

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

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

TIME: 8:15PM

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT

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

COUNCIL MEMBERS:
DISTRICT:

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

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

Minutes of the stated meeting held on September 22, 2009 approved on motion of Majority Leader Sandy Annabi.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

INDEX

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1. LL -7-2009	SFC PROJECT – LAND CONVEYANCE	6/10
2. LL.8-2009	WORTH STREET CONVEYANCE	11
3. OVER	LOCAL LAW – PERMIT PARKING – YONKERS RACEWAY	12/14
4. PUBLIC HEAR	G.O. – AMENDING CODE RE SINGLE AND TWO FAMILY DWELLINGS (McMANSIONS)	15/18
5. SO-23-2009	BOND ORDINANCE - \$12,500,000	19/22
6. SO-24-2009	DISCONTINUANCE OF WORTH STREET	23/24
7. SO-25-2009	GRANT – POLICE DEPARTMENT - \$400,000	25
8. RES-148-2009	DISPOSITION AGREEMENT – SFC PROJECT	26/30
9. RES-149-2009	SEQRA – WORTH STREET DISCONTINUANCE	31/32
10. RES-150-2009	SEQRA – CAPITAL BUDGET	33
11. RES-151-2009	GRANT – POLICE DEPARTMENT - \$400,000	34
12. RES-152-2009	SETTLEMENT – COLLINS - \$1,000.00	35
13. RES-153-2009	SETTLEMENT – PADILLA - \$3,000.00	36
14. RES-154-2009	SETTLEMENT – MATHULLA - \$6,874.97	37
15. RES-155-2009	SETTLEMENT – NORWOOD - \$10,000.00	38
16. WITHDRAWN	RES – MICHAEL J. WHITE	39
17. RES-156-2009	LANDMARKS BOARD APPT. – PIWINSKI	40
18. RES-157-2009	GRANT APPLICATION – PARKS \$500,000	41

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

INDEX (CONTINUED)

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
19. RES-158-2009	COMMISSIONERS OF DEEDS	42/43
20. RES-159-2009	BANNER – LINCOLN PARK JEWISH CENTER	44
21. RES-160-2009	BANNER – ST. JOHN'S EPISCOPAL CHURCH	45
21A-RES-161-2009	BANNER – YOUTH THEATER	46
21B-RES-162-2009	BANNER –VETERANS	47
21C-RES-163-2009	BANNER – ST.MARY'S CHURCH	48
22. RES-164-2009	HONORARIUM – DiSALVATORE FAMILY	49/50
23. RES-165-2009	HONORARIUM – COLUMBUS DAY COMMITTEE	51/52

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

COMMUNICATIONS

1. From the town of Greenburgh a notice of public hearing regarding an amended site plan for the Greenville Shopping Center located at 799-855 South Central Park Avenue. COPIES ON DESKS. - FILED

- 2, From the Westchester County Planning Board, dated October 8, 2009, a response to the City Council's referral of the General Ordinance requiring a Zoning Trest Amendment Bulk Requirements for Detached Single and Two-Family dwellings. (McMansions). COPIES ON DESKS - FILED.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

COMMITTEE OF THE WHOLE

SPEAKERS

<u>NAME</u>	<u>ADDRESS</u>	<u>ITEM NO.</u>
1. Margaret Setterholm	87 S. Broadway	1
2. Samantha Spaparo	79 Hearst Street	1
3. Ross Pepe	Construction Industry	1
4. Vinny Wilson	Screenshaw House	1
5. Michael Liptor	South Bdwy (BID)	1
6. Steve Sansone	Yks Downtown (BID)	1
7. John Ricci	Lehman Student	1

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

LOCAL LAW NO.7-2009

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

A LOCAL LAW IN RELATION TO AUTHORIZING THE CONVEYANCE OF CERTAIN PARCELS OF REAL PROPERTY IN THE GETTY SQUARE URBAN RENEWAL AREA FOR THE SFC RIVER PARK CENTER AND CACACE CENTER URBAN RENEWAL PROJECT

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

Section 1. General City Law § 20 and 23 and the Second Class Cities Law § 37 are hereby superseded to the extent provided herein as follows:

In furtherance of the objectives of Articles 15 and 15-A of the General Municipal Law of the State of New York, the City of Yonkers (the "City") and the Yonkers Community Development Agency (the "Agency") have undertaken a program for clearance and reconstruction of the Getty Square Area in the downtown and government section of the City and have caused to be prepared an urban renewal plan for such area (the "Getty Square Urban Renewal Plan").

The City Council, by Resolution No. 71-2006, approved the terms and provisions of a proposed master developer designation agreement ("MDDA") for the designation of Struever Fidelco Cappelli, LLC (hereinafter referred to as "SFC") as a qualified and eligible sponsor for redevelopment of several blighted areas in the Getty Square Urban Renewal Area (the "Redevelopment Projects").

The Agency, by Resolution No. 16-2006 adopted on May 17, 2006, approved the MDDA and approved SFC as a qualified and eligible sponsor of the Redevelopment Projects.

The City of Yonkers is the fee title owner of certain land and improvements located in the Getty Square Urban Renewal Area and listed in Exhibit A attached hereto and made a part hereof (the "Subject Property"). With the exception of the municipal firehouse located at 32 John Street (Section 1, Block 475, Lot 59), the Chicken Island Parking Lot located in Section 1, Block 483, Lot 60 currently used by the City of

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

LOCAL LAW NO.7-2009 (CONTINUED)

Yonkers Parking Authority, and the building known as the "Health Center" and government parking lot at 87 Nepperhan (Section 1, Block 488, p/o Lot 1), all of which are in urgent need of environmental remediation, the remainder of the Subject Property is not currently being used or is currently underutilized, nor has it been designated for specific use in the future and is thereby considered surplus.

There has been presented to the City Council a proposed Urban Renewal Land Disposition Agreement (the "LDA") among the City, the City of Yonkers Industrial Development Agency ("YIDA"), Yonkers Economic Development Corporation ("YIDA Affiliate"), New Main Street Development Corporation ("NMSDC") and SFC in connection with the Redevelopment Projects. The LDA contemplates the disposition of the Subject Property for urban renewal purposes to the Agency, YIDA, the YIDA Affiliate or NMSDC for various segments of the Redevelopment Projects.

YIDA, is authorized under Article 18-A of the General Municipal Law of the State of New York to accept grants and contributions from, and enter into contracts or other transactions with, any municipality, and to use any such gifts, grants, loans or contributions for any of its corporate purposes. NMSDC and the YIDA Affiliate were established as local development corporations under Section 1411 of the New York State Not for Profit Corporation Law, which expressly provides for the sale or lease of city-owned property to such entities.

It is proposed that the City either lease or sell the Subject Property for the public purpose of constructing the Redevelopment Projects to provide a new firehouse, new government parking and an option to provide new municipal administration offices; to replace the municipal firehouse on John Street, the Chicken Island Parking Lot and the Health Center building, all in accordance with the Getty Square Urban Renewal Plan.

Section 2. The disposition of the Subject Property by the City of Yonkers to the Agency, YIDA, the YIDA Affiliate or NSMDC for urban renewal purposes in accordance with the LDA is hereby found to be in the best interest of the City and is hereby approved.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

LOCAL LAW NO.7-2009 (CONTINUED)

Section 3. The Mayor or the Deputy Mayor is hereby authorized, to execute any and all documents necessary and convenient to carry out this Local Law, including but not limited to leases, deeds, easements and rights of way, and any other documents, certificates or affidavits as may be approved by the Corporation Counsel of the City of Yonkers.

Section 4. This local law shall take effect as provided by law.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A ROLL CALL VOTE OF 5-2. MAJORITY LEADER ANNABI AND COUNCILMEMBER GRONOWSKI VOTING NAY.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

EXHIBIT A
City of Yonkers Parcels

Parcel ID#	Address	Owner
1.-475-43	159 Nepperhan Avenue	City of Yonkers
1.-475-50	38 School Street (a/k/a 32 John Street)	City of Yonkers
1.-475-51	44 Ann Street a/k/a 32 John Street)	City of Yonkers
1.-475-55	Ann Street (a/k/a 32 John Street)	City of Yonkers
1.-475-59	32 John Street	City of Yonkers - Fire Department
1.-475-75	157 Nepperhan Avenue	City of Yonkers
1.-483-50	149 School Street	City of Yonkers
1.-483-60	Getty Square Parking Area	City of Yonkers - Parking Authority
1.-485-1	14 Palisades Avenue	City of Yonkers
1.-488.1 (Partial)	87 Nepperhan Ave (Building Department Building) and Government Parking Lot	City of Yonkers
1.-489-1	76 South Broadway	City of Yonkers
1.-490-3	96 South Broadway	City of Yonkers
1.-490-14	207 New Main Street	City of Yonkers
1.-490-15	45 Guion Street	City of Yonkers
1.-490-16	43 Guion Street	City of Yonkers
1.-490-17	41 Guion Street	City of Yonkers
1.-490-18	37 Guion Street	City of Yonkers
1.-490-20	35 Guion Street	City of Yonkers
1.-490-21	209 New Main Street	City of Yonkers
1.-490-22	37 Guion Street Rear	City of Yonkers
1.-490-24	33 Guion Street	City of Yonkers

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

EXHIBIT A
City of Yonkers Parcels
Continued

1.490-72 (Partial)	92 South Broadway	City of Yonkers
1.490-80	100 South Broadway	City of Yonkers
Ann Street	Roadway	City of Yonkers - Engineering
Engine Place 1	Roadway	City of Yonkers - Engineering
Henry Herz Street	Roadway	City of Yonkers - Engineering
James Street	Roadway	City of Yonkers - Engineering
John Street	Roadway	City of Yonkers - Engineering
School Street	Roadway	City of Yonkers - Engineering
Guion St (Partial)	Roadway	City of Yonkers – Engineering
1.488.1	City Hall - Washington Park (Partial)	City of Yonkers
1.488.1.4	Parking Chicken Island	City of Yonkers
1,490.72	Cacace Center - Waring Park (Partial)	City of Yonkers

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

LOCAL LAW NO.8-2009

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

A LOCAL LAW IN RELATION TO AUTHORIZING THE CONVEYANCE OF CERTAIN CITY OWNED PROPERTY KNOWN AS 686 NEPPERHAN AVE. (SECTION 2, BLOCK 2415, LOT 60) TO PVC ENTERPRISES, INC..

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

Section 1. General City Law, Section 23 and Second Class Cities Law, Section 37 are hereby superseded to the extent herein provided as follows:

The City Council of the City of Yonkers, having determined that the property herein described is not currently being used nor can it be developed by the City of Yonkers for any intended municipal purpose and is thereby considered surplus, hereby authorizes the Mayor to sell and convey by private sale, certain city owned property identified as Section 2, Block 2415, Lot 60, (686 Nepperhan Avenue) on the Official Tax Map of the City of Yonkers to PVC Enterprises, Inc. for the sum of \$ 215,000.00. Said conveyance is expressly conditioned upon the reservation of any required easements for existing utilities running within the property to provide full and complete access for future maintenance or repair, and any further conditions which are in the best interests of the City of Yonkers.

Section 2. This local law shall take effect as provided by law.

RESOLUTION NO.149-2009 AND SPECIAL ORDINANCE NO.24-2009 BOTH ADOPTED PRIOR TO THIS LOCAL LAW.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

LOCAL LAW

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

A LOCAL LAW AMENDING CHAPTER 109 OF THE CODE OF THE CITY OF YONKERS ENTITLED "VEHICLES AND TRAFFIC" IN REGARD TO RESIDENTIAL PARKING PERMITS IN THE YONKERS RACEWAY/EMPIRE CITY NEIGHBORHOOD.

BE IT ENACTED, by the City Council of the City of Yonkers, as follows:

Section 1. Chapter 109 of the Code of the City of Yonkers entitled "Vehicles and Traffic" is amended, in part, by adding thereto a new Section 109-130 entitled "Residential Parking System, Yonkers Raceway/Empire City Neighborhood" to read as follows:

"Section 109-130. Residential Parking System, Yonkers Raceway/Empire City Neighborhood.

A.. Authority. In accordance with Section 1640-e of the Vehicle and Traffic Law of the State of New York and this Code of the City of Yonkers, the City Council of the City of Yonkers hereby establishes a residential parking permit system in the Yonkers Raceway/Empire City neighborhood of the City of Yonkers, notwithstanding the provisions of any law to the contrary.

B. Findings and purpose. The City Council has found and determined that residents living in Yonkers Raceway/Empire City neighborhood are suffering interference with the tranquility and quiet enjoyment of their neighborhood by reason of patrons, employee and users of the nearby Yonkers Raceway/Racino who do not use the complimentary parking spaces and shuttle services available at the Raceway/Racino and who use the abutting Yonkers residential streets as a free and convenient alternative, despite the availability of free self parking, valet parking and continuous shuttle service to the parking spaces. These users park on the nearby streets for the perceived convenience and accessibility to the Raceway/Racino. The resulting lack of parking for two hundred and sixty residents on the streets near their homes in this area has led to traffic hazards, congestion, noise pollution and litter and debris on the streets, sidewalks and lawns. These factors necessitate the enactment of a residential parking system for the residents of this neighborhood.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

LOCAL LAW (CONTINUED)

C. Exemption. This section shall not apply to motor vehicles registered pursuant to Section 400-a of the Vehicle and Traffic Law.

D. Restriction. No vehicles shall be parked in the area generally bounded within the Yonkers Raceway/ Empire City area of the City of Yonkers consisting of the following roadways:

- (1) Belmont Avenue from Orient Street to Yonkers Avenue;
- (2) Boone Street from Central Park Avenue to Dead End;
- (3) Clark Street from Central Park Avenue to Orient Street;
- (4) Loring Avenue from Central Park Avenue to Orient Street; and
- (5) Chamberlain Avenue from Belmont Avenue to Central Park Avenue

unless said vehicle has prominently displayed a permit, obtained from the Parking Violations Bureau of the City of Yonkers, properly affixed to the automobile, allowing parking in said area, for the period of seven days per week, from 10 a.m. until 4 a.m. the following morning, each and every day of the year.

E. Permit fees. The Parking Violations Bureau of the City of Yonkers shall have available for issuance blank permits to be used in this area, at least 20% of which shall be available to be purchased by nonresidents of the Raceway/Empire City parking area. The permit fees shall be paid for any calendar year or part thereof and be set as \$25 for residents and \$50 for nonresidents of the City. The moneys received from said fees shall be credited to the general fund of the City of Yonkers.

F. The City of Yonkers shall post appropriate signs to be conspicuously posted in the area advising the public of the restricted permit parking.

G. Penalties. A violation of this provision shall subject the violator to pay a fine not to exceed \$65.”

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

LOCAL LAW (CONTINUED)

Section 2. This local law shall take effect immediately.

THIS LOCAL LAW WAS PUT OVER BY THE COUNCIL

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

GENERAL ORDINANCE

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

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

Section 1. General Ordinance No. 4-2000 and the accompanying map, also known as Chapter 43 of the Code of the City of Yonkers and more commonly known as the Zoning Code of the City of Yonkers, is hereby generally amended and revised in part as follows:

“Section 43-8 of the Code of the City of Yonkers entitled “Definition of Terms” is hereby amended in part by the addition of the following terms to be placed in alphabetical order within the section:

BASEMENT – The portion of a building that is partly or completely below grade. A basement shall be counted as a story if the distance between the grade and elevation to the floor immediately above equals or exceeds

a. More than 6 feet above grade elevation;

b. More than 6 feet above the finished grade elevation for more than fifty percent (50%) of the total building perimeter; or

c. More than 12 feet above the finished ground level at any point (See Illustration #4.)

Dormer - Any structure whose framing projects out of a sloping roof to form a vertical wall suitable for windows or other openings.

Gross Floor Area

a) For detached single- and two-family homes - the sum of the gross horizontal areas of the several floors and mezzanine floors of a building and its accessory buildings on the same lot. All dimensions shall be measured between exterior faces of walls.

b) For all other buildings - the sum of the gross horizontal areas of the several floors and mezzanine floors of a building and its accessory buildings on the same lot, excluding basement or cellar area devoted to parking and mechanical equipment space. All dimensions shall be measured between exterior faces of walls.”

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

GENERAL ORDINANCE (CONTINUED)

Section 2. Table 43-3 of the Table of Dimensional Regulations for Dimensional Regulations for Residential Uses is hereby amended in part, by amending the regulations regarding Side yard and Floor Area Ratio for Single and Two-Family Dwellings to read as follows

	<u>"S-200</u>	<u>S-100</u>	<u>S-75</u>	<u>S-60</u>	<u>S-</u>
<u>50 T</u>					
<u>Side yard; one/both (feet)</u>					
<u>Single and two-family dwellings</u>	<u>20/40</u>	<u>15/30</u>	<u>11/23</u>	<u>8/17</u>	<u>6/15</u>
<u>6/15</u>					

<u>Side yard; one/both (feet)</u>	<u>MG</u>	<u>M</u>	<u>A</u>	<u>B</u>	<u>BA</u>	
<u>Single- and two-family dwellings</u>	6/15	6/15	6/15	6/15	6/15	
<u>Floor Area Ratio</u>	<u>S-200</u>	<u>S-100</u>	<u>S-75</u>	<u>S-60</u>	<u>S-50</u>	<u>T</u>
<u>Single and two – family dwelling</u>						
<u>Base F.A.R.</u>	.56	.56	.60	.68	.75	1.00
<u>Portion of lot exceeding:</u>						
<u>5,000sf⁴</u>	...	...	...	...	.50	.67
<u>6,000sf</u>	...	...	...	.46	...	...
<u>7,500sf</u>	...	...	.40	...	...	...
<u>10,000sf</u>	...	.38	...	...	...	...
<u>20,000sf</u>	.38	...	...	...	...	...

<u>Floor Area Ratio</u>	<u>MG</u>	<u>M</u>	<u>A</u>	<u>B</u>	<u>BA</u>
<u>Single- and two-family dwellings</u>					
<u>Base F.A.R.</u>	1.00	1.00	1.00	1.00	1.00
<u>Portion of lot exceeding ;</u>					
<u>5,000sf⁴</u>	.67	.67	.67	.67	.67

Footnote 4: For single and two –family dwellings, the floor area ratio for the lot area that exceeds the minimum lot size in that zone will be sixty seven percent (0.67) of the zone’s base F.A.R.)”

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

GENERAL ORDINANCE (CONTINUED)

Section 3. Section 43 – 34 of the Code of the City of Yonkers entitled “Supplemental regulations for certain residential uses”, specifically, is hereby:

amended in part by the addition of new section 43-34 (H) entitled “Detached Single and Two –Family Dwellings” to read as follows

(H) Detached Single- and Two-Family Dwellings: Detached single- and two-family dwelling in all residential districts shall be subject to the following additional regulations:

a) Side Setback Plane. Except as provided in subsection B, below, an inwardly sloping 45-degree angle side setback plane begins at a horizontal line 20-feet directly above each side setback line. The 20-foot height of the horizontal line is established for 40-foot deep portions of the lot beginning at the front setback line and extending to the rear of the lot, except that the last portion at the rear of the lot may be less than 40 feet deep. (see Illustration). The side setback plane may be rotated ninety degrees on the lot and provided as a front/rear set back plane to accommodate alternative lot orientations. In such cases, no side setback plane is required.

b) Exceptions to the side setback plane and rear setback plane requirements: The requirements of the side and rear setback planes shall not apply to:

- i) Dormers that do not exceed fifty (50) percent of the horizontal area of the roof upon which they are located;
- ii) Radio or television antennae
- iii) Chimneys or vents

Provided that such features shall exceed the required plane only to the extent necessary to accomplish the purpose for which they are intended to serve.

c) Side Wall Articulation. A side wall of a building that is more than 15 feet tall and is an average distance of 15 feet or less from a side lot line may not extend in an unbroken plane for more than 30 feet along a side lot line. To break the plane, a wall articulation of not less than two (2) feet for a distance of not less than ten (10) feet is required. (See Illustration).

d) Maximum exposed wall height. The maximum exposed height of any wall of a detached single- or two-family dwelling shall be 35 feet as measured from the finished grade at the base of the wall to the eave.(See Illustration.)

e) Administrative relief permitted. The Commissioner of Housing and Buildings shall have the power to grant, in a S-200, S-100, S-75, S-60, S-50, or a T zone, a permit for alteration or extension not exceeding two thousand five hundred (2,500) cubic feet to an detached single- or two-family dwelling, wherein front yard, side yard, rear yard or FAR requirements are at variance with the

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

GENERAL ORDINANCE (CONTINUED)

provisions of this chapter, provided that the applicant for such a permit shall file with the Commissioner written and notarized consents

for such alteration or extension of the immediately abutting lot owners. The administrative relief shall be specifically noted on the certificate of occupancy for the building and only one such permit shall be granted. Any additional alterations or extensions in variance

with the zoning code may be granted only after compliance with Article VIII, Variances, of the Yonkers Zoning Code.”

Section 4. These amendments to the Zoning Code of the City of Yonkers shall take effect immediately, excepting completely filed plans for construction or alteration of detached single or detached two family dwellings, filed before the effective date of these amendments, shall be exempt from these requirements.

A PUBLIC HEARING HAS BEEN SET FOR THE ABOVE GENERAL
ORDINANCE FOR THE OCTOBER 27, 2009 STATED COUNCIL MEETING

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

SPECIAL ORDINANCE NO.23-2009

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 AUTHORIZING FISCAL YEAR 2009/10 FUNDING FOR ASHBURTON AVENUE RENEWAL PROJECT IN THE CAPITAL BUDGET FOR THE CITY; STATING THE TOTAL ESTIMATED MAXIMUM COST IS \$12,500,000; APPROPRIATING THE AMOUNT OF \$12,500,000; AND AUTHORIZING THE ISSUANCE OF \$12,500,000 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 finance the cost of the ASHBURTON AVENUE RENEWAL PROJECT as referenced in item 21 COLUMN A of the attached schedule, as more fully described in item 21 COLUMN F of the attached schedule. For each of the objects or purposes, as specified in column A of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted Capital Budget for fiscal year 2009/10 of the City and Board of Education. The plan of financing includes the issuance of \$12,500,000 aggregate principal amount of bonds of the City and any bond anticipation notes issued in anticipation of the sale of such bonds 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 and interest on said bonds and notes as the same shall become due and payable. Any amounts received by the City or Board of Education from the United States of America and/or the State of New York are hereby authorized to be expended, as referenced in item 21 COLUMN D of the attached schedule, towards the cost of the applicable objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

SPECIAL ORDINANCE NO.23-2009 (CONTINUED)

Section 2. Bonds of the City in the principal amount set forth in item 21 column C of the attached schedule 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 appropriations.

Section 3. The respective periods of probable usefulness for said objects or purposes for which said bonds herein authorized are to be issued, within the limitations of the applicable paragraphs under §11.00 a. of the Law, is set forth in item 21 column E of the attached schedule.

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 Commissioner of Finance & Management Services 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

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

SPECIAL ORDINANCE NO.23-2009 (CONTINUED)

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 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 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, (i) 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 (ii) 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

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

SPECIAL ORDINANCE NO.23-2009 (CONTINUED)

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

(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 the foregoing ordinance, in full, 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 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.

MOTION BY MINORITY LEADER McLAUGHLIN, SECONDED BY COUNCILMEMBER McDOW, TO AMEND ITEM NO.5 ON THE AGENDA BY REPLACING IT WITH THE ABOVE SPECIAL ORDINANCE THAT WAS PLACED ON THE COUNCILMEMBERS DESKS. THIS AMENDMENT WAS CARRIED UNANIMOUSLY.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

SPECIAL ORDINANCE NO.24-2009

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

A SPECIAL ORDINANCE DISCONTINUING A PORTION OF WORTH STREET AS A PUBLIC STREET PURSUANT TO SECTION 29 OF THE GENERAL CITY LAW.

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

Section 1. That portion of Worth Street, in the area running from Nepperhan Avenue to the Saw Mill River is a paper street. The remainder of Worth Street, running from the Saw Mill River Road to the Saw Mill River, is a public street and will remain so. This paper street, hereinbefore described, is being discontinued and is shown on a map and legal description as filed with the Planning Board of the City of Yonkers. Worth Street is a public street in the City of Yonkers, and that portion hereof which is a paper street, is hereby discontinued as a public street and removed from the Official Map of the City of Yonkers, in its entirety, pursuant to Section 29 of the General City Law subject to the following conditions;

(a) The City of Yonkers presently has a 30" water main and a 12" utility sanitary sewer located within the area in question on Worth Street between Nepperhan Avenue and the Saw Mill River. The City of Yonkers must be able to access these utilities for maintenance and repair purposes in the future. Accordingly, a reservation of easement(s) shall be required prior to any future disposition by the city.

Section 2. The affected City departments, bureaus and agencies shall amend the necessary City records, including the Official City Map and Official Tax Map accordingly, whereby said discontinued street bed shall be identified as Section 2, Block 2415, Lot 60 and known by the street address of 686 Nepperhan Avenue.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

SPECIAL ORDINANCE NO.24-2009 (CONTINUED)

Section 3. This Special Ordinance shall take effect as provided by law.

THIS SPECIAL ORDINANCE AND RESOLUTION NO.149-2009 WERE BOTH ADOPTED PRIOR TO ADOPTING LOCAL LAW NO.8-2009

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

SPECIAL ORDINANCE NO.25-2009

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

A SPECIAL ORDINANCE AMENDING THE CITY OF YONKERS GRANT BUDGET FOR FISCAL YEAR 2009/2010.

The City of Yonkers hereby ordains and enacts:

Section 1: The City's Grant Budget for fiscal year 2009/2010 is hereby amended by increasing revenues and appropriations for the Police Department for a grant from United States Department of Criminal Justice COPS Office, for purpose of moving & equipping Police & Fire Radio room to I Park.

Increase Estimated Revenues

U. S. DCJS	049-G16-3159-3127	\$ 400,000
------------	-------------------	------------

Increase Appropriation

Police – Special Projects	049-G16-3159-0496	\$ 400,000
---------------------------	-------------------	------------

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

Section 3: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.148-2009

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

RESOLUTION APPROVING URBAN RENEWAL AND DISPOSITION AGREEMENT FOR SFC PROJECT AND DISPOSITION OF LANDS

WHEREAS, in furtherance of the objectives of Articles 15 and 15-A of the General Municipal Law of the State of New York, the City of Yonkers (the "City") and the Yonkers Community Development Agency (the "Agency") have undertaken a program for clearance and reconstruction of the Riverview Urban Renewal Area in accordance with an urban renewal plan known as the Modified Urban Renewal Plan for N.D.P. Areas No. 1 and No. 2 (the "Riverview Urban Renewal Plan"), and have caused to be prepared an urban renewal plan for the downtown and government center area known as the Getty Square Urban Renewal Area (the "Getty Square Urban Renewal Plan"); and

WHEREAS, on April 4, 2006, the City Council of the City of Yonkers ("City Council"), by Resolution No. 71-2006, approved the terms and provisions of a proposed master developer designation agreement ("MDDA") for the designation of Struever Fidelco Cappelli, LLC (hereinafter referred to as "SFC") as a qualified and eligible sponsor for redevelopment of several blighted areas in urban renewal areas, including the "Chicken Island" section of the Getty Square Urban Renewal Area and the waterfront area of the Riverview Urban Renewal Area (the "Redevelopment Projects"), and approved the designation of SFC as a qualified and eligible sponsor for the redevelopment of the Redevelopment Projects, subject to the approval of the Agency; and

WHEREAS, by Resolution No. 16-2006 adopted on May 17, 2006, the Agency approved the MDDA and approved SFC as a qualified and eligible sponsor of the Redevelopment Projects; and

WHEREAS, on or about October 24, 2006, SFC filed an Application/Petition, including an Environmental Assessment Form, with the City Clerk for certain approvals from the City Council required for the development of the Redevelopment Projects; and

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.148-2009 (CONTINUED)

WHEREAS, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law (collectively "SEQRA") and based on the information contained in the Environmental Assessment Form, the City Council determined at its October 24, 2006 meeting that the Redevelopment Projects as described in the Application/Petition constitute a Type I action as defined under 6 NYCRR §617.4(b) of the SEQRA regulations and declared its intent to act as SEQRA Lead Agency in accordance with 6 NYCRR§617.6(b); and

WHEREAS, on or about October 26, 2006 the City Council initiated coordinated review and Lead Agency designation with the circulation of its Notice of Intent to Act as Lead Agency; and

WHEREAS, on or about November 29, 2006, the City Council confirmed that it would act as Lead Agency for the SEQRA review of said Application/Petition; and

WHEREAS, on December 19, 2006 the City Council determined that the Redevelopment Projects may have a significant effect on the environment and accordingly directed that an Environmental Impact Statement be prepared; and

WHEREAS, the City Council completed the SEQRA process, and by Resolution No. 176-2008 adopted the Statement of Environmental Findings for the Redevelopment Projects on November 5, 2008; and

WHEREAS, in accordance with the MDDA, the City Council has considered and reviewed a certain Urban Renewal Land Disposition Agreement ("LDA") to be entered into by and among the Agency, the City, the City of Yonkers Industrial Development Agency ("YIDA"), Yonkers Economic Development Corporation ("YIDA Affiliate"), New Main Street Development Corporation ("NMSDC")(and SFC in connection with the Redevelopment Projects, the disposition of lands owned by the City and the Agency and lands to be acquired by the Agency (collectively, "Disposition Parcels"), pursuant to the terms and provisions of the LDA and one or more development lease(s); and

WHEREAS, the planning for the Redevelopment Projects began in 2002 and envisioned infrastructure upgrades that would benefit the whole downtown area and not serve just the needs of SFC. The infrastructure

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.148-2009 (CONTINUED)

needs for the downtown area have since been estimated at \$212,000,000. Funding such a massive undertaking is beyond the ability of any single development project or the City of Yonkers and cannot reasonably be anticipated from State and federal

grant programs. Therefore, increment financing has always been a critical part of the financing package for the Redevelopment Projects. Given the current economic climate, increment financing is more critical than ever for the future of the City of Yonkers. In order to proceed with increment financing, while addressing unique New York state issues, the City proposes to proceed with a borrowing on a limited recourse basis by YIDA for improvements approved by City Council with repayment from increments in an Increment District designated by City Council. This structure provides increment financing in a form required by the financing markets but avoids direct involvement by the City and avoids the unique New York state limitations on true tax increment financing. The structure requires a written agreement on property tax payments to be made by SFC and which will include certain covenants to enable the YIDA bonds to be repaid with 60% of the increment in the Increment District.

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

Section 1. That, in accordance with Section 556 and paragraph (d) of subdivision 2 in Section 507 of the General Municipal Law of the State of New York, and after a public hearing held on due notice pursuant to Article 15 of the General Municipal Law, the principal terms and provisions of the LDA, as set forth in Exhibit A attached hereto and made a part hereof, are hereby approved, subject to concurrence by the Agency, and the transfer of Disposition Parcels from the Agency through the YIDA to SFC and to other qualified and eligible sponsors, if applicable, for urban renewal purposes pursuant to the LDA is hereby approved, subject to concurrence by the Agency.

Section 2. That, in accordance with Sections 503-a(4) and 503-b of the General Municipal Law, the transfer from the City to the Agency of the Disposition Parcels identified in Exhibit B attached hereto and made a part hereof for urban renewal purposes pursuant to the terms and provisions of the LDA, is hereby approved, subject to concurrence by the Agency.

Section 3. That, the City Council finds that with the exception of the municipal firehouse located at 32 John Street (Section 1, Block 475, Lot

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.148-2009 (CONTINUED)

59), the Chicken Island Parking Lot located in Section 1, Block 483, Lot 60 currently used by the City of Yonkers Parking Authority, and the building known as the "Health Center"

and government parking lot at 87 Nepperhan Avenue (Section 1, Block 488, p/o Lot 1), all of which are in urgent need of environmental remediation and replacement, the City-owned parcels listed in Exhibit B are not required for use by the City and that, in accordance with Section 1411(d) of the Not For Profit Corporation Law of the State of New York, the transfer of the parcels from the City to the YIDA Affiliate or NSMDC pursuant to the terms and provisions of the LDA to provide a new firehouse, new government parking, the daylighting of the Saw Mill River and an associated riverwalk, and municipal administration offices all in accordance with the Getty Square Urban Renewal Plan, is hereby approved.

Section 4. That, the principal terms and provisions of the Development Lease set forth in Exhibit A attached hereto for the Redevelopment Project known as the Palisades Point Project in the Riverview Urban Renewal Area for the Disposition Parcels owned by the Agency, and designated on the Tax Map of the City as Section 1, Block 640, Lot 38; Block 643, Lot 1, portions of Lots 24, and 40 are hereby approved, subject to concurrence by the Agency. This area is also referred to as the "Parcels H/I Project" as described in the Master Plan & Design Guidelines for the Yonkers Downtown Waterfront, as such plan may be amended, and includes the area bounded by the Hudson River to the West, American Sugar Refining facility to the South (a.k.a. City of Yonkers Tax Block 625), the Metro North train tracks to the East, and Scrimshaw House to the North (23 Water Grant Street), but excludes any land under water or riparian rights. This Redevelopment Project includes a waterfront residential development comprising one or more high rise buildings, neighborhood retail, as well as parking for the development's residents and for the residents of the adjacent cooperative apartment (building known as Scrimshaw House).

Section 5. That, the principal terms and provisions of the Development Lease set forth in Exhibit A attached hereto for the Redevelopment Projects known as River Park Center and Cacace Center Projects in the Getty Square Urban Renewal Area for the Disposition Parcels listed in Exhibit B attached hereto (except the Agency-owned parcels required for the Palisades Point Project), is hereby approved, subject to concurrence by the Agency. These Redevelopment Projects are mixed-use projects within the downtown

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.148-2009 (CONTINUED)

redevelopment area and includes a minor league qualified baseball stadium and other entertainment-oriented facilities, a regional retail

shopping and commercial center, parking to support the development and other downtown uses, and residential development.

Section 6. That, the Mayor, the Deputy Mayor, the Commissioner of Planning and Development, the Corporation Counsel and any designee of the Mayor is hereby authorized to execute and deliver all documents, certificates, affidavits and any other documents necessary or desirable to effect the transactions approved and as contemplated by this Resolution, and said officers may make, approve, execute and deliver any modifications to such documents, including but not limited to the LDA and the Development Leases and exhibits thereto provided that the Corporation Counsel recommends such modifications as not material and adverse changes to actions approved by the City Council, and provided that such modifications are in the best interests of the City to enable the Redevelopment Projects to proceed.

Section 7. That this resolution shall take effect immediately.

MOTION BY COUNCIL PRESIDENT LESNICK, SECONDED BY COUNCILMEMBER McDOW TO ACCEPT FRIENDLY AMENDMENTS BY THE COUNCIL. THIS MOTION WAS CARRIED BY A 5-2 ROLL CALL VOTE. MAJORITY LEADER ANNABI AND COUNCILMEMBER GRONOWSKI VOTING NAY.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A ROLL CALL VOTE OF 5-2. MAJORITY LEADER ANNABI AND COUNCILMEMBER GRONOWSKI VOTING NAY.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.149-2009

9. 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 DISCONTINUANCE AND PROPOSED SALE OF A PORTION OF A "PAPER" CITY STREET NAMED WORTH STREET.

WHEREAS, there is pending before the Yonkers City Council a Special Ordinance for the discontinuance for a portion of Worth Street and for the sale of said property, described as Lot 60, at Block 2415 of Section 2 on the Official Tax Map of the City of Yonkers, to the adjoining owner, PVC Enterprises, Inc.; and

WHEREAS, the City Council has determined that the proposed amendment of the Official and/or Zoning Map 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 attached 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 these proposed actions will have a significant impact upon the environment; and

NOW THEREFORE, BE IT RESOLVED by the Yonkers City Council that, based upon its review of the Environmental Assessment Form and for the reasons set forth therein, it is determined that there will be no adverse impact on the environment from the proposed discontinuance of a portion of Worth Street and the sale of said property to the adjoining owner; and,

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.149-2009 (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 actions 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 PRIOR TO SPECIAL ORDINANCE NO.24-2009 AND LOCAL LAW NO.8-2009 ON THIS AGENDA.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.150-2009

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

WHEREAS, the City of Yonkers City Council is the only agency empowered to approve the Yonkers Capital Budget and amendments and the bond ordinances which fund the plan, and as such is the lead agency for SEQRA approval of all aspects of the Capital Budget:

WHEREAS, the proposed projects for the FY 2009 and 2010 Capital Budget was Type II actions except for the Ashburton Avenue Renewal Project which has a 2006 EIS. Type II actions are those activities that have been defined in Part 617, the statewide implementing regulation pertaining to SEQRA, for requiring no further environmental actions.

NOW, THEREFORE, the City Council hereby issues a negative declaration that the projects in the Capital Budgets for Fiscal Year 2009/2010 except for the projects noted above will not result in any significant adverse environment impacts.

THIS RESOLUTION WAS ADOPTED PRIOR TO SPECIAL ORDINANCE NO.23-2009 ON THIS AGENDA.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.151-2009

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

WHEREAS, the U.S. Department of Justice, Office of Community Oriented Policing Services (hereinafter COPS) has awarded the Police Department of the City of Yonkers a Technology Grant (2009-CK-WX-0013) in the amount of \$400,000 which does not need a matching amount from the City of Yonkers, for the purchase of equipment to support law enforcement efforts in specific units, such as the Police and Fire Emergency Communications Center (Radio Room) to move to its new facility at iPark and to support the Police Department as a whole, also with no matching funds; and

WHEREAS, the Mayor of the City of Yonkers, or his designee, is hereby authorized to execute such agreement with the U.S. Department of Justice, Office of Community Oriented Policing Services in order to provide such funds to the Police Department of the City of Yonkers;

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of Yonkers, or his designee, is hereby authorized to execute the grant agreement with the U.S. Department of Justice, Office of Community Oriented Policing Services for the grant of \$400,000; and be it further

RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.152-2009

12. 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 (\$1,000.00) of the action entitled, "Ashanti Collins by mother and natural guardian Shannon Collins, (residing at 240 Valentine Lane, Yonkers, NY 10705), Claimant against THE CITY OF YONKERS, Respondent", for personal injuries out of an incident alleging that on November 9, 2006 the claimant Ashanti Collins slipped and fell on stairs in Public School 16, in Yonkers, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in total amount of One Thousand Dollars (\$1,000.00) to "Ashanti Collins and Schachter & Levine, LLP, As Attorneys."

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.153-2009

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

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

That the settlement by the Corporation Counsel in the amount of THREE THOUSAND AND 00/100 DOLLARS (\$3,000.00) of the action entitled, "ALEX PADILLA, (then) an infant by his mother and natural guardian, NOEMI PADILLA and his father ALEXIS PADILLA, (now residing at 75 South Franklin Avenue, Valley Stream, New York 11580), Plaintiffs, against THE BOARD OF EDUCATION OF THE CITY OF YONKERS and THE CITY OF YONKERS, Defendants", for personal injuries and medical expenses arising out of an incident on June 9, 1998 wherein it is alleged that the infant plaintiff was injured when he fell from the monkey bars at the school playground at Public School 13 in the City of Yonkers due to an alleged dangerous condition and alleged lack of supervision, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of THREE THOUSAND AND 00/100 DOLLARS (\$3,000.00) in favor of said plaintiff Alex Padilla.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.154-2009

14. 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 SIX THOUSAND EIGHT HUNDRED SEVENTY-FOUR and 97/100 DOLLARS (\$6,874.97) of the action entitled, "STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY A/S/O MARIAMMA MATHULLA, residing at 161 Bretton Road, Yonkers, NY 10710, plaintiff, against THE CITY OF YONKERS, Defendant", for property damage arising out of an incident in which it is alleged that a sanitation truck owned by the City of Yonkers, struck their vehicle which was parked and unoccupied on Bretton Road in front of 161 Bretton Road in the City of Yonkers on the 29th day of November, 2006, 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 SIX THOUSAND EIGHT HUNDRED SEVENTY-FOUR and 97/100 DOLLARS (\$6,874.97) in favor of said plaintiff and their attorneys, Penino & Moynihan, LLP

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.155-2009

15. 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 TEN THOUSAND DOLLARS (\$10,000.00) of the action entitled, "MASON NORWOOD, (residing at 175 Warburton Avenue, Yonkers, New York) Plaintiff against LUIGI NASTI AND THE CITY OF YONKERS, Defendant", for personal injuries and medical expenses arising out of an alleged accident on August 12, 2005, 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 TEN THOUSAND DOLLARS (\$10,000.00) in favor of said plaintiffs and their attorneys Mirman, Markovits & Landau, P.C., 291 Broadway, 6th Floor, New York, New York 10007

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION

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

BE IT RESOLVED that, pursuant to § C3-7.B of the City Charter, the Yonkers City Council hereby gives its advice and consent to the appointment of Michael J. White, Esq. of Mohegan Lake, New York 10547, as Inspector General for the City of Yonkers for the five-year term beginning on January 1, 2009 and expiring on December 31, 2013.

WITHDRAWN

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.156-2009

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

BE IT RESOLVED that the Yonkers City Council hereby gives its approval and consent to the appointment of Robert J. Piwinski, 9 Gilbert Place, Yonkers, New York, 10701, to the Landmarks Preservation Board for a term to expire three (3) years after the effective date of this Resolution.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.157-2009

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

BE IT RESOLVED, by the Yonkers City Council, that August Cambria, as Commissioner of the Department of Parks, Recreation and Conservation, is hereby authorized and directed to file an application for \$500,000 in funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 for the State Fiscal Year 2009-2010, for Historic Preservation, and upon approval of said request to enter into and execute a project agreement with the State of New York for such financial assistance to the City of Yonkers for the restoration of the reflecting Pool Mosaics and the Temple Floor Mosaics and activate the filtration system at Untermyer Park and Gardens, and this is a 50-50 matching grant, the City of Yonkers' responsibility would be \$250,000 which would be requested in next years CIP budget, and be it further;

RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.158-2009

19. 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 November 30, 2011.

Nichole Josephine Greco
164 Park Hill Avenue
Yonkers, New York 10705

Corp. Counsel

RENEWAL

Renee Marjeh
1 Gail Road
Yonkers, New York 10710

Unknown

RENEWAL

Helene Carey
50 Rosehill Terr.
Yonkers, New York 10710

Local 628

NEW

Todd Cammisa
56 Woodlands Avenue
Greenburgh, New York 10607

YKS Firefighter

NEW

Kimberly Galinski
175 Douglas Avenue
Yonkers, New York 10703

COY Engineering Dept

NEW

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.158-2009 (CONTINUED)

Gina Manzuela
1187 Midland Avenue
Yonkers, New York 10708

Office Manager – Chamber of Commerce

RENEWAL

Jayna Rivera
100 Riverdale Aveue, Apt. 15M
Yonkers, New York 10701

Municipal Housing Authority

RENEWAL

Dawn E. Maron
615 Warburton Avenue, Apt. 3-C
Yonkers, New York 10701

Municipal Housing Authority

RENEWAL

Lucia Kannas
60 Patton Drive
Yonkers, New York 10710

Municipal Housing Authority

RENEWAL

Mary Flower
19 Raymond Place
Yonkers, New York 10704

Paralegal

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.159-2009

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

WHEREAS, Lincoln Park Jewish Center, located at 311 Central Park Avenue in Yonkers will hold its Annual Holiday Craft Fair on Sunday, November 22nd 2009, from 12pm -6pm and has requested permission from the City Council to place three banners within the city promoting this event, and

WHEREAS, Lincoln Park Jewish Center has asked that the banners be placed at the following locations: (1st.) McLean Avenue(bridge) & Central Park Avenue, (2nd) Tuckahoe Road(bridge) & Central Park Avenue and the (3rd) at Yonkers Ave. (bridge) & Central Park Ave, or wherever convenient on or around November 9th, 2009, and to be removed as soon after November 22, 2009 as is possible, and

WHEREAS, said locations are subject to the scheduling and availability of the banner sites as administered by the Department of Public Works.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Yonkers hereby grants permission to Lincoln Park Jewish Center 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 OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.160-2009

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

WHEREAS, St. John's Episcopal Church, 100 Underhill Street in the northeast section of Yonkers will hold their Annual Holiday Fair on Saturday, December 19th 2009 from 10:00 am to 3:00 pm; and St. John's has requested permission from the City Council to hang a banner promoting this event informing the public as to the details involved with the Fair, and

WHEREAS, St. John's Episcopal Church has asked for permission to place the promotional banner on the south side of the Northbound overpass across Central Park Avenue at Sadore Lane prior to the event from Dec. 5th to Dec. 20th and will be removed as soon as possible thereafter.

NOW, THEREFORE BE IT RESOLVED, the City Council of Yonkers hereby grants permission to St. John's Episcopal Church to place their banner at the aforementioned location, 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 OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.161-2009

21A BY COUNCILMEMBER McDOW, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS, GRONOWSKI, MURTAGH AND BARBATO:

WHEREAS, the Youth Interaction Theatre (YTI), will be holding its Annual Jimmy's Jam Fundraiser on Thursday, November 12, 2009 from 6:00PM until 10:00PM at The Polish Center, 92 Waverly Street, and

WHEREAS, YTI has requested permission from the City Council to have their banner displayed to promote this event as soon as possible until the day of the event in the following locations:

Central Park Avenue, at the intersection/overpass of Yonkers Avenue

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 Veteran's Administration Clinic 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 OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.162-2009

21B BY COUNCILMEMBER McDOW, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS, GRONOWSKI, MURTAGH AND BARBATO:

WHEREAS, the Veteran's Administration Clinic an entity of the Department of Veteran Services, will be holding a Health Fair for Veterans at 124 New Main Street on Thursday, October 22, 2009 from 10:00AM until 3:00PM, and

WHEREAS, the Veteran's Administration Clinic has requested permission from the City Council to have two (2) banners displayed to promote this event as soon as possible until the day of the event in the following locations:

Banner on the Over Path/Walk Bridge at City Hall (Southbound).

Banner on the Over Path/Walk Bridge at City Hall (Northbound).

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to the Veteran's Administration Clinic 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 OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.163-2009

21C 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 Holiday Tag Sale on Saturday, November 22, 2009 and

WHEREAS, St. Mary's Orthodox Church has requested permission from the City Council to display their banner in to promote this event as soon as possible until the day of the event in the following locations:

1st Choice

Banner at Saw Mill River Road at the Intersection of Lockwood Avenue (before St. Bart's)

2nd Choice

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 OCTOBER 13, 2009 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.164-2009

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

WHEREAS, the City of Yonkers is proud to have many outstanding individuals and families who selflessly dedicate their talents and work for the community with honor and distinction; and

WHEREAS, it is with great privilege that we honor The DiSalvatore Family, in recognition of their many civic and charitable contributions and for their representing the City of Yonkers in 2009 while winning the grand prize on the ABC television program, *The Great American Road Trip*; and

WHEREAS, in 1988 Silvio and Amy DiSalvatore made their home in Yonkers and raised their sons Silvio Jr., Mason and Blake, and Amy worked as a pre-Kindergarten aide in St Eugene's School for many years where her sons also attended, and the boys took an active role in Yonkers little-league sports and played baseball, basketball, soccer and flag-football, and in June 2003, Silvio Jr. was recognized by the Westchester County Italian American Foundation for his interest in Italian heritage; and

WHEREAS, in 2000, Silvio, a Yonkers filmmaker, wrote, directed and produced The children's superhero film, *Black Cougar*, and in 2002 distributed the movie in theaters throughout Westchester, and in 2004, Silvio worked with Cablevision and created *The Black Cougar Show*, a public-access television program that promoted child safety; and

WHEREAS, in 2004 Silvio worked with the Yonkers Fire Department to form the Black Cougar-Ronald McDonald All Youth Baseball Tournament, and raised nearly six-thousand dollars for charity; and

WHEREAS, The DiSalvatore Family have all participated in helping others to have better and more functional lives by contributing their time and support to the "Stranger Danger" and "Know and Go" Programs, the Blythedale Children's Hospital, Shriner's Hospitals, St. Jude's Hospitals, and the Make-A-Wish Foundation; and

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.164-2009 CONTINUED

NOW, THEREFORE, BE IT RESOLVED, The City of Yonkers congratulates The DiSalvatore Family for their many years of dedicated and notable service, and extends its most sincere and grateful thanks to them in recognition for their ongoing efforts and never-ending passion to make extraordinary contributions to this city and its residents.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON OCTOBER 13, 2009 BY A 7-0 VOTE.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.165-2009

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

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

WHEREAS, foremost among these groups is the Yonkers Columbus Day Celebration Committee who leads the efforts each year to highlight the extensive achievements and contributions of the Italian-American Community; and

WHEREAS, each year the Yonkers Columbus Day Celebration Committee hosts a series of events beginning in September, and culminating with the Columbus Day Parade to commemorate its proud heritage with all the residents of Yonkers; and

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

WHEREAS, this year the Yonkers Columbus Day Celebration Committee under the Chairmanship of JOHN RUBBO, has selected the following distinguished individuals as honorees for the 2009 Columbus Day festivities: STEPHAN SANSONE- *Humanitarian*; HON. PETER P. ROSATO-*Hall of Fame*; HON. DEE BARBATO- *Parade Grand Marshal*; SAL CORRENTE and JOHN SAPONARA as *Deputy Marshals* and GIANNA TUMMOLO- *Miss Columbus 2009*; and

NOW, THEREFORE, BE IT RESOLVED that the Members of the Yonkers City Council on behalf of all our residents offers its sincerest thanks to the officers of the Columbus Day Committee 2009-namely, John Rubbo, *Chairman*; Regina Cobelli & Paul Costa *Vice-Chairmen*; Joan Vindal, *Recording Secretary*; Lucia A. Trovato, *Corresponding Secretary*; Anthony Merrante, *Treasurer* and Rev. Terzo Vinci, *Chaplain*; and to all members of the Yonkers Columbus Day Celebration Committee for their tremendous efforts given individually and

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

RESOLUTION NO.165-2009 (CONTINUED)

collectively to make the Columbus Day festivities in Yonkers enjoyable and educational for everyone.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON OCTOBER 13, 2009 BY A 7-0 VOTE.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 13, 2009

COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 12:27 AM ON OCTOBER 14, 2009