

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

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

TIME: 8:30PM

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 November 10, 2009, and a special meeting held on Tuesday November 10, 2009 approved on motion of Majority Leader Sandy Annabi.

MOTION BY COUNCIL MEMBER MURTAGH SECONDED BY MAJORITY LEADER ANNABI TO OVERRIDE THE MAYOR'S VETO OF RESOLUTION NO: 175-2009. THE MOTION WAS CARRIED UNANIMOUSLY.

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COMMUNICATIONS GENERALLY

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COMMUNICATIONS FROM CITY OFFICIALS

1. From Mayor Philip a. Amicone, Memo requesting that a letter from the Mayor to Inspector General Philip A. Zisman be included in this agenda. *Distributed to City Council November 5, 2009.*
2. From Mayor Philip A. Amicone correspondence and veto of the City Council's Resolution No. 175-2009 in support of Inspector General Philip A. Zisman. *Copies on desks.*
3. Correspondence from Inspector General Philip A. Zisman to Lorraine Lopez, YALIS Board Member.
4. From Council President Lesnick copies of documents relating to litigation filed by the Yonkers Federation of Teachers against the city.

FILED

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COMMITTEE OF THE WHOLE

<u>NAME</u>	<u>ADDRESS</u>	<u>ITEM NO:</u>
Terry Joshi	29 Rockland Ave	4

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PUBLIC HEARING

A PUBLIC HEARING ON AN HONORARY STREET RE-NAMING OF ONONDAGA STREET (BETWEEN SEMINARY AVENUE AND CENTRAL PARK AVENUE) TO STAFF SERGEANT COURTNEY A. HOLLINSWORTH STREET.

SPEAKERS

<u>NAME</u>	<u>ADDRESS</u>
Louis Picani	Representing Edward Doyle of 456
Hope Hollinsworth	Representing Family of Staff Sgt. Hollinsworth

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LOCAL LAW NO.10 - 2009

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

A LOCAL LAW AMENDING ARTICLE V OF THE CHARTER OF THE CITY OF YONKERS ENTITLED 'ADOPTION OF LEGISLATION' TO ADD A NEW SECTION REQUIRING THAT ALL PROPOSED LEGISLATION COMING BEFORE THE CITY COUNCIL CARRY WITH IT A FISCAL IMPACT STATEMENT CONTAINING AN ANALYSIS OF REVENUE AND EXPENDITURE IMPACT.

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

Section. 1 Article V of the Charter of the City of Yonkers entitled 'Adoption of Legislation', is hereby amended, in part, by adding thereto a new Section C4-6(e) entitled 'Fiscal Impact Statement' to read as follows:

§C4-6(e). requires that all proposed legislation (bills, resolutions and amendments, except for emergency declaration resolutions, ceremonial resolutions, and confirmation resolutions) before the City Council carry a 'fiscal impact statement' to include the following information:

1. A general statement of the effects the measure will have on the operating and/or capital budgets for the current year and long-range financial plans, including the potential for additional personnel;
2. Identify whether the effects of the impact will be borne through fees or fines by the public-at-large;
3. A quantitative estimate of the expenditures needed to implement the measure;
4. An identification of the revenues and funds currently available, or likely to be available from existing revenue sources to implement the measure, if it is to be implemented within the current fiscal year;
5. A statement on the extent to which current appropriations are available to finance implementation of the measure, if it is to be implemented within the current fiscal year, and

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LOCAL LAW NO.10 - 2009 (CONTINUED)

6. An identification of the specific funding source to be recommended in the forthcoming fiscal years to implement the measure.

A fiscal impact statement shall be prepared with the assistance of the City of Yonkers Finance Department or the accounting firm under contract with the City Council at the time of the proposed legislation, or any other said individual or agency as deemed appropriate by the City Council or administration.

Section 2. This local law shall take effect immediately.

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

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RESOLUTION NO.177 – 2009

2. 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 and 00/100 DOLLARS (\$1,000.00) of the action entitled, "ALLSTATE INSURANCE COMPANY a/s/o T.G. CHERIAN (residing at 54 Travis Road, Baldwin Place, NY 10505) plaintiff, against THE CITY OF YONKERS, defendant", for property damage arising out of an incident on the 12th day of February, 2008 in which plaintiff alleges its subrogor's vehicle, while parked on Knowles Street in the City of Yonkers, was struck by a truck owned by the City of Yonkers and driven by William Millen, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of ONE THOUSAND and 00/100 DOLLARS (\$1,000.00) in favor of said plaintiff.

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

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RESOLUTION NO.178 – 2009

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

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

That the settlement by the Corporation Counsel in the amount of FIVE THOUSAND EIGHT HUNDRED EIGHTY SEVEN AND 65/100 DOLLARS (\$5,887.65) of the action entitled, "STATE FARM a/s/o BRENDA CAREY, plaintiff against THE CITY OF YONKERS, Defendant", for property damage arising out of an alleged accident alleging that on July 21, 2007 a Yonkers emergency unit police truck struck plaintiff's vehicle while backing up in the roadway on Ravine Avenue and Gold Street, 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 FIVE THOUSAND EIGHT HUNDRED EIGHTY SEVEN AND 65/100 DOLLARS (\$5,887.65) in favor of said plaintiff and her attorneys SERPE, ANDREE & KAUFMAN.

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

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RESOLUTION

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

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

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

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

WHEREAS, the City Council of Yonkers deems it essential that a Yonkers Commission on Responsible Development be established for the purpose of 1). To ensure that development is beneficial to the City of Yonkers and accountable to the residents; and 2). To ensure that the residents and City Council are kept informed on the progress of the project development.

BE IT RESOLVED, that the Commission on Responsible Development will maintain the following roster of members: the Inspector General; one (1) Commission on Human Rights Member; and seven (7) Community Members (appointed by the City Council).

BE IT FURTHER RESOLVED, that the City Council of Yonkers hereby creates the Commission on Responsible Development consisting of nine (9) members and will be appointed by the City Council for a term of three (3) years for each member, provided, however, that of the members first appointed, five (5) shall be appointed for a period of three (3) years, four (4) shall be appointed for a period of two (2) years. All members of the Commission on Responsible Development shall be appointed by the City Council of Yonkers and any member chosen to fill a vacancy occurring, otherwise then by expiration of term, shall be appointed for the unexpired term of the member whom he or she is to succeed.

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RESOLUTION CONTINUED

The Chairperson and the Vice Chairperson of the Commission shall be nominated by the commission and confirmed by the City Council and the terms of office of each shall be for a period of three (3) years.

BE IT FURTHER RESOLVED, the Commission on Responsible Development shall submit a bi-annual report to the City Council of Yonkers during the first three (3) years of the project development, then an annual report at the close each fiscal year thereafter until the project ends; or as requested by the City Council of Yonkers.

BE IT FURTHER RESOLVED, that the following (along with their representatives) are hereby appointed members and officers of the Commission on Responsible Development for the terms set forth herein, effective immediately:

MOTION BY COUNCILMEMBER McDOW, SECONDED BY MINORITY LEADER McLAUGHLIN PROPOSING A NUMBER OF FRIENDLY AMENDMENTS TO THE ABOVE RESOLUTION. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF 4-3, COUNCILMEMBER MURTAGH, COUNCILMEMBER GRONOWSKI AND COUNCILMEMBER ANNABI VOTING "NAY".

MOTION BY COUNCILMEMBER BARBATO, SECONDED BY MINORITY LEADER McLAUGHLIN, TO MOVE THIS RESOLUTION OVER. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF 7-0.

THE CITY COUNCIL UNANIMOUSLY AGREED TO RECONSIDER THE ABOVE MOTION AND SEND THIS RESOLUTION TO THE RULES COMMITTEE.

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RESOLUTION NO.179 – 2009

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

WHEREAS, the City Council of the City of Yonkers has been formally petitioned to consider the honorary street re-naming of Onondaga Street between Seminary and Central Park Avenues, and

WHEREAS, the City Council supports this petition which will set in motion the re-naming of Onondaga Street between Seminary and Central Park Avenues in honor of Staff Sergeant Courtney A. Hollinsworth, who made the ultimate sacrifice in service to his country on September 7th, 2007 while on mounted truck patrol, wherein he was killed by a roadside bomb, in the Dora District of Bagdad, Iraq, and

WHEREAS, Staff Sgt. Hollinsworth's biography meets the criteria for such honor as set forth in the City Council Rules, grew up in Yonkers, attended St. Mary's School, Public School 22 and Saunders Trades and Technical High School fostered and fulfilled his earliest ambitions to serve as a police officer, a firefighter or a soldier; yet, he was a kind, gentle and curious young man, always supportive and protective of his family, and

WHEREAS, in 1997, upon graduation from high school, Staff Sgt. Hollinsworth attempted to enlist in the Army before the age of 18; undeterred by his parents efforts to discourage him, he entered the Army and transformed his life; Staff Sgt. Hollinsworth served in Afghanistan in 2002, then participated in the United States Invasion of Iraq in 2003 before returning for a second tour of duty in February; he loved his Army life and his buddies; in 2007, he married Stephanie Errebo-Hollinsworth, a former soldier, who understood his passion, and

WHEREAS, it is the desire of this City Council to render a public and permanent reminder of the accomplishments and achievements of this fine, dedicated serviceman,

NOW, THEREFORE BE IT RESOLVED, in honor of Staff Sgt. Courtney A. Hollinsworth's service and commitment to the United States of America, the State of New York and the City of Yonkers; the Yonkers City Council, acting upon said petition received, in accordance with the Rule XXVII set forth in the Council's Rules and ByLaws, calls for the setting of a Public Hearing and action to render a public and permanent reminder of the

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RESOLUTION NO.179 – 2009 (CONTINUED)

heroism of Staff Sgt. Courtney A. Hollinsworth at the aforementioned locations.

BE IT FURTHER RESOLVED, that the rights of the residents of the City of Yonkers will in no way be hindered by the renaming of this street and that this Resolution shall take effect immediately.

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

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COMMITTEE REPORTS

COUNCIL MEETING WAS AJOURNED AT 9:55 P.M.