

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MARCH 23, 2010**

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

TIME: 8:06PM

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 March 9, 2010 approved on motion of Majority Leader Patricia McDow.

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**COMMUNICATIONS FROM CITY OFFICIALS**

1. A REQUEST FOR A RECOMMENDATION FROM THE PLANNING BOARD ON THE PROPOSED DECLARATION OF FENWAY SOUTH A PUBLIC STREET PURSUANT TO SECTION 29 OF THE GENERAL CITY LAW. COPIES ON DESKS.
  
2. FROM THE YONKERS PLANNING BOARD, A SITE PLAN AND SPECIAL USE PERMIT APPLICATION FOR A PROPOSED GAS STATION/CONVENIENCE STORE AT BLOCK: 6117 LOT: 9 ON THE PROPERTY KNOWN AS 487-493 CENTRAL PARK AVENUE PURSUANT TO ARTICLE IX AND ARTICLE VII SECTION 43-75(A) OF THE YONKERS ZONING ORDINANCE. COPIES ON DESKS.
  
3. FROM THE YONKERS PLANNING BOARD, A SITE PLAN AND SPECIAL USE PERMIT APPLICATION FOR A CONVENIENCE STORE IN CONJUNCTION WITH AN AUTOMOBILE SERVICE STATION AT BLOCK: 5530, LOT 650; ON PROPERTY KNOWN AS 574 TUCKAHOE ROAD, PURSUANT TO ARTICLE VII SECTION 43-75(A) – SPECIAL USE PERMITS FOR CONVENIENCE STORE IN CONJUNCTION WITH AUTOMOBILE SERVICE STATION AND ARTICLE IX OF THE YONKERS ZONING ORDINANCE. COPIES ON DESKS.
  
4. FROM THE YONKERS PLANNING BOARD, A SPECIAL USE PERMIT AND SITE PLAN REVIEW APPLICATION FOR A PROPOSED PLANNED NEIGHBORHOOD DEVELOPMENT AT BLOCK: 2365 LOTS: 1, 3, 6, 7 & 12 ON THE PROPERTY KNOWN AS 380 SAW MILL RIVER ROAD PURSUANT TO ARTICLES IX AND ARTICLE VII OF THE YONKERS ZONING ORDINANCE. COPIES ON DESKS.

FILED

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
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**COMMUNICATIONS - GENERALLY**

1. FROM DEPUTY STATE COMPTROLLER STEVEN J. HANCOX  
CORRESPONDENCE TO THE MAYOR REGARDING THE CITY'S 2009-  
10 ADOPTED BUDGET. *THIS CORRESPONDENCE WAS SENT  
DIRECTLY TO THE CITY COUNCIL AND THE CITY'S ALBANY  
DELEGATION.*

**FILED**

**ANNOTATED AGENDA**  
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COMMITTEE OF THE WHOLE

NO SPEAKERS

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
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**TUESDAY, MARCH 23, 2010**

**OLD BUSINESS**

**RESOLUTION NO.40-2010**

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YONKERS AUTHORIZING THE YONKERS ECONOMIC DEVELOPMENT CORPORATION TO PROVIDE FINANCIAL ASSISTANCE TO THE CHARTER SCHOOL OF EDUCATIONAL EXCELLENCE.

WHEREAS, the City of Yonkers (the "City") is tasked with the responsibility and burden to promote the health, safety and general welfare of the residents of the City by and among other things preventing unemployment and economic deterioration by increasing and maintaining employment opportunities and attracting and sustaining economically sound commerce; and

WHEREAS, in furtherance of its public purposes, the City has supported the provision of taxable and tax-exempt financing by the City of Yonkers Industrial Development Agency (the "Agency") and of certain other financial incentives to for-profit entities and not-for-profit corporations to promote the creation and preservation of employment opportunities for residents of the City and development of economically sound commerce consistent with the City's burdens and responsibilities as expressed above; and

WHEREAS, there are occasions where financial assistance cannot be provided by the Agency and/or will be delivered in a more cost effective form through a not for profit corporation recognized by the City; and

WHEREAS, the Yonkers Economic Development Corporation (the "Corporation"), was formed on May 30, 2007 as a not-for-profit, local development corporation ("LDC") pursuant to Section 1411 of the Not-for-Profit Corporation Law (the "N-PCL") of the State of New York (the "LDC Act") and its Certificate of Incorporation of the Corporation, as filed by the Department of State May 31, 2007 (the "Certificate of Incorporation"), for the purposes described in N-PCL Section 1411; and

WHEREAS, The Charter School of Educational Excellence desires to fund certain additions and improvements to its existing educational facilities and refinance certain existing indebtedness incurred in connection therewith (collectively, the "Charter School Project") through a bond issuance by the Corporation such that the Charter School Project

**ANNOTATED AGENDA**  
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**RESOLUTION NO.40-2010 (CONTINUED)**

has access to this form of financial assistance in the most cost effective manner; and

WHEREAS, to accomplish its job creation and other economic development responsibilities and relieve the governmental burdens related to same, and to facilitate the ability of for-profit entities and not-for-profit corporations to access capital for projects that enhance, create and preserve employment opportunities for residents of the City, the City desires to task the Corporation with such burdens and responsibilities and authorize the Corporation to issue bonds on behalf of the City for such purposes and to work cooperatively with the Agency to achieve such public purposes; provided in no event shall the debts of the corporation be a debt of the City; and

NOW, THEREFORE, BE IT RESOLVED, that the City hereby designates the Corporation as an on behalf of issuer of the City for the purposes of issuing bonds to assist the Charter School Project with the authority to exercise on the City's behalf any lawful powers as may be deemed necessary to accomplish its public purposes including to enhance, create and preserve employment opportunities for residents of the City, which such powers shall include, but not be limited to, those powers described in N-PCL Section 1411 and the Corporation's Certificate of Incorporation, with the power to issue tax-exempt and taxable bonds, notes or other obligations in furtherance of the Corporation's purposes, provided however that any obligations issued by the Corporation shall never be a debt of the State of New York, the City or any political subdivision thereof and neither the State of New York, the City or any political subdivision thereof shall be liable thereon; and be it

FURTHER RESOLVED, that these resolutions shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 23, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
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**NEW BUSINESS**

**RESOLUTION NO.41-2010**

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

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 FOUR HUNDRED TWENTY-SIX AND 06/100 DOLLARS (\$6,426.06) of the action entitled STATE FARM INS. CO. A/S/O RICHARD MAZZEI, Plaintiff against City of Yonkers, as Defendant, for property damage to his vehicle resulting from an alleged fire hose being used by a Dept. of Public Works employee at the City Recycling Center at 710 Nepperhan Avenue hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of SIX THOUSAND FOUR HUNDRED TWENTY-SIX AND 06/100 DOLLARS (\$6,426.06) in favor of said plaintiff.

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RESOLUTION NO.42-2010

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

WHEREAS, the authorization for the City of Yonkers to negotiate the private sale of its bonds and notes is vital to improving the City's financial stability and independence, and

WHEREAS, the continuance of this power will allow more cost-effective financing of the City's debt, and

WHEREAS, the City's bonding authority will expire on June 30, 2010 unless it is extended one year, and

WHEREAS, Senate Bill No. S.6720 and its companion bill, Assembly Bill No. A.10060 have been introduced into the New York State legislature, and

WHEREAS, these bills will permit the private sale of bonds or notes by the City of Yonkers, subject to the approval of the State Comptroller, and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby declares that the enactment of S.6720 and A.10060 are in the best interests of the City and is essential to improving the city's financial stability and independence, and

BE IT FURTHER RESOLVED, that the City Council 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 bills.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 23, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
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**RESOLUTION NO.43-2010**

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

WHEREAS, the City of Yonkers currently receives allocations of Federal and State Office of the Aging funds through the County of Westchester; and

WHEREAS, this arrangement precludes funding for the City of Yonkers for local planning, coordination and administration to implement programs under the Older Americans Act; and

WHEREAS, the present policy of designating only counties is inherently unfair since at least 60% of the State counties have populations less than the City of Yonkers; in addition, the estimated population of senior citizens, 42,000, is larger than 55 of the State's 61 counties other than New York City; and

WHEREAS, Senator Andrea Stewart Cousins and Assemblyman Michael Spano, have introduced Senate Bill S. 4288 and Assembly Bill AO.5451 an act which will amend the Elder Law to allow any city with a population of one hundred and sixty thousand (160,000) people or more to be designated as an area agency on aging pursuant to the 1965 Federal Older American Act; and

WHEREAS, this measure would give cities such as Yonkers, which is larger than some counties, the ability to receive direct funding for programs for the aging; and

WHEREAS, since cities such as Yonkers contain a growing population of senior citizens, this should lead to a much needed significant increase in funding and available programs for a population with significant unmet needs.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby declares that the enactment of Senate Bill S.4288 and Assembly Bill AO. 5451 to amend the Elder Law is in the best interests of the City and is essential to improving the City's financial stability and independence, and

**ANNOTATED AGENDA**  
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**RESOLUTION NO.43-2010 (CONTINUED)**

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

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 23, 2010 BY A VOTE OF 7-0.

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**RESOLUTION NO.44-2010**

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

RESOLUTION APPROVING AN INTER-MUNICIPAL AGREEMENT BETWEEN THE CITY OF YONKERS AND THE COUNTY OF WESTCHESTER TO FORMALIZE OPERATIONAL PROCEDURES FOR MUTUAL AID AND RAPID RESPONSE PLAN.

WHEREAS, the County of Westchester and the Police Departments of the municipalities within Westchester County have executed a plan by which each member has agreed to make available its police personnel and equipment to the others upon the occurrence of a condition which is beyond the scope of its police resources; and

WHEREAS, the provisions of said agreement are governed by Section 209-m of the General Municipal Law of the State of New York, which provides that, absent agreement to the contrary, the municipality receiving police aid (the "Requesting Municipality") shall reimburse the municipality providing the aid (the "Assisting Municipality") for any money paid by it for police salaries and other expenses incurred by it including damage to or loss of equipment and supplies; and

WHEREAS, the County of Westchester now desires to have the City of Yonkers enter into the intermunicipal agreement pertaining to the Mutual Aid and Rapid Response Plan for the Police Department of Westchester County;

NOW, THEREFORE, BE IT RESOLVED, that the intermunicipal agreement between the County of Westchester and the City of Yonkers is hereby approved; and be it further,

RESOLVED, that this resolution will take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 23, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
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**RESOLUTION NO.45-2010**

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

WHEREAS, New York State Senator Jeffrey D. Klein, who represents a portion of the City of Yonkers, recently introduced bill S6773 prohibiting the possession of a firearm, rifle or shotgun, outside the home, while impaired or intoxicated by the use of drugs and/or alcohol; and

WHEREAS, also referred to as “carrying while intoxicated” – or C.W.I. – the infraction would carry a penalty of up to one year in jail and up to \$10,000 in fines. The legal limit in a gun possessor’s blood would mirror the same limits set forth in the Vehicle and Traffic Law regarding alcohol and drug offenses while driving; and

WHEREAS, the legislation provides for chemical testing of certain persons for whom there is reasonable cause to believe that they are in violation of such provision; provides for possible revocation of firearms permits upon conviction or refusal of a chemical test; and

WHEREAS, the legislation provides specific exemptions for individuals who possess a firearm, rifle or shotgun that has been displayed, discharged or otherwise used within the confines of their own home. Police officers, peace officers, the military, and U.S. defense contractors will also continue to be exempted from state firearm laws and instead regulated by their respective departments; and

WHEREAS, according to the National Conference of State Legislatures (NCSL), at least 20 states prohibit gun possession in certain circumstances while under the influence of drugs and/or alcohol. A recent survey conducted by David Randolph Smith Law Firm further revealed that 24 states expressly prohibit carrying loaded guns in establishments that serve alcohol.

WHEREAS, while New York State law prohibits the carrying of firearms on education grounds and school buses, there currently is no statute that relates to the possession of a gun while consuming drugs and/or alcohol; and

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**RESOLUTION NO.45-2010**

WHEREAS, over 30,000 Americans die from gun violence each year - an average of 35 per day. The mixture of guns, alcohol and/or drugs is a dangerous combination. This legislation is designed to prevent people from carrying guns while they are drunk or high, which increases the risk of intentional violence, accidents, and suicide. The bill sends the clear message that people who intend to go drinking should leave their guns at home.

NOW THEREFORE, BE IT RESOLVED, that the City Council of Yonkers, fully supports bill S6773 (Klein); and

BE IT RESOLVED, that the City Council of the City of Yonkers calls upon the State Legislature and Governor to pass S6773 (Klein) as soon as possible to help protect the people of the City of Yonkers and all of New York State.

BE IT RESOLVED, that the City Council instructs the City Clerk to immediately deliver this resolution to the Governor and the state legislator's that represent the City of Yonkers.

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**ANNOTATED AGENDA**  
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RESOLUTION NO.46-2010

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

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 May 31, 2012.

Wendy Connolly  
165 Bolmer Avenue  
Yonkers, New York 10704

Board of Ed

RENEWAL

Yesenia Almodovar  
51 Garfield Street  
Yonkers, New York 10701

Fence Company

NEW

Lameyci Ayanna Madison  
9 Lake Avenue  
Yonkers, New York 10703

Julia Dyckman Andrus

NEW

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**ANNOTATED AGENDA**  
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**RESOLUTION NO.47-2010**

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

WHEREAS, the Youth Interaction Theatre (YTI), will be holding "*Broadway Comes to Yonkers.*" It will be held on Monday, April 26, 2010, at the Riverfront Library, One Larkin Center, at 7:00 pm. and

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

- New Main Street, at the intersection of New Main Street and Riverdale Avenue
- Banner on North Broadway, at the intersection/overpass of Roberts Road.

OR

- New Main Street, at the intersection of New Main Street and Riverdale Avenue
- Central Park Avenue, at the intersection/overpass of Yonkers Avenue

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to YTI 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, MARCH 23, 2010 BY A VOTE OF 7-0.



**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
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**RESOLUTION NO.48-2010**

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

WHEREAS, Yoho Arts Studios, located at the Nepperhan Business Center, 540 – 578 Nepperhan Avenue in Yonkers, has an up coming event called YOHO ARTISTS OPEN STUDIO April 17<sup>th</sup> and 18<sup>th</sup> 2010. Yoho Arts Studios has asked that they be permitted from the City Council to place banners in areas promoting this event, and

WHEREAS, Yoho Arts Studios has asked that they be permitted to place three (3) banners at the following locations on or before April 1, 2010 and to be removed as soon after April 19, 2010 as is possible:

1. City Hall Bridge
2. Central Park Avenue & Yonkers Avenue Bridge
3. Central Park Avenue & Tuckahoe Avenue Bridge

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Yonkers hereby grants permission to Yoho Arts Studios 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.

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**ANNOTATED AGENDA**  
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**RESOLUTION NO.49-2010**

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

WHEREAS, Sacred Heart High School has an up coming production called "Guys and Dolls" April 23<sup>rd</sup>, 24<sup>th</sup> and 25<sup>th</sup> 2010. Sacred Heart High School has requested permission from the City Council to place a banner in an area promoting this event, and

WHEREAS, Sacred Heart High School has asked that they be permitted to place one (1) banner on the corner of North Broadway and Gateway Road on or before April 2, 2010 and to be removed as soon after April 26, 2010 as is possible.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to Sacred Heart High School to place one banner in the aforementioned location, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

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**COMMITTEE REPORTS**

THIS MEETING WAS ADJOURNED AT 8:18PM