empire City).

Banner on North Broadway, at the intersection/overpass of Roberts Road.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to the Yonkers Women's Christian Association of Yonkers to place two 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, JUNE 9, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 9, 2009

RESOLUTION NO.114-2009

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

WHEREAS, the Yonkers African American Heritage Committee, Inc., of Yonkers will be holding its 35th "African Heritage Festival" on Saturday, July 18 through Sunday, July 19, 2009 from 12:00PM until 9:00PM, and has requested permission from the City Council to display their banners in specific areas promoting this event from Monday, June 15 to Sunday, July 19, 2009, and

WHEREAS, the Yonkers African American Heritage Committee, Inc., requested that they be permitted to display four (4) banners in the following locations:

City Hall Bridge
Park Hill Avenue & Linden Street
Central Park Avenue, at the intersection/overpass of Yonkers Avenue (Empire City).
New Main Street, at the intersection of New Main Street and Riverdale Avenue.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to the Yonkers African American Heritage Committee, Inc 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, JUNE 9, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 9, 2009

RESOLUTION NO.115-2009

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

WHEREAS, Ossie Davis was born December 18, 1917, in Cogdell, Georgia (birth Name: Raiford Chatman Davis) and died February 4, 2005, and

WHEREAS, the late Ossie Davis was a tall, dignified veteran character player of the American stage and screen with a career spanning nearly half a century, and

WHEREAS, with his wife and frequent collaborator, actor Ruby Dee, Davis was a staple of black theater and longstanding political activist, who was highly visible during the height of the civil rights movement and spoke out at rallies for progressive and humanitarian causes, and

WHEREAS, Mr. Davis will be sorely missed not only as a widely-acclaimed playwright, screenwriter, director, producer, and actor, but as a kind and generous man, and

WHEREAS, Ossie Davis personified the qualities that we would like to see more of today: courage, dignity, diligence, intelligence, civility and benevolence, and

WHEREAS, we appreciate the unsung heroes of our community who also personify those qualities without the trappings of fame and fortune and who we uphold as excellent examples for the next generation of fathers and men of our community to follow, and

WHEREAS, as such, we would like to recognize Fathers and Men of our community with the Yonkers City Council's Ossie Davis Award:

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
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TUESDAY, JUNE 9, 2009

RESOLUTION NO.115-2009 (CONTINUED)

Now, Therefore be it resolved, that the City Council of Yonkers, hereby commends and congratulates these individuals for their work in the City of Yonkers and for their significant contributions as 'Fathers' of our community, in recognition of Father's Day, June 21, 2009.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 9, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 9, 2009

COMMITTEE REPORTS

THIS STATED COUNCIL MEETING WAS ADJOURNED AT 12:15A.M.