

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

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

TIME: 8:03PM

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 23, 2010 approved on motion of Majority Leader Patricia McDow.

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**COMMUNICATIONS FROM CITY OFFICIALS**

FROM THE OFFICE OF MAYOR AMICONE; A LETTER DATED MARCH 25, 2010, REGARDING APPOINTMENT OF JULIUS WALLS AS A MEMBER OF THE BOARD OF THE YONKERS COMMUNITY DEVELOPMENT AGENCY FOR THE FOUR YEAR TERM THAT BEGAN JANUARY 1, 2010 AND ENDS DECEMBER 31, 2013 FILED

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COMMUNICATIONS - GENERALLY

**ANNOTATED AGENDA**  
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COMMITTEE OF THE WHOLE

NO SPEAKERS

**ANNOTATED AGENDA**  
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**LOCAL LAW NO.1-2010**

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

A LOCAL LAW AMENDING CHAPTER 58 OF THE CODE OF THE CITY OF YONKERS ENTITLED "BUILDING AND HOUSING CODE" BY ADDING A NEW ARTICLE VIII ENTITLED "VACANT BUILDING REGISTRY"

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

Section 1. Chapter 58 of the Code of the City of Yonkers entitled "Housing and Building Maintenance Code" and is hereby amended, in part by adding thereto a new Article VIII entitled "Vacant building registry." to read as follows:

**ARTICLE VIII**

**VACANT BUILDING REGISTRY**

**§58 – 32. Legislative findings.**

It is the finding of this City Council that buildings which remain vacant, with access points boarded over, are unsightly, unsafe and have a negative effect on their surroundings. This is particularly troublesome in all neighborhoods. Unfortunately, many buildings, once boarded, remain that way for many years. The purpose behind this law is to establish a program for identifying and registering vacant buildings; to determine the responsibilities of owners of vacant buildings and structures; and to speed the rehabilitation of the vacant properties. It is the further intent of this City Council that condominiums are exempt from coverage of this legislation.

**§58 – 33. Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purpose this law, have the meanings indicated:

Commissioner - The Commissioner of the Department of Housing and Buildings.

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LOCAL LAW NO.1-2010 (CONTINUED)

ENFORCEMENT OFFICER – A duly authorized representative of the Department of Housing and Buildings, the Police Department and the Fire Department.

OWNER – Those shown to be the owner or owners on the records of the City of Yonkers, Department of Assessment, those identified as the owner or owners on a vacant building registration form, a mortgagee in possession, a mortgagor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the premises. Any such person shall have a joint and several obligation for compliance with the provisions of this Section.

SECURED BY OTHER THAN NORMAL MEANS – A building secured by means other than those used in the design of the building.

UNOCCUPIED – A building which is vacant or is not legally being used for an occupancy authorized by the owner.

UNSECURED – A building or portion of a building which is open, accessible or an attractive nuisance:

- a. Unoccupied;
- b. Unoccupied and unsecured by other than normal means;
- c. Unoccupied as determined by the appropriate City, County or State department or agency;
- d. Unoccupied and has multiple housing or building code violations;
- e. Illegally occupied;
- f. Unoccupied for a period of time of 45 days, unless good cause can be shown to the Commissioner of Housing and Buildings that would warrant an extension of three months.

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**LOCAL LAW NO.1-2010 (CONTINUED)**

§58 – 34. Vacant building registration.

A. The owner shall register with the Department of Housing and Buildings not later than 30 days after any building located in an area zoned for or an abutting area zoned for residential or neighborhood commercial use in the City becomes a vacant building or not later than 30 days after being notified by the Building Department to register. The Enforcement Officer may identify vacant buildings through its routine inspection process as well as through notification by residents, neighborhood associations and other community groups that a building may be eligible for inclusion on the registry.

B. The registration shall be provided on forms provided by the Department of Housing and Buildings and shall include the following information supplied by the owner:

- (1) a description of the premises, address, block and lot number;
- (2) The names, addresses and phone numbers of the owners;
- (3) The name, address and phone number of any person contracted by the owner for property management;
- (4) The names, addresses and phone numbers of all known lien holders and all other parties holding an ownership interest in the property; and
- (5) A telephone number where a responsible person and owner can be reached at all times.

C. The owners shall submit a vacant building plan which must meet the approval of the Commissioner. The plan, at a minimum, must contain information from one of the following three choices for the property:

- (1) If the building is to be demolished, a demolition plan indicating the proposed time frame for the property.
- (2) If the building is to remain vacant, a plan for the securing of the building in accordance with standards provided by the Department of Housing and Buildings. if



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**LOCAL LAW NO.1-2010 (CONTINUED)**

applicable such plans must be filed along with the procedure that will be used to maintain the property in accordance with the Yonkers Building Code, and a statement of the reasons why the building will be left vacant and for what time period the building will be vacant, all of which must be acceptable to the Commissioner.

- (3) If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the property. The rehabilitation plan shall not exceed 365 days unless the Commissioner grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes and must be secured in accordance with the City Code, or of the directions of the Commissioner, during the rehabilitation or until a new Certificate of Occupancy or Certificate of Completion has been issued.

D. All applicable laws and codes shall be complied with by the owner. The owner shall notify the Department of Housing and Buildings of any changes in information supplied as part of the vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be in writing and must meet the approval of the Commissioner.

E. The owner and subsequent owners shall keep the building secured by any means necessary and/or required to keep the building safe and secured while properly maintaining said building at all times as provided for in this Article.

F. Failure of the owner or any subsequent owners to keep the building secure and safe and/or maintain the building and premises that result in remedial action taken by the City shall be grounds for the revocation of the approved plan and shall be subject to any applicable penalties provided by law.

G. The new owners shall be required to register the vacant building with the Building Department within 30 days of any transfer of an ownership interest in a vacant building. The new owners shall comply with the approved plan and timetable

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submitted by the previous owner until any proposed changes are submitted and meet the approval of the Commissioner.

H. Vacant building fees.

(1) The owner of a vacant building shall pay an annual fee of \$200 for the vacant building. The fee shall be paid on January 1, or within thirty days thereafter. If the fee is not paid within such time, the owner shall be subject to another \$200 fee plus penalties and additional fees that may be imposed at an administrative hearing. The fee shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs of the City in monitoring the vacant building site.

(2) The first annual fee shall be paid no later than 30 days after the building becomes vacant. If the fee is not paid within 30 days of being due, the owner shall be subject to a penalty of \$200 and prosecution in court or an administrative hearing. If a plan is extended beyond 365 days, subsequent annual fees shall be due on the anniversary date. Any fee not paid at this time shall be subject to payment of an additional penalty of \$100 a month for each month the fee remains unpaid such additional penalty coming due on the first day of each month. After six months, if the fee still remains unpaid, the penalty will increase by \$100 for each month the fee remains unpaid, until the penalty reaches the amount of \$2,000, at which point it will remain until the matter is resolved. If any penalty is not paid within thirty days of the due date, the owner shall be subject to prosecution in court and /or an administrative hearing.

(3) The fee shall be paid in full prior to the issuance of any building permits, with the exception of any demolition permit. The fee shall be prorated, and a refund may be issued if the building is no longer deemed vacant under the provisions of this section within 180 days of this registry.

(4) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. If the fees are not paid prior to any transfer, the new owner shall pay the annual fee no later than 30 days after the transfer of ownership, and subsequent annual fees shall be due on January 1<sup>st</sup>.

§58 -35. Exemptions.

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LOCAL LAW NO.1-2010 (CONTINUED)

A building which has suffered fire damage shall be exempt from the registration requirement for a period of 45 days after the fire or extreme weather event if the property owner submits a written request for exemption from the Department of Housing and Buildings. This written request shall include the following information supplied by the owner :

- A. A description of the premises, address, lot and block;
- B. The names, addresses and phone numbers of the owners; and
- C. A statement of intent to repair and reoccupy the building in an expedient manner or the intent to demolish the building.

§58 -36. Inspections.

The Department of Housing and Buildings shall inspect any premises in the City for the purposes of enforcing and assuring compliance with the provisions of this law. Upon the request of the Department of Housing and Buildings, an owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection

§58-37. Penalties.

A violation of any section of this Article shall be a Class I offense.”

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, APRIL 13, 2010 BY A VOTE OF 7-0.

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**LOCAL LAW**

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

A LOCAL LAW AMENDING CHAPTER 75 OF THE CODE OF THE CITY OF YONKERS ENTITLED "POLICE" BY ADDING A NEW ARTICLE VI ENTITLED "PUBLIC NUISANCE ABATEMENT"

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

Section 1. Chapter 75 of the Code of the City of Yonkers entitled "Police" and is hereby amended, in part by deleting the current Article VI entitled "Public nuisance" and adding thereto a new Article VI entitled "Public nuisance abatement" to read as follows:

**ARTICLE VI**

**PUBLIC NUISANCE ABATEMENT**

§75 – 22. Legislative findings.

It is the finding of this City Council that public nuisances exist in the City of Yonkers in the operation of certain establishments and the use of property in flagrant violation of the penal laws relating to controlled substances, dangerous drugs, prostitution, stolen property and illegal use or possession of weapons, as well as other provisions of state and local law, all of which substantially and seriously interfere with the interests of the public in the quality of life and total community environment, commerce in the City, property values and the public health, safety and welfare. The City Council further finds that the occurrence of such activities and violations is detrimental to the health, safety and welfare of the City of Yonkers and of the businesses thereof and visitors thereto. It is the purpose of this law to authorize and empower the Police Commissioner to impose sanctions and penalties for such public nuisances, and such powers may be exercised either in conjunction with or apart from the powers contained in other laws, without prejudice to the use of procedures and

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LOCAL LAW (CONTINUED)

remedies available under other laws. The City Council further finds that the sanctions and penalties imposed by the Commissioner pursuant to this law constitute an additional and appropriate method of law enforcement in response to the proliferation of the above described publicnuisances. These sanctions and penalties are reasonable and necessary in order to protect the health and safety of the people of the City of Yonkers and to promote the general welfare.

§75 – 23. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose this law, have the meanings indicated:

COMMISSIONER – The Commissioner of the Police Department, or his or her designee.

MORTGAGEE – The person or entity who is listed as the mortgagee on any unsatisfied or otherwise open mortgage on the premises recorded in the Office of the Westchester County Clerk.

OWNER – Those shown to be the owner or owners on the records of the City of Yonkers, Department of Assessment, those identified as the owners or owners of the building or whose name is listed on any document describing him, her, them or some other entity as owner, recorded in the office of the Westchester County Clerk.

PREMISES – The building, place or property whereon a public nuisance is being conducted or exists.

PUBLIC NUISANCE

- A. For purposes of this law, a public nuisance shall be deemed to exist whenever, through violations of any of the following provisions resulting from separate incidents occurring at or predicated at events circumstances or activities occurring on the premises, 12 or more points are accumulated within a period of six months, or 18 or more points are accumulated within a period of 12 months in accordance with the following point system. Where more than one violation

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**LOCAL LAW (CONTINUED)**

occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation. The following violations shall be assigned the point value indicated :

1. Article 220 of the Penal Law (Controlled Substances Offenses) or a plea to a lesser included offense thereunder. Six Points.;
2. Article 221 of the Penal Law (Offenses involving Marijuana) or a plea to a lesser included offense thereunder. Six Points.;
3. Article 225 of the Penal Law (Gambling Offenses) or a plea to a lesser included offense thereunder. Six Points.;
4. Article 230 of the Penal Law (Prostitution Offenses) or a plea to a lesser included offense thereunder. Six Points.;
5. Sections 165.40, 165.45, 165.50, 165.52 and 165.42 of the Penal Law ( Criminal Possession of Stolen Property) or a plea to a lesser included offense thereunder. Six Points.;
6. Sections 65 or 82 of the Alcoholic Beverage Control Law or a plea to a lesser included offense thereunder. Six Points.;
7. Article 265 of the Penal Law (Firearms and Other Dangerous Weapons) or a plea to a lesser included offense thereunder. Six Points.;
8. Sections 260.20 and 260.21 of the Penal Law (Unlawfully Dealing with a Child) or a plea to a lesser included offense thereunder. Six Points.;
9. Article 263 of the Penal Law (Sexual Performance by a Child) or a plea to a lesser included offense thereunder. Six Points.;
10. Section 415-a of the Vehicle and Traffic Law (Vehicle Dismantlers) or a plea to a lesser included offense thereunder. Four Points.;

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**LOCAL LAW (CONTINUED)**

11. Section 175.10 of the penal Law (Falsifying Business Records) or a plea to a lesser included offense thereunder. Four Points.;

12. Sections 170.65 and 170.70 of the Penal Law (Forgery of and Illegal Possession of a Vehicle Identification Number) or a plea to a lesser included offense thereunder. Four Points.;

13. Possession, use, sale or offer for sale of any alcoholic beverage in violation of Article 18 of the Tax Law , or of any cigarette or tobacco products in violation of Article 20 of the Tax Law or a plea to a lesser included offense thereunder. Four Points.;

14. Article 178 of the Penal Law (Criminal Diversion of Prescription Medications and Prescriptions) or a plea to a lesser included offense thereunder. Four Points.

15. Section 147 of the Social Services Law. (Food Stamp Program Fraud.) or a plea to a lesser included offense thereunder. Four Points.;

16. Operating a business during hours which the business is required to be closed pursuant to Chapter 43 of the Code of the City of Yonkers, otherwise known as the Zoning Code: Four Points.

B. For the purposes of this law, a conviction for an offense in a court of competent jurisdiction or an administrative bureau shall not be required. Instead the City shall prove by a preponderance of the evidence that the violations have occurred. However, a conviction as defined and applied in accordance with the provisions of Section 1.20 of the Criminal Procedure Law, in any court of competent jurisdiction, shall constitute conclusive proof of a violation. Conviction of an attempt to commit a violation of any of the specified provisions shall be considered a conviction for a violation of the specified provision.

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LOCAL LAW (CONTINUED)

§75-24. Remedies to abate public nuisances.

In addition to the enforcement procedures established elsewhere, the Commissioner after notice and an opportunity for a hearing, shall be authorized:

- A. To order the discontinuance of such activity at the premises where such public nuisances exist; and/or
- B. To order the closing of the premises to the extent necessary to abate the public nuisance.

§75-25. Service of notice.

A. Prior to the issuance of an order by the Commissioner, pursuant to this law, the Commissioner shall give notice and opportunity for a hearing to the owner, and any other person directly or indirectly in control of the premises wherein the public nuisance is being conducted, maintained or permitted. Such notice and opportunity to be heard may be given to a mortgagee of the premises. Such notice shall be served upon an owner or any other person directly or indirectly in control of the premises pursuant to Article 3 of the New York State Civil Practice Law and Rules, and upon a mortgagee by means of certified mail, return receipt requested, sent to the mortgagee's last known address, provided that any other service other than delivery to the person to be served shall be complete immediate upon delivery, mailing or posting without the necessity of filing proof of service with the clerk of the court.

B. The notice specified in Subsection A of this section shall:

(1) Specify the activity creating the public nuisance;

(2) Provide 30 days for elimination for the public nuisance;

(3) Inform the person to whom it is directed of their right to apply within 10 days of service of the notice for a hearing before the Commissioner;



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(4) Inform the owner or any other person directly or indirectly in control of the premises that upon expiration of 30 days after service without a hearing before the Commissioner, or upon noncompliance with any written agreement reached at the hearing, the Commissioner shall act to obtain compliance as provided by this law; and

(5) Inform the owner or any other person directly or indirectly in control of the premises of the obligation to post a copy of the notice within 5 days, in a conspicuous place, so that all premises occupants and others entering the premises shall have notice that the public nuisance is being conducted, maintained or permitted on the premises and that upon expiration of 30 days after service of the notice, the Commissioner shall act to obtain compliance as provided in this law, including but not limited to, closing the premises.

§75-26. Lack of Knowledge no defense.

The lack of knowledge of, acquiescence or participation in, or responsibility for a public nuisance on the part of the owner, mortgagee or any other person directly or indirectly in control of the premises, or having any interest in the premises or in any property, real or personal, used in conducting or maintaining the public nuisance, shall not be a defense by such owner, mortgagee or other person.

§75-27. Issuance of order.

The Commissioner shall issue the order provided for in Section 75-25 herein by posting said order on the premises wherein the public nuisance is occurring and mailing a copy by first class mail of said order to the owner, mortgagee or any other persons directly or indirectly in control of the premises, within one business day of the posting of said order on the premises.

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LOCAL LAW (CONTINUED)

§75-28. Enforcement of order

- A. No sooner than five business days after the issuance of the order pursuant to Sections 75-25 and 75-28, and upon the directive of the Commissioner, officers of the Yonkers Police Department are authorized to act upon and enforce such order
- B. Where the Commissioner closes a premises pursuant to this law, such closing shall be for such period as the Commissioner may direct, but in no event shall the closing be for a period of greater than one year from the issuance of the order.
- C. Upon receiving a copy of the order issued by the Commissioner, pursuant to Sections 75-25 and 75-28, the Corporation Counsel shall maintain a special proceeding to affix a civil penalty in the amount of up to \$5,000, and to collect any costs and expenses incurred by the City of Yonkers, in commencing the proceeding, closing the premises and in relocating any occupants on the premises. The Corporation Counsel shall file a notice of pendency of the proceeding in the Westchester County Clerk's Office.
- D. The judgment in such proceeding, in favor of the City of Yonkers, shall establish the penalty sued for with costs and disbursements as a lien upon the premises, subject only to taxes, assessments, water rates, mortgages and mechanic's liens as they exist thereon.

§75-29. Judgment and action by the Corporation Counsel.

- A. The Corporation Counsel shall have the power, on ex parte application to any court of competent jurisdiction, to appoint a receiver of rents and profits of the premises for the purposes of collecting the civil penalty established pursuant to Section 75-29 herein, and abating the public

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nuisance. The receiver shall have the powers, duties and rights of a receiver of rents and profits of real estate, as provided by law; provided, however, that the Corporation Counsel shall act as counsel to the receiver, and the receiver shall not be allowed any expenditure for counsel fees, and the receiver's services and those of any agent or agents whom the receiver may retain. The receivership shall continue until the amount of the City of Yonkers' liens, with interest at the rate of 9% per annum and the receiver's commissions, have been fully paid and the nuisance abated; provided further, that nothing in this section shall be construed to prevent any prior lienor from applying to a court in a proper case for a receiver of the premises.

- B. At any time after the entry of any judgment establishing a lien upon the premises, the Corporation Counsel, on behalf of the City of Yonkers, may apply to the court for leave to sell the premises. Upon such application, the court may order the premises sold at public auction, subject to taxes, assessments, water rates, mortgages and mechanics liens.

**§75-30. Closing not possession.**

A closing directed by the Commissioner pursuant to this Article, shall not constitute an act of possession, ownership or control by the City of Yonkers over the closed premises.

**§75-31. Disobedience of Police Commissioner's order.**

- A. It shall be a Class I offense for any person to use or occupy or to permit any other person to use or occupy, the premises or any portion thereof, ordered closed by the Commissioner.
- B. Mutilation or removal of a posted order of the Commissioner shall be a Class II offense.

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**LOCAL LAW (CONTINUED)**

C Intentional disobedience of or resistance to any provision of the order issued by the Commissioner, in addition to any other punishment prescribed by law, shall be a Class II offense.

D Each day's violation shall be a separate offense.

§75-31. Promulgation of rules and regulations.

The Commissioner may promulgate such rules and regulations as may be necessary to carry out the provisions of this law.

§75-32. Administrative liability.

Neither the City of Yonkers, nor any officer, agent or employee thereof, shall be personally liable for any damage resulting from any official determination, order or action required or permitted under this law.

§75-33. Severability.

If any provision of this article or the application thereof to any person or circumstances is held invalid, the remainder of this article and the application of such provision to the other persons or circumstances shall not be rendered invalid thereby."

Section 2. This Local Law shall take effect immediately.

THE ABOVE LOCAL LAW WAS REFERRED TO LEGISLATION CODES AND INTERGOVERNMENTAL RELATIONS COMMITTEE.

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**GENERAL ORDINANCE**

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

A GENERAL ORDINANCE GENERALLY AMENDING CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS (COMMONLY KNOWN AS THE CITY OF YONKERS ZONING ORDINANCE) PERTAINING TO DEFINITIONS AND USES.

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:

BLIGHT SITE: A building, structure or land that exerts a negative influence upon the surrounding properties as evidenced a history of violations of City or State ordinances and codes relating to health and safety, Building and Fire Code violations, persistent vacancy and violation of other City of Yonkers or State codes and ordinances related but not limited to property maintenance.

PERSISTENT VACANCY: A building, structure or land that: a) has been vacant and not used for a legal purpose for more than six (6) months; and/or (b) is not undergoing renovation and/or repair as evidenced by a building permit(s) actively being pursued.

PERSISTENTLY VACANT BUILDING OR STRUCTURE: A persistently vacant building or structure shall be one that; (a) has been vacant and not used for a legal purpose for more than six (6) months; and/or (b) is not undergoing renovation and/or repair as evidenced by a building permit(s) actively being pursued; and/or (c) has been found to be in violation of one or more City or State codes or ordinances and (d) is exhibiting a blighting influence upon the surrounding community.

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**TUESDAY, APRIL 13, 2010**

**GENERAL ORDINANCE (CONTINUED)**

**VACANT: Lands or buildings that are not actively used for any purpose.**

Section 2. Section 43 – 28 of the Code of the City of Yonkers entitled “Use and Dimensional Regulations”, specifically, is hereby amended in part by the addition of the following terms to be placed in alphabetical order within the section:

“Blight Site  
Persistent Vacancy  
Persistently Vacant Building or Structure  
Vacant.”

Section 3. This Ordinance shall take effect immediately.

THE ABOVE GENERAL ORDINANCE WAS REFERRED TO THE YONKERS PLANNING BOARD AND THE WESTCHESTER COUNTY PLANNING BOARD.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**GENERAL ORDINANCE NO.1-2010**

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

GENERAL ORDINANCE AMENDING CHAPTER 103 OF THE CODE OF THE CITY OF YONKERS ALSO KNOWN AS "STREETS AND SIDEWALKS" BY AMENDING SECTION 103-36, ENTITLED INSURANCE AND BONDS

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

Section 1. Chapter 103 of the Code of the City of Yonkers entitled "Streets and Sidewalks" is hereby amended in part by amending Section 103-36 entitled "Insurance and Bonds", to read as follows:

"§103-36. Insurance and Bonds.

A. In addition to the payments as outlined elsewhere herein, each permittee shall furnish public liability and property damage insurance, written so as to name the City of Yonkers as coinsured, which shall also give 60 days written notice to the City of Yonkers of any modification or cancellation of any such insurance and shall remain in effect throughout the effective period of the work, in the following amounts:

(1) Public liability: not less than [\$200,000 for injuries] \$1,000,000, including wrongful death to any one person, and subject to the same limit for each person in an amount not less than [\$300,000] \$500,000 on account of one accident.

(2) Property damage: not less than \$100,000 for damages on account of any one accident and in amount not less than \$100,000 for damages on account of all accidents.

B. The permittee shall also furnish to the City of Yonkers and keep posted with the Department of Public Works for the life of the permit taken out a performance bond in the amount of [\$10,000] \$50,000 guaranteeing proper repair of any damage to city underground facilities. Franchise holders may file an indemnity agreement approved by the Corporation Counsel in lieu of insurance."

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

GENERAL ORDINANCE NO.1-2010 (CONTINUED)

Section 2. This ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL  
AT A STATED MEETING HELD ON TUESDAY, APRIL 13, 2010 BY A  
VOTE OF 7-0.



**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**GENERAL ORDINANCE NO.2-2010**

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

A GENERAL ORDINANCE GENERALLY AMENDING CHAPTER 31 OF THE YONKERS CITY CODE ENTITLED "CONSUMER PROTECTION CODE" IN REGARD TO ARTICLE XIV, DEFINITIONS FOR HOME IMPROVEMENT BUSINESSES AND CONTRACTS; AND ARTICLE XXVII ENTITLED ORGANIC WASTE DISPOSAL YARD ACCESS PERMIT AND FEE; AND ARTICLE XXVIII ENTITLED DISPOSAL OF LEAVES AND OTHER ORGANIC REFUSE AND ARTICLE XXIX ENTITLED REPORTING OF VIOLATIONS; PENALTIES.

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

Section 1. Chapter 31 of the Code of the City of Yonkers, more commonly known as the "Consumer Protection Code," is hereby generally amended and revised in part by amending Article XIV, entitled "Home Improvement Businesses and Contracts", in part, by amending Section 31-128 entitled "Definitions" to include a new term and to read as follows:

**"Article XIV**

**Home Improvement Businesses and Contracts.**

**§31- 128. Definitions.**

**LANDSCAPER - Any person or company that perform the following landscaping or gardening functions referred to herein including but not limited to the cutting and maintenance of grass, the trimming, pruning, planting and maintenance of shrubs, plants, trees and other foliage, the application of chemicals and fertilizers in connection with the activities listed herein, and the removal of trees and/or tree stumps. A person who engages in such landscaping or gardening functions or activities shall hereinafter be referred to as a Landscaper and shall be considered a Contractor as defined in this Article. In addition, any such work performed shall be considered as Home Improvement work as defined in this Article and the performance of said work shall qualify as a Home Improvement Contract as defined in this Article. "**

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

GENERAL ORDINANCE NO.2-2010 (CONTINUED)

Section 2. Chapter 31 of the Code of the City of Yonkers, more commonly known as the “Consumer Protection Code,” is hereby generally amended and revised in part by adding a new Article XXVII entitled “Organic Waste Disposal Yard Access Permit and Fee” to this Chapter to read as follows:

“Article XXVII

Organic Waste Disposal Yard Access Permit and Fee

§ 31-211. Organic Waste Disposal Yard Access Permit and Fee.

Upon receiving a license issued pursuant to the requirements of Article XIV of this Chapter, the Licensee shall pay to the Comptroller an annual Organic Waste Disposal Yard Access Permit Fee of two hundred fifty dollars (\$250). The Director may then issue to the Licensee an Organic Waste Disposal Yard Access Permit (the “Access Permit”). The Access Permit holder may access the Organic Waste Disposal Yard for the disposal of leaves and organic refuse in accordance with Article XXVIII of this Chapter. Additional trucks owned and operated by the Licensee may be added to the Access Permit for the purposes described herein by purchasing decals as set forth in § 31-213.

§ 31-212. Expiration of the Organic Waste Disposal Yard Access Permit: renewal and transferability.

Every Organic Waste Disposal Yard Access Permit shall expire on the 15th of January following the date of its issuance unless sooner suspended or revoked by either the Director or the Commissioner of the Department of Public Works. Permits may be renewed as set forth herein and shall not be transferable from person to person nor from the location for which it is originally issued.

§ 31-213. Posting of decals; purchase of additional decals.

Each Licensee and Access Permit holder shall affix and display on the left fender of each vehicle and on the left rear fender of any trailer regularly used in the course of its business, an identification decal issued by the Office of Licensing. Additional decals for vehicles registered to the license and used for the purposes as described under this Article may be obtained from the Office of Licensing for an additional fee of ten dollars (\$10) per decal.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**GENERAL ORDINANCE NO.2-2010 (CONTINUED)**

**§31-214. Refusal, Revocation and Suspension of License and Organic Waste Disposal Yard Access Permit.**

**The Director of the Office of Licensing may refuse to issue or revoke or suspend any license or Access Permit issued pursuant to this Article for good cause shown such as but not limited to fraud, misrepresentation, or bribery in securing a license, or the making of a false statement in any application for a license or access permit, or for being an untrustworthy person or not of good character, or having business transactions marked by the failure to perform its contracts or by fraud or bad faith or by failure to display the license as required by this article.**

**§31-215. Penalties.**

**A violation of this Article shall be a Class II offense.”**

Section 3. Chapter 31 of the Code of the City of Yonkers, more commonly known as the “Consumer Protection Code,” is hereby generally amended and revised in part by adding a new Article XXVIII entitled “Disposal of Leaves and other Organic Refuse” to this Chapter to read as follows:

**Article XXVIII**

**Disposal of Leaves and other Organic Refuse**

**§31- 221. Disposal by Landscapers; permit required; fee.**

- A. **The Commissioner of Public Works shall designate a site for the disposal of leaves, clippings, tree limbs and other organic waste by professional gardeners and Landscapers holding a valid license as required by this Chapter. Said gardeners or Landscapers may use such site only if they have applied for and received an Access Permit for such disposal. Said permit will be issued by and on a form prescribed by the Director. A decal shall be affixed and displayed on the fender of each commercial vehicle owned or leased by the professional gardener or landscaper and which vehicle is used to convey leaves, clippings, tree limbs or other organic waste. No grass clippings, inorganic material or other material deemed improper by the Commissioner of the Department of Public Works shall be disposed of at the site.**

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**GENERAL ORDINANCE NO.2-2010 (CONTINUED)**

- B. No vehicle owned or leased by any professional gardener or Landscaper with a capacity greater than 5 cubic yards will be permitted on any site designated by the Commissioner of Public Works. The City of Yonkers retains the right to examine the vehicle and the fill and to refuse entry to the site by any vehicle containing inorganic material or any other unacceptable fill material or for any other valid reason. In the event the City determines that a vehicle is disposing of unacceptable fill material, the City may order the driver and/or Access Permit holder to cease operations and to remove the fill they have already disposed of at the site. In addition, the Access Permit holder may be subject to the revocation or suspension of his permit subject to §31-223 of this Article. In addition, the Access Permit holder and his servants, agents, independent contractors and employees may be subject to the penalties as provided for in §31-225.
- C. The permits issued annually by the Office of Licensing and will be valid from April 1st through January 15<sup>th</sup> of the following year. No vehicles will be permitted on the site between January 16<sup>th</sup> and March 31<sup>st</sup> unless the Commissioner of Public Works has declared the site open to vehicles for dumping purposes. Permits for the upcoming year will be issued by the Office of Licensing commencing the first Monday in March.

**§31-222. Activities regulated.**

It is a violation of Article IV of Chapter 91 of the City Code to dispose of garbage, refuse and waste material in the City of Yonkers except as allowed therein. However, no person shall throw, place or deposit or permit or allow any person under his control or in his employment to throw, place or deposit any garbage, refuse (organic or inorganic), rubbish or waste material on the City sidewalks or streets or property in the City of Yonkers except in accordance with the provisions of the City Code of the City of Yonkers. A violation of this section shall be treated as a violation of §91-38 of the City Code and accorded the same penalties.

**§31-223. Refusal, Revocation and Suspension of Access Permit.**

The Director may refuse to issue or revoke or suspend any permit issued pursuant to this Chapter, or for good cause shown such as but not limited to fraud, misrepresentation, or bribery in securing a permit or license, or the making of a false statement in any application for a permit or license.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**GENERAL ORDINANCE NO.2-2010 (CONTINUED)**

or for being an untrustworthy person or not of good character, or having business transactions marked by the failure to perform its contracts or by fraud or bad faith or by violation of any section of the Yonkers City Code or New York state law.

§31-224. Permit must be in possession of person performing work.

The permit issued pursuant to this Chapter or a photocopy thereof signed by the Licensee shall at all times be in the possession of the person carrying waste to the site.

§31-225. Penalties.

A violation of this Article shall be a Class II offense. Except for a violation of §31-222 which shall be accorded the same penalties as §91-38.”

Section 4. Chapter 31 of the Code of the City of Yonkers, more commonly known as the “Consumer Protection Code” is hereby generally amended and revised in part, by amending the present Article XXVII, entitled “Reporting of Violations; Penalties” containing Section 31-211 and Section 31-212 thereto, to be renumbered as Article XXIX, containing the renumbered Sections 31-226 and Section 31-227, to read as follows:

“Article XXIX. Reporting of Violations; Penalties

§31-226. Violations to be reported to the Corporation Counsel by Office of Licensing.

The Office of Licensing shall report forthwith to the Corporation Counsel the names and places of business of all persons charged with violating the provisions of this chapter.

§31-227. Penalties for offenses.

A violation of any section of this chapter shall be a Class II offense. Except for a violation of § 31-222 which shall be accorded the same penalties as §91-38. “

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**GENERAL ORDINANCE NO.2-2010 (CONTINUED)**

Section 5. This Ordinance shall take effect immediately.

MOTION BY COUNCILMEMBER LARKIN SECONDED BY MINORITY LEADER MURTAGH TO AMEND THE ABOVE LEGISLATION TO CHANGE THE FEE FROM \$500 TO \$250 THIS MOTION WAS CARRIED BY A ROLL CALL VOTE OF 5-2 VOTE. COUNCIL PRESIDENT LESNICK AND COUNCILMEMBER GRONOWSKI VOTING "NAY"

THIS GENERAL ORDINANCE WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 13, 2010 BY A ROLL CALL VOTE OF 6-1. COUNCILMEMBER GRONOWSKI VOTING "NAY".

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**SPECIAL ORDINANCE NO.10-2010**

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

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW CONDUIT AND RELATED SERVICES AT BELMONT PLACE, THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer, has made application pursuant to an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 500 linear feet and to install a new conduit and related services at Belmont Place, Yonkers, N.Y. in accordance with Drawing Number PO9-7322-2WCY; and

WHEREAS, the work being done by said company is the replacement of existing lines and it is therefore a Type II action under the New York State Environmental Quality Review Act; and

WHEREAS, the said company will required, prior to the commencement of the work, to insure the restoration of said streets in the same condition as said streets were in prior to said excavation and indemnifying and saving harmless the City of Yonkers against loss or losses, damages, action, or proceedings arising out of said excavation;

NOW, THEREFORE, the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Consolidated Edison, in accordance with the terms of an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 500 linear feet to install a new conduit and related services at Belmont Place, Yonkers, N.Y.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**SPECIAL ORDINANCE NO.10-2010**

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL  
AT A STATED MEETING HELD ON TUESDAY, APRIL 13, 2010 BY A  
VOTE OF 7-0.



**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**SPECIAL ORDINANCE NO.11-2010**

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

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW CONDUIT AND RELATED SERVICES AT RUGBY ROAD, THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer, has made application pursuant to an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 500 linear feet and to install a new conduit and related services at Rugby Road, Yonkers, N.Y. in accordance with Drawing Number G10-0048-WCY; and

WHEREAS, the work being done by said company is the replacement of existing lines and it is therefore a Type II action under the New York State Environmental Quality Review Act; and

WHEREAS, the said company will be required, prior to the commencement of the work, to insure the restoration of said streets lawns and private property in the same condition as streets were in prior to said excavation, repaving curb to curb along affected roadway and indemnifying and saving harmless the City of Yonkers against loss or losses, damages, action, or proceedings arising out of said excavation;

NOW, THEREFORE, the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Consolidated Edison, in accordance with the terms of an ordinance adopted by the Board of Aldermen of the City of Yonkers on May 31, 1892, to excavate in excess of 100 linear feet and no more than 500 linear feet to install a new conduit and related services at Rugby Road, Yonkers, N.Y.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**SPECIAL ORDINANCE NO.11-2010**

Section 2. This ordinance shall take effect immediately.

MOTION BY COUNCIL PRESIDENT LESNICK, SECONDED BY MAJORITY LEADER McDOW TO ADD A FRIENDLY AMENDMENT TO THE ABOVE LEGISLATION. THIS MOTION WAS CARRIED 7-0.

THIS SPECIAL ORDINANCE WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 13, 2010 BY A VOTE OF 7-0

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**RESOLUTION NO.50-2010**

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

WHEREAS, on March 29, 2010, Frank Rubino, Corporation Counsel for the City of Yonkers, retired after more than 10 years in the Corporation Counsel's office; and

WHEREAS, on March 9, 2010, Mayor Philip Amicone, communicated via letter to the City Council of his intent to appointment Mark Blanchard, the current Deputy Corporation Counsel, to the position of Corporation Counsel; and

WHEREAS, under Section C 3-5 (A) of the Charter of the City of Yonkers, the Corporation Counsel nominee is subject to the advice and consent of the City Council; and

WHEREAS Mark Blanchard has served the City of Yonkers' Corporation Counsel Office for almost six years as either an Assistant Corporation Counsel or First Deputy Corporation Counsel; and

WHEREAS, Mark Blanchard has significant legal experience and understanding of the current issues facing the City of Yonkers through working on the redevelopment of the waterfront and downtown Yonkers, managing the City's state and federal litigation, and providing legal advice to both the Mayor and the City Council; and

WHEREAS, under Section C2-8 of the Yonkers City Charter this appointment requires that a waiver of C2-8 be granted for the duration of the appointment, and

WHEREAS, the appointment of Mark Blanchard as Corporation Counsel is in the best interest of the City to grant the waiver required by Section C2-8.

NOW, THEREFORE BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the appointment of Mark W. Blanchard, Esq. of Dobbs Ferry, New York as Corporation Counsel for the City of Yonkers, and be it

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**RESOLUTION NO.50-2010 (CONTINUED)**

FURTHER RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 13, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**RESOLUTION NO.51-2010**

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

WHEREAS, on March 29, 2010, Frank Rubino, Corporation Counsel for the City of Yonkers, retired after more than 10 years in the Corporation Counsel's office; and

WHEREAS, on March 9, 2010, Mayor Philip Amicone, communicated via letter to the City Council of his intent to appointment Edward P. Dunphy, to the position of First Deputy Corporation Counsel; and

WHEREAS, under Section C 3-5 (A) of the Charter of the City of Yonkers, the Corporation Counsel nominee is subject to the advice and consent of the City Council; and

WHEREAS Edward P. Dunphy served as Corporation Counsel for the City of White Plains for twelve years; and

WHEREAS, Edward P. Dunphy has gained significant legal experience after working on numerous redevelopment projects in the City of White Plains, managing the City of White Plains' Office of the Corporation Counsel, its state and federal litigation, handling all matters relating to municipal law and providing legal advice to both the Mayor and the Common Council; and

WHEREAS, under Section C2-8 of the Yonkers City Charter this appointment requires that a waiver of C2-8 be granted for the duration of the appointment, and

WHEREAS, it is in the best interest of the City to grant the waiver required by Section C2-8.

NOW, THEREFORE BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the appointment of Edward P. Dunphy, Esq. of White Plains, New York as First Deputy Corporation Counsel for the City of Yonkers, and be it

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**RESOLUTION NO.51-2010 (CONTINUED)**

FURTHER RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 13, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**RESOLUTION NO.52-2010**

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

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO APPLY FOR A GRANT FROM NEW YORK STATE'S DEPARTMENT OF HOUSING AND COMMUNITY RENEWAL MAIN STREET PROGRAM IN ORDER TO ASSIST WITH THE REDEVELOPMENT AND RESTORATION OF A PORTION OF THE WHEELER BLOCK.

WHEREAS, the City of Yonkers is eligible to apply for up to Five Hundred Thousand Dollars (\$500,000.00) in grant funds, from the New York State Department of Housing and Community Renewal Main Street Program and through the application demonstrate the qualifications of the City for the grant and the eligibility of the City for the full grant amount; and

WHEREAS, the City of Yonkers' additional contributions may consist of grants from other federal, state and local entities such as HOME program funds and Westchester county lead based paint funds which will be used to leverage the main street grant if rewarded, and;

WHEREAS, the project is a part of the Yonkers Main Street Program, specifically the Wheeler Block, and will consist of the restoration and rehabilitation of a part of the Wheeler Block, adjacent to Getty Square and the entire block will undergo a much needed façade restoration and the reactivation of several stores and upper level residential apartments; and

WHEREAS, the receipt of these grant funds will aid in needed restoration, assist in bringing pedestrian traffic into the area, help to retain existing businesses, and to attract new business into the area; and

WHEREAS, the City of Yonkers recently received a Five Million, Four Hundred Thousand Dollar (\$5,400,000.00) NY RESTORE grant from the New York State Empire State Development Corporation for the renovation of the Old Main Street Library Building near the Wheeler Block; and

WHEREAS, the economic revitalization of this area is in the best interests of the City; and

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**RESOLUTION NO.52-2010 (CONTINUED)**

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, that the City Council hereby authorizes the Mayor or his designee to make a grant application for Five Hundred Thousand Dollars (\$500, 000.00) in available funding under the New York State Department of Housing and Community Renewal Main Street Program Grant for the restoration of the Wheeler Block in Yonkers; and be it further

RESOLVED, that this resolution shall take effect immediately,

MOTION BY COUNCIL PRESIDENT LESNICK, SECONDED BY MAJORITY LEADER McDOW TO ADD A FRIENDLY AMENDMENT TO THE ABOVE LEGISLATION. THIS MOTION WAS CARRIED 7-0.

THIS RESOLUTION WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 13, 2010 BY A VOTE OF 7-0.



**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**RESOLUTION NO.53-2010**

11. 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 Fifteen Thousand Dollars (\$15,000.00) of the action entitled, "Alexander Gomez, an infant by his m/n/g, Dominga Reyes, and Dominga Reyes, Individually, (residing at 149 Elm Street, Apartment 1, Yonkers, New York 10701), Plaintiffs against THE BOARD OF EDUCATION OF THE CITY OF YONKERS, Defendant", for personal injuries sustained by the infant Alexander Gomez on September 24, 2007 at the Foxfire School, in Yonkers, New York, 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 Fifteen Thousand Dollars (\$ 15,000.00) in favor of said plaintiffs.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 13, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**RESOLUTION NO.54-2010**

12. 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.

Constance M. DiMaggio  
26 Homewood Avenue  
Yonkers, New York 10704

Board of Ed

RENEWAL

Spiros Kokkoris  
735 Palisade Avenue  
Yonkers, New York 10701

Florist

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 13, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**RESOLUTION NO.55-2010**

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

WHEREAS, Christ the King Church will be holding a fundraiser on April 24, 2010. Christ the King Church has requested permission from the City Council to place a banner in an area promoting this event, and

WHEREAS, Christ the King Church has asked that they be permitted to place one (1) banner at a preexisting authorized banner location on Nepperhan Avenue and Odell Avenue on or before April 15, 2010 and to be removed as soon after April 24, 2010 as is possible.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to Christ the King Church 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.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 13, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**RESOLUTION NO.56-2010**

- 13A. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

WHEREAS, a great state is only as great as those individuals who perform exemplary service on behalf of their community, and it is the custom of this great state to pay tribute to that outstanding service; and

WHEREAS, 23 million innocent Americans become victims of crime each year, and of those, nearly 6 million are victims of violent crime; and

WHEREAS, as a nation devoted to liberty and justice for all, America must increase our nation's efforts to protect, restore and expand crime victims' rights and services so that they apply to every victim, every time; and

WHEREAS, despite the recent reduction in the rate of crime one in four American families will be touched by crime this year alone, far too many victims and survivors still suffer the physical, psychological, and financial impacts of the crime; and

WHEREAS, crime victims play an indispensable role in bringing offenders to justice and victims of crime and their families deserve respect, and have a right to be kept informed of, and involved in the criminal process, and to be afforded protection, restoration, rehabilitation, restitution and justice; and

WHEREAS, the first Crime Victims Bill of Rights was adopted in 1980; and

WHEREAS, victims rights are a critical component of the promise for "justice for all," the foundation for our system of justice in America; and

WHEREAS, significant progress has been made over the past 2 decades by the victims' rights movement in providing services to and improving the rights of crime victims; and,

WHEREAS, the Victims Assistance Services of Westchester Community Opportunity Program provide counseling, court accompaniment, extensive community education, crime prevention, crisis intervention, advocacy and referrals to other agencies and services, and 24 hour help line for rape survivors, thereby significantly improving the quality of life within our County and State; and

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**RESOLUTION NO.56-2010 (CONTINUED)**

WHEREAS, recognizing the need for services to assist crime victims and their families and realizing the contributions made by the aforementioned organization and some 10,000 organizations throughout our nation that provide a wide range of services and support to victims of crime every day, or every week, of every year; and

WHEREAS, the 2010 National Crime Victims' Rights Week theme is "Crime Victims' Rights: Fairness. Dignity. Respect." and will be observed throughout the nation during the week of April 18, 2010– April 24, 2010.

NOW THEREFORE BE IT RESOLVED, that the Yonkers City Council, hereby declares the week of April 18<sup>th</sup>, 2010 through April 24<sup>th</sup>, 2010 to be Victims' Rights Week of the City of Yonkers which is designated as "National Crime Victims' Week" and join all who live and work within our great city in marking this observance and saluting all who devote their capabilities and compassion to victims of crime.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 13, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 13, 2010**

**RESOLUTION NO.57-2010**

13B BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI SHEPHERD AND LARKIN;

WHEREAS, the Lower Hudson Valley area is home to more than 76,000 citizens of Polish descent and the City of Yonkers is home to half of that population, in that more than 30,000 residents claim a Polish heritage and continue to maintain close ties to relatives and friends among the people of Poland; and

WHEREAS, on Saturday April 10, citizens in the City of Yonkers awoke to learn of the tragic deaths of President Lech Kaczynski, First Lady Maria Kaczynski, and all who were traveling with them to commemorate the 70th anniversary of the Katyn massacre; and

WHEREAS, our thoughts and prayers are with the Kaczynski family, the loved ones of those killed in this tragic plane crash, and the Polish nation; and

WHEREAS, the Yonkers City Council extends its deepest condolences to the people of Poland and acknowledges that Saturday's loss is devastating to Poland, to the United States, and to the world; and

WHEREAS, upon learning of this great loss the President of the United States stated, "Today, there are heavy hearts across America. The United States cherishes its deep and abiding bonds with the people of Poland. Those bonds are represented in the strength of our alliance, the friendships among our people, and the extraordinary contributions of Polish-Americans who have helped to shape our nation. It is a testament to the strength of the Polish people that those who were lost were traveling to commemorate a devastating massacre of World War II as the leaders of a strong, vibrant, and free Poland. That strength will ensure that Poland emerges from the depths of this unthinkable tragedy, and that the legacy of the leaders who died today will be a light that continues to guide Poland – and the world – in the direction of human progress"; and

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NOW THEREFORE BE IT RESOLVED, that the City of Yonkers City Council officially recognizes the great loss suffered by the Yonkers Polish-American community, and that its council members extend their most heartfelt condolences to the Polish-American community, all those affected by this horrible national loss and to the People of Poland

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 13, 2010 BY A VOTE OF 7-0.

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**TUESDAY, APRIL 13, 2010**

**COMMITTEE REPORTS**

THIS MEETING WAS ADJOURNED AT 8:45PM