

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, DECEMBER 14, 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 November 23, 2010 and a special meeting held on December 7, 2010 approved on motion of Majority Leader Patricia McDow.

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**COMMUNICATIONS FROM CITY OFFICIALS**

1. IN A LETTER DATED NOVEMBER 30, 2010 TO COUNCIL PRESIDENT LESNICK AND COUNCILMEMBERS FROM JAMES LETSEN, ACTING CHAIRMAN OF THE LANDMARKS PRESERVATION BOARD RE: THE LANDMARKMARKING OF PHILIPSE MANOR HALL
  
2. FROM THE YONKERS PLANNING BOARD A SPECIAL USE PERMIT REQUEST FOR OAKLAND CEMETERY.

**FILED**

**ANNOTATED AGENDA**  
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**COMMUNICATIONS – GENERALLY**

1. From the Town Board of the Town of Greenburgh notice of a public hearing to be held on Wednesday, December 15, 2010 at 8:30 p.m. regarding a request for special use permit for a restaurant expansion in the Hartsdale Center District - Frankie & Fanucci's Hartsdale, LLC, 200 East Hartsdale Avenue. *Copies on desks.*

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**COMMITTEE OF THE WHOLE**

<b><u>NAME:</u></b>	<b><u>ADDRESS</u></b>	<b><u>ITEM NO.</u></b>
1. Jerry Longaszo	110 Hyatt Avenue	Addenda Item 1051 Yonkers Ave.
2. Larry Wilson	96 Kimball Terrace	Same
3. Gerri Esposito	31 Ridgewood Avenue	Same
4. Vincent Volino	385 Kimball Avenue	Same

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**SPECIAL ORDINANCE NO.44-2010**

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

AN ORDINANCE AMENDING THE CAPITAL BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2010 AND TERMINATING JUNE 30, 2011.

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

Section 1: An amendment to the Capital Budget for the fiscal year commencing July 1, 2010 and terminating June 30, 2011, a total estimated cost of \$217,735,000 submitted by the Mayor and amended having been filed in the City Clerk's office on November 16<sup>th</sup>, 2010, and a public hearing thereon having been held on Tuesday, December 7<sup>th</sup>, 2010 is hereby approved and adopted as an amendment to the Capital Budget of the City of Yonkers for the fiscal year commencing July 1, 2010 and terminating June 30, 2011.

Section 2: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010 BY A VOTE OF 7-0.

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**GENERAL ORDINANCE NO.6-2010**

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

A GENERAL ORDINANCE AMENDING CHAPTER 112 OF THE CODE OF THE CITY OF YONKERS ALSO KNOWN AS "SCHOOL BUS AND DRIVER LICENSING." REGARDING LICENSE FEES.

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

Section 1. Chapter 112 of the Code of the City of Yonkers entitled "School Bus and Driver Licensing" is hereby amended in part by amending subsection B of §112-2 thereof entitled "Licensing of buses; term; fee; inspection; routes.", to read as follows:

" § 112-2. Licensing of buses; term; fee; inspection; routes.

B. The license fee for each bus and/or omnibus shall be the sum of [seventy-five dollars (\$75.)] eighty-five dollars (\$85) for each and every year, and the application for such license shall be filed with the Police Commissioner upon forms which shall be provided by the Police Department. "

Section 2. This ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010 BY A ROLL CALL VOTE OF 6-1. COUNCILMEMBER GRONOWSKI VOTING "NAY"

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**GENERAL ORDINANCE**

3. BY: MINORITY LEADER MURTAGH, COUNCILMEMBERS SHEPHERD AND LARKIN;

A GENERAL ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF THE CITY OF YONKERS ALSO KNOWN AS "TAXICABS." REGARDING LICENSE FEES.

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

Section 1. Chapter 110 of the Code of the City of Yonkers entitled "Taxicabs" is hereby amended in part by amending subsection A (4) of §110-8 thereof entitled "Sightseeing automobile bus lines.", to read as follows:

"§ 110-8. Sightseeing automobile bus lines.

A...

(4) Paying to the Police commissioner, or to the Commissioner's designee, the sum of [~~\$25~~] \$75 prior to the issuance of the license for each bus per year. "

Section 2. Chapter 110 of the Code of the City of Yonkers entitled "Taxicabs." is hereby amended in part by amending § 110-16 thereof entitled "License fee." to read as follows:

"§ 110-16. License fee.

Any person procuring a license as an owner, keeper, bailee or possessor of a class A taxicab, as provided in Article II, § 110-5, of this chapter, shall pay to the Comptroller of the City of Yonkers, prior to the issuance of the license, the sum of [~~\$100~~] \$125. plus \$50. per vehicle per year. "

Section 3. Chapter 110 of the Code of the City of Yonkers entitled "Taxicabs" is hereby amended in part by amending §110-27 thereof entitled "License fee." to read as follows:

" § 110-27 License fee.

Every driver of a taxicab, as provided in Article III, § 110-24 of this chapter, shall, prior to receiving a license, pay to the

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**GENERAL ORDINANCE (CONTINUED)**

Police Commissioner, or to the person or persons designated by him, the sum of [\$100] \$175. per term therefore. All moneys paid and received for such license fees shall be paid over to the Comptroller of the City of Yonkers at such time or times as the Comptroller may designate and shall be credited to the general fund of the City. “

Section 4. This ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS DEFEATED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010 BY A ROLL CALL VOTE OF 4-3. MINORITY LEADER MURTAGH AND COUNCILMEMBERS LARKIN AND SHEPHERD VOTING “YEA”

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**GENERAL ORDINANCE NO.7-2010**

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

A GENERAL ORDINANCE AMENDING CHAPTER 111 OF THE CODE OF THE CITY OF YONKERS ALSO KNOWN AS "TOW TRUCKS AND IMMOBLIZATION DEVICES." REGARDING LICENSE FEES.

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

Section 1. Chapter 111 article I of the Code of the City of Yonkers entitled "Tow Trucks" is hereby amended in part by amending §111-8 thereof entitled "License fees.", to read as follows:

"§ 111-8. License fees.

A biennial fee of [five hundred dollars (\$500.)] seven hundred and fifty dollars (\$750.) shall be paid for each police list license or renewal thereof. Each fee paid in this regard also pays for a place on the rotating police list. A biennial fee of [two hundred and fifty dollars (\$250.)] three hundred and seventy-five dollars (\$375.) shall be paid for each non police list license or renewal thereof."

Section 2. Chapter 111 article I of the Code of the City of Yonkers entitled "Tow Trucks" is hereby amended in part by amending subsection D of § 111 -12 thereof entitled "Operator's license; fee.", to read as follows:

"§ 111-12. Operator's license; fee.

- D. Every person desiring a license pursuant to this section shall make application to the Police Commissioner or his designee on a form prescribed by said Commissioner. Said application must contain the applicant's age, chauffer's license identification number, arrest record, if any, and any other pertinent information requested by the Police Commissioner. Said application must be submitted along with a check or money order in the amount of [one hundred fifty dollars (\$150.)] two hundred dollars (\$200.), payable to the Comptroller of the City of Yonkers. The Comptroller shall credit all such checks or money orders to the general fund."

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GENERAL ORDINANCE NO.7-2010 (CONTINUED)

Section 3. This ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010 BY A ROLL CALL VOTE OF 5-2. COUNCILMEMBER GRONOWSKI AND TERRERO VOTING "NAY"

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**GENERAL ORDINANCE NO.8-2010**

5. BY: MAJORITY LEADER McDOW, COUNCIL PRESIDENT LESNICK, COUNCILMEMBERS TERRERO AND GRONOWSKI,

A GENERAL ORDINANCE AMENDING THE CODE OF THE CITY OF YONKERS PART VIII, GARBAGE, LANDFILLS AND PUBLIC UTILITIES, CHAPTER 91, GARBAGE AND REFUSE, ARTICLE II, COLLECTION BY CITY SECTION BY CREATING A NEW SUBSECTION ENTITLED "DISPOSAL AND COLLECTION OF BEDDING" 91-28

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

Section 1. Chapter 91 of the Code of the City of Yonkers entitled "Garbage and Refuse, Article II, Collection by City Section is hereby amended in part by adding a new Section 91- 28 to read as follows:

Section 91-28 Disposal and Collection of Bedding

- A. Definition: For purposes of this section, "Bedding" shall mean any mattress or box spring which can be used by any human being for sleeping or reclining purposes.
- B. Any person disposing of bedding for Department collection shall enclose such bedding within a plastic bag. Such bag shall be constructed in such a manner and be of such size as to readily contain the bedding to be disposed of. Such bag must be securely sealed after the bedding is placed inside.
- C. Failure to enclose any bedding placed at the curbside or other designated area for collection by the department within a plastic bag pursuant to this section shall be deemed a violation of this section.
- D. Except as otherwise provided, violations of the Section shall be a Class II offense as defined in Chapter 1, GENERAL PROVISIONS, Article III, Penalties Section 1-21. Penalties for offenses, lesser included offenses of this Code

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**GENERAL ORDINANCE NO.8-2010 (CONTINUED)**

Section 2. This ordinance shall take place shall take 90 days after its enactment into law except that the Commissioner of the Department of Public Works shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010 BY A ROLL CALL VOTE OF 4-3. MINORITY LEADER MURTAGH AND COUNCILMEMBERS LARKIN AND SHEPHERD VOTING "NAY"

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**GENERAL ORDINANCE NO.9-2010**

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

A GENERAL ORDINANCE AMENDING CHAPTER 109 OF THE CODE OF THE CITY OF YONKERS REGARDING VEHICLES AND TRAFFIC.

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

Section 1. Chapter 109 of the Code of the City of Yonkers entitled "Vehicles and Traffic" Section 109-96, entitled "Method of Parking." is hereby amended to read as follows:

"§109-96. Method of parking.

A. Except in an emergency or in compliance with the directions of a peace officer or traffic control signal or sign, when any vehicle shall be parked in any highway or part of a highway in the City of Yonkers designated by the provisions of § 109-108 or any other ordinance of the City of Yonkers as a parking meter zone, in a space regulated by a parking meter between the hours of 9:00 a.m. and [6:00] 8:00 p.m. on all days of the week (except on Sundays and legal holidays), or in any nonmetered parking lot or area operated by the City of Yonkers or the City of Yonkers Parking Authority for which a charge is imposed for the use of a parking space in such parking lot or area, the owner, operator or driver of such vehicle shall park the vehicle with the hood of such vehicle alongside of or next to the parking meter, or, where there is no parking meter, the hood of the vehicle shall be placed next to the curb where a curb is provided, and any such vehicle shall be placed within the lines marked on the highway, lot or area as a designated parking space.

B. Notwithstanding the provisions of Subsection A of this section in relation to limiting the hours and days of enforcement in parking meter zones, on nights when the Yonkers Raceway is in operation, the Police Commissioner may enforce all the provisions of this article between the hours of [6:00] 8:00 p.m. and 10:00 p.m. within the parking meter zones established on Yonkers Avenue and on Central Park Avenue from Cowles Avenue south to Allen Street.

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**GENERAL ORDINANCE NO.9-2010 (CONTINUED)**

C. Notwithstanding the provisions of Subsection A of this section in relation to limiting the hours and days of enforcement in parking meter zones, the City of Yonkers may enforce the meters between the hours of [6:00] 8:00 p.m. and 10:00 p.m. within the parking meter zones on: Main Street, west of Warburton Avenue, continuing to its terminus; the entire length of Water Grant Street; the entire length of Pierpointe Place. [Added 4-14-2009 by G.O. No. 1-2009]"

Section 2. This ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010 BY A ROLL CALL VOTE OF 5-2. MAJORITY LEADER McDOW AND COUNCILMEMBER GRONOWSKI VOTING "NAY"

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**SPECIAL ORDINANCE NO.45-2010**

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

BOND ORDINANCE OF THE CITY OF YONKERS, NEW YORK AUTHORIZING FISCAL YEAR 2010/11 FUNDING FOR VARIOUS CAPITAL PROJECTS INCLUDED IN THE CAPITAL BUDGET FOR THE CITY; STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$50,886,500; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$50,886,500 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

Section 1. The City of Yonkers, in the County of Westchester, New York (herein called "City"), is hereby authorized to finance the cost of various capital projects as referenced in column A of the attached schedule, each as more fully described in column F of the attached schedule. For each of the objects or purposes, as specified in column A of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted Capital Budget for fiscal year 2010/11 of the City. The plan of financing includes the issuance of \$50,886,500 aggregate principal amount of bonds of the City and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriations, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of and interest on said bonds and notes as the same shall become due and payable. Any amounts received by the City or Board of Education from the United States of America and/or the State of New York are hereby authorized to be expended, as referenced column D of the attached schedule, towards the cost of the applicable objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the City in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be

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**SPECIAL ORDINANCE NO.45-2010 (CONTINUED)**

issued, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriations.

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

Section 4. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City without limitation of rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 30.00, Section 50.00, Sections 56.00 to 60.00, and Section 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and all other powers or duties pertaining or incidental to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, and the power to enter into agreements for credit enhancement for said bonds and notes, are hereby delegated to the Commissioner of Finance & Management Services of the City.

Section 6. Pursuant to the provisions of Section 17 of the Special Local Finance and Budget Act of the City of Yonkers constituting Chapters 488 and 489 of the Laws of 1976 of the State of New York (herein called the "Act"), the City is authorized and directed to include the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 17 in this ordinance, and the Act provides that upon payment for the Bonds by the original and all subsequent holders thereof the inclusion of such pledge and agreement shall be deemed conclusive evidence of valuable consideration received by the State and

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**SPECIAL ORDINANCE NO.45-2010 (CONTINUED)**

City for such pledge and agreement and of reliance upon such pledge and agreement by any holder and that any action by the State contrary to or inconsistent with the provisions of such pledge and agreement shall be void:

“The state does hereby pledge to and agree with the holders of obligations of the city issued pursuant to the local finance law or this act that the state will not (a) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the power or duty of the city to exercise, perform, carry out and fulfill its responsibilities under this act to the extent that the city incorporates in any bond ordinance or credit agreement covenants and agreements to so exercise, perform, carry out and fulfill such responsibilities, (b) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the rights and remedies of any such holders to fully enforce in a court of law such covenants and agreements so incorporated in the bond ordinance or credit agreement or to enforce the pledge and agreement of the state contained in this section, or (c) otherwise exercise any sovereign power contrary to or inconsistent with the provisions of such bond ordinance or credit agreement, it being hereby determined and declared that the provisions of this act and the powers and duties of the city authorized and imposed hereunder are proper, reasonable and appropriate means by which the state can and should exercise and has exercised its duty under section twelve of article eight of the constitution to prevent abuses by the city in taxation and in the contracting of indebtedness and that the provisions hereof are necessary and in the public interest and proper means to improve market reception for the purchase of bonds and other obligations of the city; provided, however, the foregoing pledge and agreement shall be of no further force and effect if at any time there is on deposit in a separate trust account with the fiscal agent sufficient moneys or direct obligations of the United States of America or the state the principal of and/or interest on which will provide moneys to pay punctually when due at maturity or prior to maturity by redemption in accordance with their terms all principal and interest on all such obligations of the city outstanding, (i) irrevocable instructions from the state and city to the fiscal agent for such payment of such principal and interest with such moneys have been given, and (ii) notice to the holders of such obligation as provided in the bond ordinance or credit agreement has been given, and provided further that such pledge and agreement by the state may be temporarily suspended upon the declaration of martial law in the city in the event of circumstances in the city deriving directly out of a natural disaster (such as an earthquake or major conflagration or flood but not a snowstorm) or civil disturbance (such as military invasion or civil

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**SPECIAL ORDINANCE NO.45-2010 (CONTINUED)**

insurrections but not strikes or crises created by financial abuses or economic events).”

Section 7. The validity of the bonds authorized by this ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in “THE JOURNAL NEWS,” a newspaper published in Yonkers, New York, and in “YONKERS RISING”, 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, DECEMBER 14, 2010 BY A ROLL CALL VOTE OF 6-1. COUNCILMEMBER GRONOWSKI VOTING “NAY”

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SPECIAL ORDINANCE NO.46-2010

8. 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 2010/2011.

The City of Yonkers hereby ordains and enacts:

Section 1: The City's Grant Budget for fiscal year 2010/2011 is hereby amended by increasing revenues and appropriations for the Police Department for a grant from NYS Department of Criminal Justice, for purpose of purchasing equipment for Police forensic laboratory.

Increase Estimated Revenues

NYS DCJS	049-G16-3309-7515	\$65,680
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Increase Appropriation

Police – Special Projects	049-G16-3309-0496	\$65,680
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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: The Mayor and/or his designee be and the same is hereby authorized to execute any documents in connection with receipt of said grant.

Section 4: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010 BY A VOTE OF 7-0.

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**TUESDAY, DECEMBER 14, 2010**

SPECIAL ORDINANCE NO.47-2010

9. 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 2010/2011.

The City of Yonkers hereby ordains and enacts:

Section 1: The City's Grant Budget for fiscal year 2010/2011 is hereby amended by increasing revenues and appropriations for the Engineering Department for a grant from N.Y.S. Dormitory Authority, for purpose of making storm drainage improvements to Abner Place & Kimball Avenue.

Increase Estimated Revenues

NYS DOT	049-G09-1601-1509	\$253,000
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Increase Appropriation

Special Projects	049-G09-1601-0496	\$253,000
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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: The Mayor and/or his designee be and the same is hereby authorized to execute any documents in connection with receipt of said grant.

Section 4: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, DECEMBER 14, 2010**

**SPECIAL ORDINANCE NO.48-2010**

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

SPECIAL ORDINANCE AUTHORIZING THE COMMISSIONER OF FINANCE TO ASSIGN TAX LIEN #132050 AFFECTING LOT 13 IN BLOCK 2189 (16 COOLIDGE AVENUE, YONKERS, NEW YORK)

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

Section 1. The Commissioner of Finance is hereby authorized pursuant to §19-4 of the City Charter to execute, on behalf of the City, and deliver an assignment of Tax Lien #132050 to Mr. & Mrs. Joseph Forlini, 5 Lennon Avenue, Yonkers, New York 10701 upon the receipt of the sum of NINETEEN THOUSAND NINE HUNDRED FIFTY-THREE AND 94/100 (\$19,953.94) representing the amount of said lien and tax arrears (see attached) affecting property known as Lot 13, Block 2189 (16 Coolidge Avenue, Yonkers, New York) plus any additional interest accrued until date of assignment.

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, DECEMBER 14, 2010**

**SPECIAL ORDINANCE NO.49-2010**

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

A SPECIAL ORDINANCE AUTHORIZING AN ENCROACHMENT IN THE RIGHT-OF-WAY ON MURRAY AVENUE, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

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

Section 1. Permission is hereby granted to JANET GARCIA, as owner of 95 Murray Avenue, Yonkers, New York, Section 5, Block 5083, Lots 12.14, to construct and maintain an encroachment upon the City right-of-way located on Murray Avenue in accordance with and as shown on a survey to be approved by the City Engineer and the Director of the Bureau of Housing and Buildings.

Section 2. This permission is granted subject to the following terms and conditions, to wit:

- (a) That the entire cost and expense of obtaining and thereafter maintaining the encroachment on Murray Avenue shall be paid by the owner, his successors and/or assigns without expense to or contribution by the City of Yonkers;
- (b) That neither the approval of the above-referred survey by the appropriate city official, nor the placement of any improvements by the owner of 95 Murray Avenue upon said encroachment shall be deemed a waiver, or in any way affect the right, of the City of Yonkers to provide for construction or otherwise improve its right-of-way; provided further that the City of Yonkers reserves the right to assess the property benefited in like manner and in like effect as if approval had not been given by the City of Yonkers. That the granting of this permission shall in no way free or release said owner or any successors or assigns from the payment of any assessment hereafter imposed;
- (c) That no permanent improvements will be allowed in the encroachment area;

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, DECEMBER 14, 2010**

**SPECIAL ORDINANCE NO.49-2010 (CONTINUED)**

- (d) That the owner, or his successors, assigns, and agents, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City as insured, or as an additional named insured in the amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City with evidence thereof within thirty (30) days of approval of this encroachment;
- (e) The City of Yonkers reserves the right to revoke or terminate this permission for whatever reason, upon thirty (30) days written notice to the owner, whenever it may deem such revocation necessary; Upon revocation or termination of this permission, the owner, her successors or assigns shall immediately remove any improvement placed within said encroachment at the express direction of the City, and at the owners cost and expense;
- (f) That the owner, his successors or assigns shall, for whatever period this permission remains in effect, save harmless and indemnify the City of Yonkers for any and all claims, actions, suits, judgments, etc., including all costs related to the defense thereof.

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL  
AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010  
BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, DECEMBER 14, 2010**

**SPECIAL ORDINANCE**

11A BY COUNCILMEMBER SHEPHERD AND MINORITY LEADER MURTAGH:

A SPECIAL ORDINANCE REPEALING SPECIAL ORDINANCE NO. 5-2008 AND RESCINDING THE AUTHORITY OF THE MAYOR OR THE COMMISSIONER OF PUBLIC WORKS TO ACQUIRE CERTAIN PROPERTY.

SECTION 6, BLOCK 6328, LOT 49  
(1051 YONKERS AVENUE)

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

Section 1. The order and direction that a certain parcel of property referenced above and as identified on the Official Tax Map of the City of Yonkers, be acquired for public or municipal purposes, more specifically, the establishment of a public parking facility, which order and direction was made by Special Ordinance No. 5-2008, is hereby repealed.

Section 2. The authority of the Mayor or the Commissioner of Public Works to acquire for the City of Yonkers the aforesaid lands by gift or purchase at a price to be approved by the city Council or by the procedure set forth in Article XX of the Charter of the City of Yonkers, as amended, or by the proceedings as specified in the Eminent Domain Procedure Law ("EDPL") which authority was granted by Special Ordinance No. 5-2008 is hereby rescinded.

Section 2. This Ordinance shall take effect immediately.

THE ABOVE SPECIAL ORDINANCE REFERRED TO  
COMMUNITY DEVELOPMENT

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, DECEMBER 14, 2010**

**RESOLUTION NO.149-2010**

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

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

WHEREAS, all of the proposed projects for the FY 2011 Capital Budget are Type II actions except for:

1. The Larkin Day Lighting Project has been reviewed and a completed EAF and Negative Declaration are on file with City of Yonkers Planning Department.
2. The Ashburton Avenue Renewal Project which was the subject of a 2006 EIS.
3. The Larkin Plaza/Warburton Avenue Parking Garage which has been reviewed and a complete EAF and Negative Declaration is on file with the City of Yonkers Planning Department; and
4. The 310 Saw Mill River Road Parking Authority parking lot which has been reviewed and a complete EAF and Negative Declaration is made part of this resolution.

And whereas, Type II actions are those activities that have been defined in Part 617, the statewide implementing regulation pertaining to SEQRA, as requiring no further environmental actions.

NOW, THEREFORE, the City Council hereby issues a negative declaration for the action at 310 Saw Mill River Road, directing City Staff to file the negative declaration, and finds that all other projects in the Capital Budget for Fiscal Year 2011, will not result in any significant adverse environmental impacts.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010 BY A ROLL CALL VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, DECEMBER 14, 2010**

RESOLUTION NO.150-2010

13. 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 ONE THOUSAND SIX HUNDRED TWENTY DOLLARS AND SIXTY-SEVEN CENTS (\$1,620.67) of the action entitled, "PROGRESSIVE INSURANCE COMPANY a/s/o JAMES AND MYRTLE GREEN, plaintiffs against THE CITY OF YONKERS, Defendant", for property damage arising out of an accident alleging that , a sanitation truck owned by the City of Yonkers and operated by Thomas Gladwell, Jr., a City of Yonkers employee assigned to the Department of Public Works, struck their vehicle which was proceeding on Palisade Avenue in the City of Yonkers. be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of ONE THOUSAND SIX HUNDRED TWENTY DOLLARS AND SIXTY-SEVEN CENTS (\$1,620.67) in favor of said plaintiff and his attorney Allen D. Werter, Esq., 215 East Main Street, Huntington, New York 11743.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, DECEMBER 14, 2010**

**RESOLUTION NO.151-2010**

14. 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 THREE THOUSAND SEVEN HUNDRED NINETY EIGHT AND 72/100 DOLLARS (\$3,798.72) of the action entitled LIBERTY MUTUAL FIRE INS. CO. A/S/O CARMAN VASQUEZ BROWN, Plaintiff against City of Yonkers, as Defendant, for property damage resulting from an alleged accident when a City of Yonkers vehicle rear ended her car on Ashburton Avenue, Yonkers hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of THREE THOUSAND SEVEN HUNDRED NINETY EIGHT AND 72/100 DOLLARS (\$3,798.72) in favor of said plaintiff and her attorneys CARMAN, CALLAHAN & INGHAM, LLP

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, DECEMBER 14, 2010**

RESOLUTION NO.152-2010

15. 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 IN ACCORDANCE WITH SECTION 139 OF THE EXECUTIVE LAW CONCERNING THE ESTABLISHMENT OF THE NUMBER OF COMMISSIONERS OF DEEDS.

WHEREAS, Chapter 123 of the Code of the City of Yonkers fixes the maximum number of Commissioners of Deeds that may be appointed as seven hundred (700) and

WHEREAS, Section 139 of the Executive Law requires the City Council to bi-annually determine the number of Commissioners of Deeds to be appointed, now, therefore, be it

RESOLVED, THAT THE City Council of the City of Yonkers hereby fixes and determines the number of Commissioners of Deeds in the City of Yonkers as seven hundred (700), and such number is so fixed and determined as of January 1, 2011 and be it further

RESOLVED, that this Resolution shall take effect as of January 1, 2011.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, DECEMBER 14, 2010**

RESOLUTION NO.153-2010

16. 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 December 31, 2012.

Harold S. McKoy  
22 Ridgeview Avenue  
Yonkers, New York 10710

Security RENEWAL

Guina Mercedes  
538 Riverdale Avenue  
Yonkers, New York 10705

Law Firm RENEWAL

Karen Ann Schindler  
204 Oak St, Apt#2  
Yonkers, New York 10701

Non Profit NEW

Michelle Salvatore  
24 Warwick Road  
Bronxville, New York 10708

Contractor RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, DECEMBER 14, 2010**

**RESOLUTION NO.154-2010**

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

WHEREAS, in 2009, The Community Builders, Inc. 95 Berkley Street, Suite 500, Boston, MA 02116 (the "Applicant") was selected by the Municipal Housing Authority of the City of Yonkers ("MHACY") and the City of Yonkers as the redeveloper of the municipal housing development commonly known as "Cottage Gardens"; and

WHEREAS the redevelopment of Cottage Place Gardens (the "Project") includes the comprehensive redevelopment and revitalization of nine (9) parcels which are known and designated on the tax assessment map of the City of Yonkers as Block 2094 and Lots 1,40, 55, 56,58; Block: 2095 and Lot 33; Block: 2096 and Lots 33, 34, 38, Yonkers, New York 10701; and

WHEREAS the Property consists of approximately 7.48 acres of property, and includes, in addition to the municipal housing development commonly known as Cottage Gardens, the abandoned school building formerly known as "P.S. 6", and a number of privately owned parcels intended to be acquired by the Applicant as part of the redevelopment project; and

WHEREAS the Applicant is proposing to redevelop the site as 383 dwelling units, with other amenities related parking facilities and infrastructure, consisting of 19 new low and mid rise and townhouse with those fronting on Warburton and Ashburton Avenues containing commercial space on the ground floor along with mixed income rental units as follows: 193 one bedroom units (50 senior units), 152 two bedroom units and 38 three bedroom units 393 parking spaces; and

WHEREAS, on May 13, 2010, the Applicant submitted a full Environmental Assessment For ("EAF") for the Project to the Planning Board of the City of Yonkers (the "Planning Board"); and

WHEREAS, on May 19, 2010, the Planning Board declared its intent to act as lead agency for the Project and all related actions under the State Environmental Quality Review Act ("SEQRA"), and thereafter circulated a "Notice of Intent to Act as Lead Agency" to the various involved agencies together with the EAF; and

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, DECEMBER 14, 2010**

**RESOLUTION NO.154-2010 (CONTINUED)**

WHEREAS, on June 7, 2010, the City Council received a copy of the EAF and the Planning Board's Notice of Intent to Act as Lead Agency for review of the Project under SEQRA; and

WHEREAS, on June 22, 2010, the City Council, through its Real Estate Committee Chair via correspondence objected to the Planning Board assuming Lead Agency status, and instead sought to act as Lead Agency for review of the Project under SEQRA; AND

WHEREAS, on or about, June 22, 2010 the City Council, through its Real Estate Committee Chair circulated its objection and its intent to act as Lead Agency for the review of the Project under SEQRA to the various involved agencies; and

WHEREAS, on July 14, 2010, by a vote of 6-0, passed Resolution 108-2010 which declared its intent to be the Lead Agency in accordance with the requirements of Article 8 of the New York State Environmental Conservation Law.

WHEREAS, more than thirty (30) days have passed since passage resolution declaring Lead Agency , and no agencies have objected to the City Council being designated as Lead Agency

NOW, THEREFORE, BE IT RESOLVED that the City Council confirms and assumes Lead Agency for review of the Project and all related actions under SEQRA; and

ALSO RESOLVED, that the City Council hereby determines that the Project is classified as a "Type 1 action under SEQRA; and

BE IT FURTHER RESOLVED that the City Council having reviewed the EAF and other relevant information submitted by the Applicant in light of the criteria listed in 6 N.Y.C.R.R. Section 617.7 (c ) (i), hereby : (a) determines that the Project may result in at least one potential significant adverse environmental impact; and (b) in accordance with 6 N.Y.C.R.R. Section 617.7 (a), issues a Positive Declaration of Environmental Significance and requires the preparation of an Environmental Impact Statement (EIS); and

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, DECEMBER 14, 2010**

**RESOLUTION NO.154-2010 (CONTINUED)**

RESOLVED THAT THE City Council hereby directs the Applicant to prepare and submit a draft Scope of Work for the Project in accordance with 6 N.Y.C.R.R. in Section 617.8.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, DECEMBER 14, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, DECEMBER 14, 2010**

**COMMITTEE REPORTS**

THIS MEETING WAS ADJOURNED AT 9:17PM