

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

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

TIME: 8:06 P.M.

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 September 28, 2010 approved on motion of Majority Leader Patricia McDow.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

INDEX

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1. PUBLIC HEARING	SO – CAPITAL BUDGET	6
2. R-127-2010	RES – SETTLEMENT – CONSENT AGREEMENT & FINAL ORDER EPA (\$38,000.00)	7
3. R-128-2010	RES – SALARY & BENEFITS PROTECTION READY RESERVE MEMBERS	8/9
4. R-129-2010	RES – COMMISSIONERS OF DEEDS	10/11
5. R-130-2010	RES – EXTRA MILE WEEK	12
6. R-131-2010	RES – COLUMBUS DAY 2010 HONOREES	13/14
7. R-132-2010	RES – BANNER – SAINT MARY’S ORTHODOX	15
8. R-133-2010	RES – BANNER – SAINT JOHN’S EPISCOPAL	16

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

**COMMUNICATIONS FROM CITY OFFICIALS**

1. DATED OCTOBER 12, 2010 FROM THE YONKERS PLANNING BOARD FORWARDING THE BOARD'S REVIEW OF PROPOSED STEEP SLOPES ORDINANCE. *COPIES ON DESKS.*

**FILED**

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

**COMMUNICATIONS - GENERALLY**

1. FROM GOVERNOR PATERSON IN A LETTER DATED OCTOBER 07, 2010 ACKNOWLEDGING RECEIPT OF RESOLUTION 123-2010 ADOPTED BY THE CITY COUNCIL.

**FILED**

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

COMMITTEE OF THE WHOLE

NO SPEAKERS

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

**SPECIAL ORDINANCE**

1. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, 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 \$94,039,380 submitted by the Mayor and amended having been filed in the City Clerk's office on October 1<sup>st</sup>, 2010, and a public hearing thereon which is scheduled to take place on Tuesday, October 19, 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.

THE CITY COUNCIL SCHEDULED A PUBLIC HEARING FOR A SPECIAL CITY COUNCIL MEETING TO BE HELD OCTOBER 19, 2010

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

RESOLUTION NO.127-2010

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

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel of the matter regarding the United States Environmental Protection Agency ("EPA") Case No.: RCRA-02-2009-7103 arising out of violations of the Solid Waste Disposal Act, as amended, by various laws including the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. §§6901, et seq., which established certain procedures, methods and requirements regarding hazardous waste; on May 5, 6, and 22, 2008, the EPA conducted inspections of the various buildings owned and used by the City of Yonkers which led to the issuance of an Administrative Complaint against the City of Yonkers for violations of the Solid Waste Disposal Act, which matter has now been settled with the City to a stipulated penalty of Thirty Eight Thousand Dollars (\$38,000.00), and by authorizing the Mayor to enter into an Order on Consent with the EPA that ensures the prompt and appropriate payment of said funds; 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 12, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

**RESOLUTION NO.128-2010**

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

WHEREAS, by Resolution No. 46-2008, this City Council offered a Salary and Benefits Protection to City Officers and Employees who are Ready Reserve Members who are called to Active Military Duty pursuant to Executive Order 13223 signed by the President of the United States on September 14, 2001, and to such other City Officers and Employees compelled to perform duties related to military preparedness; and

WHEREAS, the terms of such legislation has lapsed; and

WHEREAS, the Mayor and the City Council wish to renew the terms of such legislation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YONKERS, that subject to the provisions of this Resolution, an Officer or Employee of the City of Yonkers called to active duty pursuant to the President's Executive Order 13223, dated September 14, 2001, and performing all military duty during such additional period, which duty is not part of the regular reservist duties, shall receive from the City of Yonkers his or her full City salary, including any and all contractual benefits, along with all of any salary paid to him or her for the performance of such ordered military duty provided for under the Military Law. Ordered military duty shall not include duty for which the City Officer or Employee has volunteered; and be it further

RESOLVED, that no provision of this Resolution shall be offset or diminished by any compensation that is received by any City Officer or Employee that is called to active duty pursuant to Executive Order 13223 nor shall the salary, compensation and benefits due such City Officer or Employee be offset or diminished by virtue of said Officer or Employee receiving compensation, stipend or benefit as a result of said ordered military service; and be it further

RESOLVED, that during the time an eligible City Officer or Employee is receiving salaries provided for under this Resolution, said City Officer or Employee shall also continue to receive health coverage, medical coverage and shall receive Credited City Service Time for the purpose of vacation during the period of ordered military duty and, except if otherwise provided by law, retirement system contributions shall continue to be subject to the provisions of law; and be it further



**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

**RESOLUTION NO.128-2010 (CONTINUED)**

RESOLVED, that this Resolution shall supersede or replace any existing Resolutions, terms or conditions applicable to City Officers and Employees; and be it further

RESOLVED, that a City Officer or Employee seeking to enact the benefits of this Resolution shall furnish proof that the City may deem necessary to implement such benefits as established and deemed appropriate by the Mayor of the City of Yonkers; and be it further

RESOLVED that this Resolution shall be applicable to and include any members of the Ready Reserve ordered to active military duty pursuant to Executive Order 13223 or any City Officer or Employee compelled by State or Federal Law or Regulation to perform military duty which is not part of the regular reservist duty; and be it further

RESOLVED, that this Resolution shall be in effect for the period beginning with the date following the expiration date of Resolution 46-2008 and ending on December 31, 2011 and shall be subject to renewal or continuation by subsequent Resolution.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 12, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

RESOLUTION NO.129-2010

4. 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 October 31, 2012.

Jeanette Vazquez  
9 Franklin Avenue, 4E  
Yonkers, New York 10703

Education NEW

Dante Cacace  
90 Rosedale Road  
Yonkers, New York 10710

Housing Authority RENEWAL

Julia DiNatale  
2 Whitehall Road  
Eastchester, New York 10709

Housing Authority RENEWAL

Anabel Snowden  
47 Tower Place  
Yonkers, New York 10703

Housing Authority NEW

Mary Ann Thomas  
213 Park Avenue  
Yonkers, New York 10703

Housing Authority RENEWAL.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

**RESOLUTION NO.129-2010 (CONTINUED)**

Michael Novotny  
76 Belden Avenue  
Dobbs Ferry, New York 10522

Private Investigator

RENEWAL

Daissy A. Pena  
480 Riverdale Avenue, 3C  
Yonkers, New York 10705

Law Firm

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 12, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

**RESOLUTION NO.130-2010**

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

WHEREAS, the City of Yonkers is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism, and service; and

WHEREAS, the City of Yonkers is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, the City of Yonkers is a community which chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift up fellow members of their community; and

WHEREAS, the City of Yonkers acknowledges the mission of the Extra Mile America Foundation to create 100 Extra Mile cities and states in America and is proud to support "Extra Mile Day" on November 1, 2010

NOW THEREFORE BE IT RESOLVED, the City of Yonkers hereby declares the week of November 1<sup>st</sup> through November 7<sup>th</sup> of 2010 to be "Extra Mile Week" in the City of Yonkers and urge each individual in the community to take time during this week to not only "go the extra mile" in his or her own life, but to also acknowledge all those around who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 12, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

**RESOLUTION NO.131-2010**

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

WHEREAS, the City of Yonkers is truly blessed and proud of its many diverse community groups who play an integral leadership role in preserving and displaying the rich history of each community represented in our beautiful mosaic of communities; and

WHEREAS, foremost among these groups is the Yonkers Columbus Day Celebration Committee who leads the efforts each year to highlight the extensive achievements and contributions of the Italian-American Community; and

WHEREAS, each year the Yonkers Columbus Day Celebration Committee hosts a series of events beginning in September, and culminating with the Columbus Day Parade to commemorate its proud heritage with all the residents of Yonkers; and

WHEREAS, these special events provide opportunities for the Committee to bestow well-deserved honors upon outstanding members of the Italian-American community who have selflessly given of their time, expertise and resources to promote the welfare and advancement of not only the Italian American community but also that of our beloved Yonkers; and

WHEREAS, this year the Yonkers Columbus Day Celebration Committee under the Chairmanship of JOHN RUBBO, has selected the following distinguished individuals as honorees for the 2010 Columbus Day festivities: NICHOLAS D'ANGELO- *Humanitarian*; ROBERT M. FERRITO-*Hall of Fame*; ARMANDO A. RAUSO- *Parade Grand Marshal*; and CHRISTINE LETSON - *Miss Columbus 2010*; and

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

**RESOLUTION NO.131-2010 (CONTINUED)**

NOW, THEREFORE, BE IT RESOLVED that the Members of the Yonkers City Council on behalf of all our residents offers its sincerest thanks to the officers of the Columbus Day Committee 2010 and to all members of the Yonkers Columbus Day Celebration Committee for their tremendous efforts given individually and collectively to make the Columbus Day festivities in Yonkers enjoyable and educational for everyone.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 12, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

RESOLUTION NO.132-2010

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

WHEREAS, St. Mary's Orthodox Church, located at 485 North Broadway in Yonkers will be holding its Annual Holiday Tag Sale on Saturday, November 13, 2010 and

WHEREAS, St. Mary's Orthodox Church has requested permission from the City Council to display their banner this event starting the week of October 18, 2010 until the day of the event in the following location:

1st Choice

Banner on Nepperhan Avenue and Odell Avenue

2nd Choice

Banner at Saw Mill River Road at the Intersection of Lockwood Avenue (before St. Bart's)

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to St. Mary's Orthodox Church to place a banner in the aforementioned locations, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, OCTOBER 12, 2010 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

**RESOLUTION NO.133-2010**

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

WHEREAS, St. John's Episcopal Church, 100 Underhill Street in the northeast section of Yonkers will hold their Annual Fall Harvest Fair on Saturday, November 6th, 2010 from 10:00 am to 3:00 pm, and St. John's has requested permission from the City Council to hang a banner promoting this event informing the public as to the details involved with the Fair, and

WHEREAS, St. John's Episcopal Church has asked for permission to place the promotional banner on the Northbound overpass across Central Park Avenue at Tuckahoe Rd. or at the overpass near Sadore Lane as space permits from October 23<sup>rd</sup> through November 6<sup>th</sup>, 2010; and to be removed as soon after November 6<sup>th</sup> as possible.

NOW, THEREFORE BE IT RESOLVED, the City Council of Yonkers hereby grants permission to St. John's Episcopal Church to place their banner at 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, OCTOBER 12, 2010 BY A VOTE OF 7-0.



**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 12, 2010**

**COMMITTEE REPORTS**

THIS MEETING WAS ADJOURNED AT 8:15PM