

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, OCTOBER 26, 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 - ABSENT
 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 12, 2010 and a special meeting held on October 19, 2010 approved on motion of Majority Leader Patricia McDow.

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COMMUNICATIONS FROM CITY OFFICIALS

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COMMUNICATIONS - GENERALLY

1. In a letter to mayor Amicone dated October 26, 2010 from Bronson Trevor Jr on behalf the Trevor family Re: Mount Olivet Baptist Church near Wells Avenue.

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COMMITTEE OF THE WHOLE

<u>NAME</u>	<u>ADDRESS</u>	<u>ITEM NO</u>
TERRY JOSHI	ROCKLAND AVENUE	1&7

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RESOLUTION NO.134-2010

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

A RESOLUTION AUTHORIZING THE MAYOR OR DEPUTY MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY IN CONNECTION WITH A CERTAIN MEMORANDUM OF AGREEMENT CONCERNING THE CONSTRUCTION OF AN APPROXIMATELY THREE HUNDRED SPACE PARKING GARAGE

WHEREAS, In furtherance of the objectives of Articles 15 and 15-A of the General Municipal Law of the State of New York (the "Urban Renewal Law"), the City of Yonkers (the "City") has undertaken a program for the acquisition, clearance, planning, reconstruction and rehabilitation of blighted areas in the City and, in connection with this program, the Yonkers Community Development Agency (the "CDA"), has been engaged in carrying out an urban renewal programs, as more particularly set forth in the Urban Renewal Plan for the Getty Square Urban Renewal Area for N.D.P. Area 8 dated September 19, 1975, and amended July 10, 1978 and May 19, 2009 (the "Getty Square Urban Renewal Plan") and the Modified Urban Renewal Plan for N.D.P. Area 1 and N.D.P. Area 2 dated December, 1998, and last amended in October, 2004 and on May 19, 2009 (the "Riverview Urban Renewal Plan" and together with the Getty Square Urban Renewal Plan, the "Urban Renewal Plans"); and

WHEREAS, on May 17, 2006, Struever Fidelco Cappelli LLC ("SFC"), the City, CDA, the City of Yonkers Industrial Development Agency (the "YIDA"), and Yonkers Parking Authority ("YPA") entered into a Master Developer Designation Agreement ("MDDA"), pursuant to which SFC was designated by those municipal entities as the "Master Developer" of ten potential redevelopment projects in the downtown area including the projects identified in the MDDA as the "Gateway District Project" and the "Parcels H and I Project"; and

WHEREAS, on May 17, 2006, the CDA adopted Resolution No. 16-2006, pursuant to which the CDA designated SFC as the "qualified and eligible sponsor" for the development of the Gateway District Project and the Parcels H and I Project under subsections (c) and (d) of subdivision 2 of Section 507 of the Urban Renewal Law (collectively, the "SFC Projects"); and

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RESOLUTION NO.134-2010 (CONTINUED)

WHEREAS, on March 18, 2008, pursuant to 6 NYCRR §617.9(a)(2), the City Council, acting in its capacity as lead agency for review of the SFC Project under the State Environmental Quality Review Act ("SEQRA"), accepted a Draft Environmental Impact Statement ("DEIS") prepared by SFC for the SFC Project and all related actions as adequate with respect to its scope and content for the purpose of commencing public review. On October 7, 2008, the City Council accepted a Final Environmental Impact Statement ("FEIS") prepared by the Company for the SFC Project and all related actions as complete and duly filed the FEIS. On November 5, 2008, the City Council issued its SEQRA findings statement in connection with the SFC Project and all related actions (the "SEQRA Findings Statement"). On January 26, 2010, the City, CDA, YIDA, and New Main Street Development Corporation ("NMSDC"), and SFC entered into a Land Disposition Agreement ("LDA") which contemplates daylighting of the Saw Mill River at River Park Center by SFC and down stream at Larkin Plaza by the City or its affiliates; and WHEREAS, the daylighting of the Saw Mill River at Larkin Plaza will displace 144 parking spaces. NMSDC has pursued funding and has proceeded with funding the efforts to plan for replacement parking and to fund the planning costs associated with daylighting at Larking Plaza; and

WHEREAS, the Hudson View Associates, LLC, is the owner of I-Park on Hudson located at Wells Avenue, Yonkers, New York and desires to make available, through a 49 year Ground Lease, land at the intersection of Wells Avenue and Warburton Avenue, North of the Philips Manor Hall, commonly known as 10 Woodworth Avenue (the "Land") for development of a 300 space public access parking garage (the "Larkin Garage"); and

WHEREAS, in order for CDA to pursue redevelopment as contemplated by the Urban Renewal Plans described in above, the Saw Mill daylighting at Larkin Plaza is a critical path item in that downstream work needs to precede work at River Park Center and, as such, identifying and providing for permanent alternative parking for the 144 spaces to be displaced at Larkin Plaza becomes a critical path item and enables CDA to meet preconditions of its Urban Renewal Plans, addresses parking needs for the area, brings critical County of Westchester ("County") Housing Implementation Funds ("HIF Funds") or any other governmental or private funds to enable the Larkin Garage to be financeable and has the added benefit of enabling the Greyston Warburton Workforce Housing Project to proceed, which is consistent with the transit oriented development contemplated by the Urban Renewal Plans; and

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RESOLUTION NO.134-2010 (CONTINUED)

WHEREAS, 98 of the 300 spaces at the Larkin Garage will be committed for use by residents of the live-work building known as 54 aka 56 Warburton Avenue, Block: 2017, Lots: 3, 5, 6, 7 & 8 & 20-24 ("Greyston Workforce Housing Project"); provided the "fee-in-lieu of parking" to be paid by or on behalf of the Greyston Workforce Housing Project is actually received by the City through receipt of County HIF Funds or any other governmental or private funds; and

WHEREAS, by Resolution 187-2009 the City authorized the Mayor to submit an application and to enter into an intermunicipal agreement for HIF Funds from the County on behalf of the developer of the Greyston Workforce Housing Project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers that the Mayor or the Deputy Mayor is hereby authorized to (i) execute any and all documents necessary to enter into the Memorandum of Agreement and perform thereunder for purposes of accomplishing the foregoing; and (ii) execute any and all other documents necessary and convenient to carry out this Resolution, including executing and any other documents, certificates or affidavits as may be approved by the Corporation Counsel of the City of Yonkers; and be it further

RESOLVED, that this Resolution shall take effect immediately.

A FRIENDLY AMENDMENT WAS PUT FORTH BY COUNCIL PRESIDENT LESNICK TO ADD THE LANGUAGE "OR ANY OTHER GOVERNMENTAL OR PRIVATE FUNDS" TO THE SIXTH & SEVENTH PARAGRAPHS OF ABOVE RESOLUTION. THIS MOTION WAS CARRIED UNANIMOUSLY.

THIS RESOLUTION WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 26, 2010 BY A ROLL CALL VOTE OF 4-2. MAJORITY LEADER McDOW & COUNCILMEMBER GRONOWSKI VOTING "NAY". COUNCILMEMBER SHEPHERD WAS ABSENT.

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

RESOLUTION APPROVING AN INTER-MUNICIPAL AGREEMENT BETWEEN THE CITY OF YONKERS AND THE COUNTY OF WESTCHESTER FOR THE RENEWED PRISONER TRANSPORTATION AGREEMENT - 2010-2011

WHEREAS, in accordance with an agreement between the County of Westchester and the City of Yonkers, the County of Westchester has submitted a renewed agreement commencing January 1, 2010 and terminating December 31, 2011 for the transportation of prisoners between the City of Yonkers and the Westchester County Department of Correction; and

WHEREAS, this agreement, a copy of which is attached, is pursuant to Sections 500-c and 500-d of the Corrections Law of the State of New York; and

NOW, THEREFORE, BE IT RESOLVED, that the Prisoner Transportation Agreement between the County of Westchester and the City of Yonkers for the transportation of prisoners between the City of Yonkers and the Westchester County Department of Corrections for the years 2010 through 2011 is hereby approved; and be it further

RESOLVED, that this resolution will take effect as of January 1, 2010.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 26, 2010 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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3. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, 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 FOUR THOUSAND DOLLARS (\$4,000.00) of the action entitled, "MARY ROSE NIGRO, plaintiff against THE CITY OF YONKERS, Defendant", for personal injuries arising out of an alleged accident where she was getting out of her car and stepped into a hole in the sidewalk located opposite 90 Caryl Avenue, 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 FOUR THOUSAND DOLLARS (\$4,000.00) in favor of said plaintiff and her attorney Robert Yodowitz, P.C., 450 Piermont Avenue, Piermont, New York 10968

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 26, 2010 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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

WHEREAS, the owner of the property located at 590 Palmer Road, more properly known as Block 5000, Lot 1, on the Tax Assessment Map of the City of Yonkers has submitted an application for a Special Use Permit for the operation of a proposed Deluge House and related supply piping house for use by Consolidated Edison to the Planning Board which was approved by the Planning Board in accordance with Article VII of the Zoning Code of the City of Yonkers; and

WHEREAS, upon review of the application and the record, this City Council believes it to be in the best interest of the City of Yonkers to grant said application.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled, that the proposed Special Use Permit should be granted; and be it further

RESOLVED, that upon the record and findings of the Planning Board, with respect to the application submitted by Consolidated Edison, as the property owner, for a Special Use Permit, for the operation of a proposed Deluge House and related supply piping house at Block 5000, Lot 1, on the Tax Assessment Map of the City of Yonkers, on the property known as 590 Palmer Road, Yonkers, New York, pursuant to Article VII of the Zoning Code of the City of Yonkers, the decision and actions of the Planning Board of the City of Yonkers are hereby approved, and this approval is subject to the conditions set forth in the decision of the Planning Board, which includes but is not limited to; (1) the report by the Planning Bureau; and (2) the report by the Traffic Engineer; and (3) general knowledge of the area. All of the conclusions, findings and conditions of the July 14, 2010, Planning Board resolution are hereby referenced to and made a part hereof; and be it further

RESOLVED, that this Resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 26, 2010 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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RESOLUTION NO.138-2010

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

WHEREAS, the owner of the property located at 590 Palmer Road, more properly known as Block 5000, Lot 1, on the Tax Assessment Map of the City of Yonkers has submitted an application for a Special Use Permit for the proposed extension of the existing Battery Room for use by Consolidated Edison to the Planning Board which was approved by the Planning Board in accordance with Article VII of the Zoning Code of the City of Yonkers; and

WHEREAS, upon review of the application and the record, this City Council believes it to be in the best interest of the City of Yonkers to grant said application.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled, that the proposed Special Use Permit should be granted; and be it further

RESOLVED, that upon the record and findings of the Planning Board, with respect to the application submitted by Consolidated Edison, as the property owner, for a Special Use Permit, for the proposed extension to the existing Battery Room at Block 5000, Lot 1, on the Tax Assessment Map of the City of Yonkers, on the property known as 590 Palmer Road, Yonkers, New York, pursuant to Article VII of the Zoning Code of the City of Yonkers, the decision and actions of the Planning Board of the City of Yonkers are hereby approved, and this approval is subject to the conditions set forth in the decision of the Planning Board, which includes but is not limited to; (1) the report by the Planning Bureau; and (2) the report by the Traffic Engineer; and (3) general knowledge of the area. All of the conclusions, findings and conditions of the July 14, 2010, Planning Board resolution are hereby referenced to and made a part hereof; and be it further

RESOLVED, that this Resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 26, 2010 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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

WHEREAS, the owner of the property located at 15 Grassy Sprain Road, more properly known as Block 4001, Lot 150, on the Tax Assessment Map of the City of Yonkers has submitted an application for a Site Plan Review and a Special Use Permit for the operation of a proposed Deluge House and related supply piping house for use by Consolidated Edison to the Planning Board which was approved by the Planning Board in accordance with Article VII and Article IX of the Zoning Code of the City of Yonkers; and

WHEREAS, upon review of the application and the record, this City Council believes it to be in the best interest of the City of Yonkers to grant said application.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled, that the proposed Site Plan and Special Use Permit should be granted; and be it further

RESOLVED, that upon the record and findings of the Planning Board, with respect to the application submitted by Consolidated Edison, as the property owner, for a Site Plan Review and Special Use Permit, for the operation of a proposed Deluge House and related supply piping house at Block 4001, Lot 150, on the Tax Assessment Map of the City of Yonkers, on the property known as 15 Grassy Sprain Road, Yonkers, New York, pursuant to Article VII and Article IX of the Zoning Code of the City of Yonkers, the decision and actions of the Planning Board of the City of Yonkers are hereby approved, and this approval is subject to the conditions set forth in the decision of the Planning Board, which includes but is not limited to; (1) the report by the Planning Bureau; and (2) the report by the Traffic Engineer; and (3) general knowledge of the area. All of the conclusions, findings and conditions of the July 14, 2010, Planning Board resolution are hereby referenced to and made a part hereof; and be it further

RESOLVED, that this Resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 26, 2010 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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RESOLUTION NO.140-2010

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YONKERS GRANTING THE APPLICATION FOR A SPECIAL USE PERMIT AND SITE PLAN FOR A LIVE-WORK BUILDING KNOWN AS 2 MANOR HOUSE SQUARE AND IDENTIFIED ON THE OFFICIAL TAX MAP AS BLOCK 2003, LOTS 13 AND 16 PURSUANT TO THE CITY OF YONKERS ZONING ORDINANCE

WHEREAS, the owner of the property located at 2 Manor House Square, more properly known as Block 2003, Lots 13 and 16 on the Tax Assessment Map of the City of Yonkers has submitted an application for Site Plan Review and a Special Use Permit for a live-work building to the Planning Board, which was approved by the Planning Board in accordance with Article VII and Article IX of the Zoning Code of the City of Yonkers; and

WHEREAS, upon review of the application and the record, this City Council believes it to be in the best interest of the City of Yonkers to grant said application.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled, that the proposed Special Use Permit should be granted; and be it further

RESOLVED, that upon the record and findings of the Planning Board with respect to the application for a Special Use Permit to allow a live-work building at Block 2003, Lots 13 and 16 on the Tax Assessment Map of the City of Yonkers, on the property known as 2 Manor House Square, Yonkers, New York, pursuant to Article VII of The Zoning Code of the City of Yonkers. The decision and actions of the Planning Board of the City of Yonkers are hereby approved, and this approval is subject to the conditions set forth in the Resolution of the Planning Board, which includes but is not limited to, (1) All improvements made to this site and all conditions imposed by the Planning Board shall remain in full force and effect as long as the site remains occupied; and (2) Any exterior roll-down gates are expressly prohibited on any of the building facades; and (3) The applicant/owner shall maintain the identity of the two facades so as to keep the nature of the downtown where individual buildings were butted tightly against one another to create a seamless façade in the downtown; and (4) Each

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RESOLUTION NO.140-2010 (CONTINUED)

dwelling unit shall comply with the New York State Building and Fire Prevention Code requirements at the time of occupancy. Any change in use from residential to commercial, or from one commercial use to another commercial use or from commercial to residential use shall require a new certificate of occupancy ; and (5) No live-work unit is permitted on the first floor of any structure ; and (6) Vents and other air handling or ventilation equipment, excluding residential type air –conditioner sleeves or grills for individual unit heating and air conditioning units, shall not be permitted to be placed upon any principal façade of any live –work building; and (7) No sign for any live-work use is to be erected in any window or on any wall of the building except for a one-foot by one-foot flush mounted sign at the building entry for any live-work use within the building. In the case of a building devoted entirely to live-work units, an exception may be made and a building identification or name sign may be permitted. Additionally, a three-foot by two-foot flush mounted directory may be permitted at ground level immediately adjacent to the entrance of the building; and (8) Signage for the first floor commercial uses shall conform to the City of Yonkers Sign Code. The initial signage provided for these uses shall be reviewed by the Planning Board staff to insure a high level of graphic quality ; and (9) The building must conform to all of the conditions issued by the Planning Board pursuant to §43-78 (C) of the City of Yonkers Zoning Code, the live-work requirements for a special use permit; and (10) All of the conclusions, findings and conditions of the June 9, 2010, Planning Board Resolution not otherwise mentioned are hereby referenced to and made a part hereof; and be it further

RESOLVED, that this Resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 26, 2010 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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RESOLUTION NO.141-2010

8. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, 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, 2012.

Alicia M. Boss
180 Midland Avenue, 5D
Yonkers, New York 10708

Legal Secretary

NEW

Susan Azzara
285 Hawthorne Avenue, D1
Yonkers, New York 10705

MHA

NEW

Mio A. Feliz
16 Main Street, 2W
Hastings on Hudson, New York 10706

MHA

NEW

Donna Adams
1511 Central Avenue
Yonkers, New York 10710

MHA

RENEWAL

LeChone Denise Clark
1511 Central Park Avenue
Yonkers, New York 10710

MHA

RENEWAL

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RESOLUTION NO.141-2010 (CONTINUED)

Chrystal Estrada
1511 Central Park Avenue
Yonkers, New York 10710

MHA

RENEWAL

Shannon Stewart
1511 Central Park Avenue
Yonkers, New York 10710

MHA

RENEWAL

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RESOLUTION NO.142-2010

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

WHEREAS, Christ the King Church will be holding a “Vendors Market Cash for Gold Fundraiser” event on November 14, 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 North Broadway and Gateway on or before October 27, 2010 and to be removed as soon after November 14, 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.

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RESOLUTION NO.143-2010

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

WHEREAS, the City of Yonkers is truly blessed and privileged to have a spectacularly beautiful montage of communities that proudly represent many nations from all over the world making the City of Yonkers a splendidly diverse display of “citizens of the world”; and

WHEREAS, foremost among these groups is the Polish American Community which has made countless noteworthy contributions to this city and our county endlessly seeking to promote the cherished traditions that have endured for many generations; and

WHEREAS, the annual observance of PULASKI DAY is a time of celebration and remembrance with a healing, uplifting spirit of love and compassion that touches the hearts of many; and

WHEREAS, the many Polish Americans in our community and beyond are firmly committed to bettering the quality of life for all who live and work in our beloved city, most especially for those who treasure the storied history of the Polish American men, women and children who have endeavored so tirelessly to add their magnificently rich culture to the special tapestry that defines life in Yonkers; and

WHEREAS, adding to this illustrious history with great pride and admiration are *Parade Grand Marshal* Lidia Tuzel-Szczygiel and *Miss Polonia* Ewa Kopcza;

NOW, THEREFORE, BE IT RESOLVED that the Yonkers City Council hereby joins the Westchester Pulaski Association under the leadership of *Stephen M. Schurick* in honoring these distinguished individuals and extends its most sincere thanks to all who have worked with a never-ending passion to make such extraordinary contributions to this city and each of its residents.

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COMMITTEE REPORTS

THIS MEETING WAS RECESSED AT 8:47PM AND RECONVENED &
ADJOURNED AT 10:30PM.