

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, NOVEMBER 9, 2010

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

TIME: 8:00PM

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 October 26, 2010 approved on motion of Majority Leader Patricia McDow.

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COMMUNICATIONS FROM CITY OFFICIALS

1. FROM THE PLANNING DEPARTMENT – IN A LETTER DATED OCTOBER 22, 2010 FROM PLANNING DIRECTOR LEE ELMAN RE: TO DETERMINE LEAD AGENCY PURSUANT TO THE REQUIREMENTS OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) RE: RENOVATIONS AND EXPANSION AT THE OLDE STONE MILL LOCATED AT 2 SCARSDALE ROAD IN YONKERS.

FILED

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COMMUNICATIONS - GENERALLY

FROM PHILIP HALPERN ATTORNEY FOR MORRIS BROTHERS TO
YONKERS IDA RE: LANDFILL ON COUNTY PROPERTY.

FILED

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COMMITTEE OF THE WHOLE

NO SPEAKERS

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LOCAL LAW NO.6-2010

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

A LOCAL LAW AMENDING CHAPTER 56 OF THE CODE OF THE CITY OF YONKERS ENTITLED "BUILDING AND ELECTRICAL CODE" IN REGARD TO LICENSING AND FEES.

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

Section 1. Chapter 56 of the Code of the City of Yonkers entitled "Building and Electrical Code" is hereby amended in part by amending Section 56-116 entitled, "Fees." to read as follows:

"§ 56-116. Fees.

The prescribed fees for a permit, based on the estimated cost stated on the application for said permit, shall be:

A base fee of \$100.00 plus the fee below or service:

Estimated Cost	Fee
\$0 to \$500	\$ 50.00
\$501 to \$5,000	\$ 120.00
\$5,001 to \$20,000	\$ 200.00
\$20,001 to \$35,000	\$ 240.00
\$35,001 to \$50,000	\$ 300.00
\$50,001 to \$65,000	\$ 350.00
\$65,001 to \$80,000	\$ 600.00
\$80,001 to \$100,000	\$ 700.00
\$100,001 and over	\$ 700.00, plus \$1.00 for every \$1,000 or fraction thereof over \$100,000.

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LOCAL LAW NO.6-2010 (CONTINUED)

NOTE: The number of Inspections included in the above fees is two (2) inspections for residential one or two family detached dwellings and three (3) inspections for other residential or commercial occupancies.

[B.] (2) New or upgrade of electrical service:

(a) Residential one- and two-family: \$100

(b) Other residential and commercial: \$200

[C.]B. Re-inspection fee if work is not completed when inspection is made or the [#] number of inspections is exceeded. The prescribed fee for the reinspection or subsequent reinspection shall be \$100.”

Section 2. Chapter 56 of the Code of the City of Yonkers entitled “Building and Electrical Code” is hereby amended in part by adding a new Section 56 -116.1, entitled, “Civil Penalty for work done without a permit.” such section to read as follows:

“§ 56-116.1. Civil penalty for work done without a permit.

A. Whenever any work for which an electrical permit is required pursuant to § 56-113 of this Code has been performed without such permit, a penalty shall be imposed as provided in this section.

B. If an individual files an application with the Department of Housing and Buildings to legalize work done on a property, or in a structure or building on said property, where such work was performed without the required permit(s), the individual shall pay a penalty of \$200, for each permit required, in addition to the regular permit fee(s) prescribed by this Code for work.

C. No permit shall be issued for any work described in Subsection A of this section until the additional penalty assessed pursuant to this section has been paid.

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LOCAL LAW NO.6-2010 (CONTINUED)

D. Payment of the penalty required by this section shall not relieve the applicant from compliance with the requirements of the Code of the City of Yonkers, the New York State Uniform Fire Prevention and Building Code and all other applicable statutes, laws, codes, ordinances, rules and regulations or from imposed fines or penalties."

Section 3. Chapter 56 of the Code of the City of Yonkers entitled "Building and Electrical Code" is hereby amended in part by amending Section 56-118, entitled "Authority of Commissioner." and to amend such section to read as follows:

"§ 56-118. Authority of Commissioner.

A. The Commissioner is hereby empowered in accordance with this chapter and the New York State Uniform Fire Prevention and Building Code to issue permits for electrical installations to licensed electrical contractors and special licensees and to supervise inspections of electrical work.

B. The Commissioner is also authorized and empowered to deputize in any instance any regular inspector of [the New York Board of Fire Underwriters and] the New York Electrical Inspection Services, Inc. fully certified by IA EI (all three certifications or Master Electrical Inspector certification) to inspect any electrical installation such as is referred to in § 56-127 hereof and to report on the same to the Commissioner, provided that such inspector will make such inspection and report without compensation from the City. Any use of such an inspector shall be within the limits authorized by the New York Code, Rules and Regulations, Title 19, Chapter XXXII, et seq., as it now exists or may hereafter be amended. All certificates, permits and other approvals shall be issued only by an employee or official of the City of Yonkers even if based upon the report or inspection of an outside inspector.

C. The Commissioner is hereby empowered to direct and authorize any utility company to disconnect electric current, after notification to the owner or his recognized agent or the occupant, when the current, in his opinion, is dangerous to life, limb or property or when it may interfere with work of the Fire Department. Such direction must be in writing. Notification must

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LOCAL LAW NO.6-2010 (CONTINUED)

be given in writing when approval for the restoration of services is to be made.”

Section 4. This Local Law shall take effect immediately.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, NOVEMBER 09, 2010 BY A ROLL CALL VOTE OF 6-1. COUNCILMEMBER GRONOWSKI VOTING “NAY”.

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SPECIAL ORDINANCE NO.42-2010

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

AN ORDINANCE ADOPTING 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: The Capital Budget for the fiscal year commencing July 1, 2010 and terminating June 30, 2011, a total estimated cost of \$91,214,380 submitted by the Mayor and amended having been filed in the City Clerk's office on October 1st, 2010, and a public hearing thereon having been held on Tuesday, October 19th, 2010 is hereby approved and adopted as 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, NOVEMBER 09, 2010 BY A ROLL CALL VOTE OF 6-1. COUNCILMEMBER GRONOWSKI VOTING "NAY".

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SPECIAL ORDINANCE NO.43-2010

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

A SPECIAL ORDINANCE GRANTING TO CABLEVISION A PERMIT TO INSTALL A NEW CONDUIT AND RELATED SERVICES AT 2323 CENTRAL PARK AVENUE, THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Cablevision, in a communication forwarded to the City Engineer dated October 8, 2010, 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 to install a new conduit and related services at the 2323 Central Park Avenue, Yonkers, N.Y. in accordance with Permit No. A011253; 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 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 Cablevision, 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 to install a new conduit and related services at the 2323 Central Park Avenue, Yonkers, N.Y.

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SPECIAL ORDINANCE NO.43-2010 (CONTINUED)

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
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BY A VOTE OF 7-0.

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RESOLUTION NO.144-2010

4. 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 TWO THOUSAND SEVEN HUNDRED TWENTY-FIVE AND 43/100 Dollars (\$2,725.43) of the action entitled, "Government Employees Insurance Company a/s/o Kai Irwin, plaintiffs, against City of Yonkers, Defendant," for property damage arising out of an alleged incident when a City of Yonkers sanitation truck sideswiped the plaintiff's legally parked car on Candlewood Drive in vicinity of Montrose Avenue, 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 TWO THOUSAND SEVEN HUNDRED TWENTY-FIVE AND 43/100 Dollars (\$2,725.43) of in favor of said plaintiffs.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, NOVEMBER 09, 2010 BY A VOTE OF 7-0.

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RESOLUTION NO.145-2010

5. 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 November 30, 2010

Pamela Jenkins
560 Warburton Avenue
Yonkers, New York 10701

City of Yonkers

RENEWAL

Renee Milligan
81 Saratoga Avenue 1B
Yonkers, New York 10705

City of Yonkers

RENEWAL

Mary Ann Bottone
63 Smart Avenue
Yonkers, New York 10704

City of Yonkers

RENEWAL

Maria D. George
12 Horatio Street
Yonkers, New York 10701

City of Yonkers

RENEWAL

Robyn Fullerton
16 Rosehill Terrace
Yonkers, New York 10703

Yonkers Schools

NEW

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, NOVEMBER 09, 2010 BY A VOTE OF 7-0.

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RESOLUTION

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

WHEREAS, the Inspector General of the City of Yonkers is authorized and empowered to make any investigation or review which in his or her opinion is necessary to uncover any wrongdoing in City government, and

WHEREAS, pursuant to the Code of the City of Yonkers: "The jurisdiction of the Inspector General shall extend to any agency, officer, or employee of the city, or any person or entity doing business with the city, or any person or entity who is paid or receives money from or through the city or any agency of the city", and,

WHEREAS, pursuant to the Code of the City of Yonkers" "The Inspector General shall have the power to subpoena witnesses, administer oaths, take sworn testimony and compel production of books, papers, records and other evidence in furtherance of his/her duties and powers, and

WHEREAS, in the performance of that duty, the Inspector General has been engaged in a review and audit of certain expenditures of taxpayer money by the Yonkers Board of Education, and

WHEREAS, the Board of Education filed a court action challenging the Inspector General's authority to conduct a review of its books and records, and

WHEREAS, in or about June 2010, the New York State Supreme Court (Giacomo, J.) ruled that the Inspector General had the authority to review and audit the finances of the Board of Education, and

WHEREAS, in furtherance of that review, the Inspector General has sought to review the expenditure of monies received from the Board of Education by the Yonkers Federation of Teachers Welfare Fund ("the Fund"), and

WHEREAS, the Inspector General served a subpoena on the Fund dated October 25, 2010 due to the Fund's failure to fully cooperate with the Inspector General, and

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RESOLUTION (CONTINUED)

WHEREAS, the Fund responded through outside counsel, challenging both the validity of the subpoena and the right of the Inspector General to review the records of the Fund, and

WHEREAS, the taxpayers of the City of Yonkers have already borne substantial, unnecessary expense as a result of the costly and wasteful lawsuit brought by the Board of Education and should not be forced to incur additional legal expenses enforcing their rights against The Fund, and

WHEREAS, the citizens and taxpayers of the City of Yonkers have the right to know how every tax dollar of the City is used and that those tax dollars are spent appropriately and properly, now therefore,

IT IS RESOLVED, that the City Council calls upon the Yonkers Federation of Teachers Welfare Fund to immediately cease its resistance to the Inspector General's inquiry and to immediately comply fully and completely with the Inspector General's review of the finances of the Yonkers Board of Education including but not limited to monies paid by the City and the Board to the Fund.

THE ABOVE RESOLUTION WAS WITHDRAWN AND REFERRED TO MUNICIPAL OPERATIONS.

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 8:15PM.