

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 26, 2010

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

TIME: 8:05PM

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT:

 1 MAJORITY LEADER PATRICIA D. McDOW
 5 MINORITY LEADER JOHN .M. MURTAGH

COUNCIL MEMBERS:
DISTRICT:

 2 WILSON A. TERRERO
 3 JOAN GRONOWSKI
 4 DENNIS E. SHEPHERD
 6 JOHN LARKIN

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 January 12, 2010 approved on motion of Majority Leader Patricia McDow.

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COMMUNICATIONS FROM CITY OFFICIALS

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COMMUNICATIONS - GENERALLY

1. From the Westchester County Planning Board, correspondence dated January 13, 2010 in response to the City Council's referral of the Zoning Text Amendment: Historic Overlay Zone.
2. From the Town of Greenburgh, four notices of public hearing scheduled for January 27, 2010:
 1. On an amended site plan for property known as the Crossroads Shopping Center on Tarrytown Road.
 2. On an amended site plan for Ray Catena Lexis at 50 Yellowstone Avenue.
 3. On an amended site plan for Solomon Schechter School of Westchester at 555 West Hartsdale Avenue.
 4. On an amended site plan for RA 580 White Plains Road LLC for property located at 560-580 White Plains Road.

FILED

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COMMITTEE OF THE WHOLE

SPEAKERS

<u>NAME:</u>	<u>ADDRESS</u>	<u>ITEM NO.:</u>
1. Terry Joshi	29 Rockland Ave.	10
2. Eddie Armour	President (PBA)	6
3. Thomas Phelan	President (CLSA)	6
4. Jim Castro-Blanco	Yonkers Resident	8
5. Barry McGoey	Yonkers Fire Dept.	6

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SPECIAL ORDINANCE NO.1-2010

1. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

BOND ORDINANCE OF THE CITY OF YONKERS, NEW YORK, AUTHORIZING THE PAYMENT OF VARIOUS TAX CERTIORARI JUDGEMENTS, COMPROMISED CLAIMS AND SETTLED CLAIMS DURING FISCAL YEARS 2008/2009 AND 2009/2010, AND STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,700,000 BONDS OF SAID CITY HEREIN AUTHORIZED IN ADDITION TO \$20,200,000 BONDS PREVIOUSLY AUTHORIZED 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 2008/2009 and 2009/2010. The plan of financing includes the issuance of \$4,700,000 bonds of the City herein authorized, in addition to \$20,200,000 bonds previously authorized by Special Ordinance No.11-2009 duly adopted June 9, 2009 and approved by the Mayor on June 12, 2009 to finance said appropriation, 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. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$24,700,000, and said amount is hereby appropriated therefor pursuant to the City's Budgets for Fiscal Years 2008/2009 and 2009/2010.

Section 2. Bonds of the City in the principal amount of \$4,700,000 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.

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SPECIAL ORDINANCE NO.1-2010 (CONTINUED)

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.

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

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SPECIAL ORDINANCE NO.1-2010 (CONTINUED)

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 (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

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SPECIAL ORDINANCE NO.1-2010 (CONTINUED)

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 summary, 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", 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.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 26, 2010 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.2-2010

2. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

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 N.Y.S. DCJS, for purpose of purchasing Live Scan fingerprinting equipment.

Increase Estimated Revenues

NYS DCJS	049-G16-3139-7515	\$50,000
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Increase Appropriation

Police – Special Projects	049-G16-3139-0496	\$50,000
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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, JANUARY 26, 2010 BY A VOTE OF 7-0.

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RESOLUTION NO.12-2010

3. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

WHEREAS, the State of New York, Department of Criminal Justice Services has a grant program entitled "Livescan Fingerprinting Equipment" Grant Contract No. BJ09632153 which will provide funds to purchase the necessary equipment to establish this program in Yonkers by the Yonkers Police Department in an amount up to \$50,000, with no matching fund requirement; and

WHEREAS, the City of Yonkers Police Department desires to make itself available to purchase said equipment and participate in such program; and

WHEREAS, the Mayor of the City of Yonkers is hereby authorized to execute such agreement with the State of New York in order to provide such funds to the Police Department of the City of Yonkers; and

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 State of New York, Department of Criminal Justice Services, in order to implement the "Livescan Fingerprinting Equipment" Grant Contract No. BJ09632153, in an amount not to exceed \$50,000; 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, JANUARY 26, 2010 BY A VOTE OF 7-0.

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RESOLUTION NO.13-2010

4. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

WHEREAS, authorizing the City of Yonkers to negotiate the private sale of its bonds and notes continues to be a vital component of improving the City's independence and financial stability, and

WHEREAS, permitting the City to continue to conduct the private sale of bonds or notes subject to the approval of the State Comptroller will allow more cost-effective financing of the City's debt, and

WHEREAS, the City's authority regarding the private sale of bonds and notes will expire on June 30, 2010 unless it is extended for a period of one-year, therefore be it

RESOLVED that the City Council of the City of Yonkers requests the introduction bills in the State Senate and the State Assembly to extend this authority thru June 30, 2011, and be it further

RESOLVED that the City Clerk of the City of Yonkers be and hereby is authorized and directed to forward a duly certified copy of this Resolution to each member of Yonkers' State Delegation.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 26, 2010 BY A VOTE OF 7-0.

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RESOLUTION

5. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

WHEREAS, the City of Yonkers currently enforces its laws and ordinances by means of criminal proceedings commenced in the City Court of Yonkers; and

WHEREAS, the City Court calendar of the City of Yonkers has become overburdened with the prosecution of minor city code and ordinance violations and seeks to facilitate and improve the enforcement of City Code and Ordinance violations; and

WHEREAS, the City of Yonkers wishes to improve its efficiency and expand its authority by enforcing its laws in an administrative setting and additionally free up the Court calendar for more serious cases; and

WHEREAS, in order to achieve this result, it is necessary to amend the Laws of the State of New York to allow the City of Yonkers to create a bureau for the administrative adjudication of the code and ordinances of the City of Yonkers, similar to other cities like the City of Buffalo; and

WHEREAS, legislation allowing the City of Yonkers to form an Administrative Adjudication Bureau has been drafted; and

WHEREAS, Assemblyman Pretlow has introduced Assembly Bill No. AO2680 into the New York State Assembly for the purpose of creating an Administrative Adjudication Bureau in the City of Yonkers.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Yonkers hereby issues this Home Rule Request Message Assembly Bill No. A02680 for the creation of an Administrative Adjudication Bureau in the City of Yonkers; and

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RESOLUTION (CONTINUED)

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

A MOTION BY COUNCILMEMBER LARKIN, SECONDED BY MINORITY LEADER MURTAGH TO RETURN ABOVE RESOLUTION TO LEGISLATION, CODES AND INTERGOVERNMENTAL RELATIONS COMMITTEE. THIS MOTION WAS CARRIED 7-0.

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RESOLUTION

6. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

WHEREAS, the City of Yonkers is seeking State legislation to amend Section 380 of New York State General Municipal Law so that the City would be authorized to adopt a local law creating a Bureau of Administrative Adjudication for Code and Ordinance Violations; and

WHEREAS, if authorized by the State Legislature and then created by the Yonkers City Council via a local law, the Bureau of Administrative Adjudication would allow for the adjudication of Code and Ordinance violations regarding conditions which constitute a threat or danger to the public health, safety or welfare; and

WHEREAS, the Bureau of Administrative Adjudication would relieve an overburdened Yonkers City Court calendar, improve the City's ability to enforce violations of its Codes and Ordinances and increase City revenues; and

WHEREAS, on January 21, 2009, a bill, A. 02680, to amend Section 380 of the General Municipal Law and, thereby, authorize the City of Yonkers to adopt a local law creating a Bureau of Administrative Adjudication for Code and Ordinance Violations, was introduced in the State Assembly by Member of Assembly Gary Pretlow; and now, therefore

BE IT RESOLVED, that the City Council requests the passage of Assembly bill A. 02680 authorizing the City of Yonkers to adopt a local law creating a Bureau of Administrative Adjudication for Code and Ordinance Violations and, further requests, the introduction and passage of companion ("same as") legislation in the State Senate; and be it further

RESOLVED, that the City Council requests that Governor David Paterson, upon his review and determination, sign into law the aforesaid legislation; and be it further

RESOLVED, that the Yonkers City Clerk be and hereby is authorized and directed to forward a duly certified copy of this Resolution to Governor David Paterson, Temporary President of the Senate Malcolm A. Smith, Senate Majority Leader Pedro Espada, Jr., Assembly Speaker

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RESOLUTION (CONTINUED)

Sheldon Silver, and all members of the Yonkers' State Delegation; and be it further

RESOLVED, that this resolution shall take effect immediately.

A MOTION BY COUNCILMEMBER LARKIN, SECONDED BY MINORITY LEADER MURTAGH TO RETURN ABOVE RESOLUTION TO LEGISLATION, CODES AND INTERGOVERNMENTAL RELATIONS COMMITTEE. THIS MOTION WAS CARRIED 7-0.

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RESOLUTION NO.14-2010

7. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

WHEREAS, the Yonkers Public School System and the over 4,000 men and women who serve the System in all capacities are charged with the education and well-being of 24,956 of our City's children; and

WHEREAS, the School System and its 99.7% highly qualified teachers and administrators, and the civil service employees work in unison to provide our students with a quality public education, giving them the skills, abilities and confidence that will enable them to take their rightful place as knowledgeable, competent and responsible adults; and

WHEREAS, in order to accomplish this mandated and essential New York State requirement, the Yonkers School System, which serves children from all socio-economic backgrounds, provides academic, technical and social instruction for grades Pre-Kindergarten thru 12, including offerings in technology, physical and health education and interscholastic athletic sports, the visual and performing arts, music, as well as an enriched academic core curriculum for academically talented children that includes Advanced Placement and International Baccalaureate courses and nationally recognized magnet programs aligned with 21st century workforce needs, and a comprehensive programs serving English Language Learners to develop skills in understanding, speaking, reading, and writing English for those students who speak other languages; and

WHEREAS, in recent years the School District and its students have achieved impressive results in a number of important areas: 1,463 graduating Class of 2009 seniors were accepted in 163 colleges and universities and earned nearly \$30.7 million in scholarships, in 2009 English Language Arts scores were up 10% and Mathematics scores were up almost 9%; graduation rates in 2009 were up by 9%; 373 high school students earned membership in National Honor Societies; the *U.S. News World Report* listing of the top 100 high schools in America for 2010 for the third year gave Gold ranking to Yonkers High School ranked 41st in the nation and Saunders Trades & Technical High School earned Bronze ranking for the past three years, and

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RESOLUTION NO.14-2010 (CONTINUED)

WHEREAS, during fiscal years 2003/2004 thru 2008/2009 the City of Yonkers has increased its contribution to education by 61% to a total of \$218,800,000 --- making the City of Yonkers' current contribution to education \$ 8,947 per student; and

WHEREAS, it is without question that each and every Member of our State Delegation works diligently in their ongoing effort to return the maximum amount of State dollars to the City of Yonkers and the Yonkers Public School System; and

WHEREAS, President Obama has declared his intention to make the rebuilding of the nation's crumbling schools a cornerstone of his administration's Economic Stimulus Package and the Yonkers Board of Education has identified \$500 million of capital needs in the Canon Report, including \$200 million in "shovel ready" projects; and

WHEREAS, notwithstanding their continued efforts, based on a longstanding, albeit inadequate State education funding formula, our School System continues to be shortchanged due to the high cost region of Westchester County and the impact of higher property values than the state-wide average; and

WHEREAS, the school system educates pupils of whom 72% are living in poverty and over 16% of the student population designated as English Language Learners, it is extremely important to the City of Yonkers, to its nearly 200,000 residents and, most importantly, to all of the children that attend our Yonkers Public School System; therefore be it

RESOLVED, that the City Council of the City of Yonkers hereby requests that New York State undertake a full review of the methodology used to return State dollars to its school district with a view towards factoring in the higher cost of living in our area and the disproportion between our district's income and property wealth; and be it further

RESOLVED, that the City Council requests the inequity in the State school funding formula be resolved as a component of the adoption of the FY2010/2011 State budget and in the reimbursement rate for Capital Projects as well; and be it further

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RESOLUTION NO.14-2010 (CONTINUED)

RESOLVED, that the Yonkers City Council request the changes for Yonkers public schools be embedded in the State's school aid formula to insure fairness and equity in education funding next year and thereafter; and be it further

RESOLVED, that the City Council requests that, upon his review and determination, Governor David Paterson sign into law legislation that addresses the inequity in the State school funding formula so that, notwithstanding the extremely trying economic times that our State currently faces, the Yonkers Public School System will get its fair and equitable share of those State dollars that are allocated to education in the FY2010/2011 State budget and thereafter; and be it further

RESOLVED that the Yonkers City Clerk be and hereby is authorized and directed to forward a duly certified copy of this Resolution to Governor David Paterson, the Temporary President of the Senate Malcolm A. Smith, Majority Leader Pedro Espada, Jr., Dem. Conference Leader Sampson, Speaker of the Assembly Sheldon Silver and all members of Yonkers' State Delegation, and be it further

RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 26, 2010 BY A VOTE OF 7-0.

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RESOLUTION

8. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

WHEREAS, the Empire City Racino, located within the City of Yonkers, has been in operation since October 2006 and, during that time, its average weekly attendance and average weekly machine revenue have both steadily increased; and

WHEREAS, based on current estimates, the Empire City Racino enjoys approximately 100,000 attendees per week and has average weekly machine revenue in excess of \$10,000,000; and

WHEREAS, although, since opening, the Empire City Racino has contributed approximately \$750,000,000 in aid to education on a Statewide basis and, although, the City of Yonkers and the Yonkers Public School System receives limited additional dollars as a racino host City via a provision contained in Section 54 of the State Finance Law, it does not receive an appropriate share of racino-generated dollars based on either the ever-increasing number of weekly racino patrons who use municipal facilities to access the racino or based on the ever-increasing weekly machine revenue generated at or by the racino; and

WHEREAS, dating back to 1952 State law has authorized cities to impose a tax on admissions at running horse race meetings and harness horse race meetings, at this time, the City of Yonkers is requesting that this authority be extended to admissions that are required to be charged, or deemed to be charged regarding patrons at racinos or racetracks where video lottery terminals are permitted by law; and now

THEREFORE, BE IT RESOLVED, that the Yonkers City Council requests the introduction and passage of State legislation to amend Section 9501, chapter 148 of the laws of 1952 relating to the authority of counties and cities to impose tax on admissions at running horse race meetings and harness horse race meetings; as amended by chapter 334 of the laws of 1953; chapter 245 of the laws of 1954; chapter 287 of the laws of 1954; chapter 852 of the laws of 1957; chapter 852 of the laws of 1959; chapter 1075 of the laws of 1971 and chapter 865 of the laws of 1982 to authorize and require a tax on admissions required to be charged, or deemed to be charged, of not less than \$2.50 per person, to patrons at

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RESOLUTION (CONTINUED)

racinos or racetracks where video lottery terminals are permitted by law;
and be it further

RESOLVED, with respect to the Empire City Racino at Yonkers Raceway, said deemed admission shall be based on the lesser of either 100,000 attendees per week or the number of Racino attendees per week at such Racino reported in the prior year's annual report to the Division of the Lottery; and be it further

RESOLVED, that the City Council further requests that Governor David Paterson, upon his review and determination, sign into law the aforesaid legislation; and be it further

RESOLVED, that the Yonkers City Clerk be and hereby is authorized and directed to forward a duly certified copy of this Resolution to Governor David Paterson, Temporary President of the Senate Malcolm A. Smith, Senate Majority Leader Pedro Espada, Jr., Dem. Conference Leader Sampson, Assembly Speaker Sheldon Silver, Senate Finance Committee Chair Carl Kruger, Assembly Ways and Means Committee Chair Herman Farrell, Jr., Senate Racing Gaming and Wagering Committee Chair Eric Adams, Assembly Racing and Wagering Committee Chair J. Gary Pretlow, Senate Cities Committee Chair Daniel Squadron, and Assembly Cities Committee Chair James Brennan and all members of Yonkers' State Delegation; and be it further

RESOLVED, that this resolution shall take effect immediately.

THE ABOVE RESOLUTION WAS REFERRED BACK TO LEGISLATION,
CODES AND INTERGOVERNMENTAL RELATIONS.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 26, 2010

RESOLUTION NO.15-2010

9. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

WHEREAS, 'Racinos' were established at select New York State Racetracks as a means of providing an enormous financial boost to education in New York and as a way of helping to revive New York's faltering racing industry; and

WHEREAS, in October 2006, when Empire City at Yonkers Raceway opened its doors, a dynamic, new dimension was added to this preeminent tri-state area horse racing track that was founded in 1899 as the Empire City Trotting Club; and

WHEREAS, with the addition of Empire City, followed a few days later by Vernon Downs, eight Video Lottery Machine 'Racinos' currently operate in New York State under the State's Lottery Division; and

WHEREAS, during a three year period of operation beginning with its opening in 2006 the Empire City Racino has achieved a 'net machine income' of nearly \$1,350,000,000 of which just under \$700,000,000 went directly to 'aid to education' Statewide; and

WHEREAS, during this same period, the impressive 'net machine income' results of the Empire City Racino come fairly close to matching the combined 'net machine income' of all seven other New York State 'Racinos' combined; and

WHEREAS, pursuant to the provisions of Section 54-l.a. of the New York State Finance Law, the definition of an 'eligible city' shall mean "a city with a population equal to or greater than one hundred twenty-five thousand and less than one million in which a video lottery gaming facility is located and operating as of January first, two thousand nine pursuant to section sixteen hundred seventeen-a of the tax law,"; and

WHEREAS, based on Section 54-l. 2.a., as an 'eligible city', Yonkers receives additional State aid of up to twenty million dollars yearly based on three and one-half percent of the 'estimated net machine income' generated by the VLT's located at the Empire City 'Racino'; and

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 26, 2010

RESOLUTION NO.15-2010 (CONTINUED)

WHEREAS, based on the current provisions of the State Finance Law, in order for the City of Yonkers to receive the full twenty million dollar State aid as increased support for our public schools, the yearly 'net machine income' at the Empire City Racino would have to exceed \$570,000,000 or \$11,000,000 per week; and

WHEREAS, at a minimum, it is extremely important to the City of Yonkers and our school system that we receive at least a base amount of clearly identifiable, dependable and continual additional VLT State aid; and

WHEREAS, it is in the best interest of the City of Yonkers, its school system and, most importantly, the 25,000 children that attend our public schools that Section 54-1 2.a. of the New York State Finance Law be amended in order to provide Yonkers with a clearly identifiable, dependable and continual stream of VLT State aid; and now, therefore

BE IT RESOLVED that the City Council requests the introduction and passage of State legislation to amend Section 54-1 2.a. of the New York State Finance Law so that an 'eligible city' shall receive a state aid payment equal to five percent of the "estimated net machine income" generated by a video lottery gaming facility located in such 'eligible city' or forty million dollars, whichever is greater, and be it further

RESOLVED that the City Council further requests that the Governor David Paterson, upon his review and determination, sign into law legislation that would amend Section 54-1 2.a. of the New York State Finance Law to increase state aid payments to an 'eligible city', and be it further

RESOLVED that the Yonkers City Clerk be and hereby is authorized and directed to forward a duly certified copy of this Resolution to Governor David Paterson, the Temporary President of the Senate Malcolm A. Smith, Majority Leader Pedro Espada, Jr., Dem. Conference Leader Sampson, Speaker of the Assembly Sheldon Silver and all members of Yonkers' State Delegation, 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, JANUARY 26, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 26, 2010

RESOLUTION

10. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

BE IT RESOLVED that the Yonkers City Council hereby gives it's approval and consent to the appointment of Richard A. Carlson, 63 Avondale Road, Yonkers, New York 10710, Richard H. Halevy, 36 Trausneck Place, Yonkers, New York 10703, Harjit S. Jassal, 728 Warburton Avenue, Yonkers, New York 10701 and C. James Westbrook, 7 Corbalis Place, Yonkers, New York 10701, as members of the Landmarks Preservation Board, each to a three (3) year term, with the terms of each member to expire three years after the effective date of this Resolution.

A MOTION BY MAJORITY LEADER McDOW, SECONDED BY COUNCILMEMBER TERRERO, TO SEVER THE NAMES IN THE ABOVE RESOLUTION AND CREATE INDIVIDUAL RESOLUTIONS FOR EACH APPOINTEE. THIS MOTION WAS CARRIED 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 26, 2010

RESOLUTION NO.16-2010

- 10A BY MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN:

BE IT RESOLVED that the Yonkers City Council hereby gives its approval and consent to the appointment of Richard A. Carlson, 63 Avondale Road, Yonkers, New York 10710, as a member of the Landmarks Preservation Board, for a three (3) year term to expire three years after the effective date of this Resolution.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 26, 2010 BY A ROLL CALL VOTE OF 6-1. COUNCIL PRESIDENT LESNICK VOTING "NAY".

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 26, 2010

RESOLUTION NO.17-2010

- 10B. BY MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, SHEPHERD AND LARKIN:

BE IT RESOLVED that the Yonkers City Council hereby gives its approval and consent to the appointment of Richard H. Halevy, 36 Trausneck Place, Yonkers, New York 10703, as a member of the Landmarks Preservation Board, for a three (3) year term to expire three years after the effective date of this Resolution.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 26, 2010 BY A ROLL CALL VOTE OF 4-3. COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW AND COUNCILMEMBER GRONOWSKI VOTING "NAY".

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 26, 2010

RESOLUTION NO.18-2010

- 10C. BY MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH,
COUNCILMEMBERS SHEPHERD AND LARKIN:

BE IT RESOLVED that the Yonkers City Council hereby gives its approval and consent to the appointment of Harjit S. Jassal, 728 Warburton Avenue, Yonkers, New York 10701 as a member of the Landmarks Preservation Board, for a three (3) year term to expire three years after the effective date of this Resolution.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 26, 2010 BY A ROLL CALL VOTE OF 4-3. COUNCIL PRESIDENT LESNICK AND COUNCILMEMBERS, GRONOWSKI AND TERRERO VOTING "NAY".

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 26, 2010

RESOLUTION

- 10D. BY MINORITY LEADER MURTAGH, COUNCILMEMBERS, SHEPHERD AND LARKIN:

BE IT RESOLVED that the Yonkers City Council hereby gives its approval and consent to the appointment of C. James Westbrook, 7 Corbalis Place, Yonkers, New York 10701, as a member of the Landmarks Preservation Board, for a three (3) year term to expire three years after the effective date of this Resolution.

THIS RESOLUTION WAS DEFEATED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 26, 2010 BY A ROLL CALL VOTE OF 4-3. MINORITY LEADER MURTAGH, AND COUNCILMEMBERS SHEPHERD AND LARKIN VOTING "YEA".

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 26, 2010

COMMITTEE REPORTS

AT THE REQUEST OF MINORITY LEADER MURTAGH; THIS MEETING
WAS ADJOURNED IN THE MEMORY OF WILLIAM HARRINGTON AT
8:25 PM.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 26, 2010