

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, SEPTEMBER 28, 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 September 15, 2010 approved on motion of Majority Leader Patricia McDow.

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RECEPTION OF PETITIONS

PETITIONER: ANDREW J. BALINT, ESQ.

PROPERTY: FERNCLIFF MANOR, INC.
 1154 SAW MILL RIVER ROAD

ZONE CHANGE: TEXT CHANGE – DEFINITION OF “DAY CARE
 CENTER”.

REFERRED TO PLANNING BOARD

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COMMUNICATIONS FROM CITY OFFICIALS

<u>NAME</u>	<u>ADDRESS</u>	ITEM
JAMES FAULKNER	YONKERS RESIDENT	3
MARGARET SETTERHOLM	YONKERS RESIDENT	3

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COMMUNICATIONS - GENERALLY

NONE

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COMMITTEE OF THE WHOLE

NO SPEAKERS

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OLD BUSINESS

SPECIAL ORDINANCE NO.39-2010

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

AN ORDINANCE AUTHORIZING AND PERMITTING THE PROPERTY OF 61 GIBSON PLACE. BLOCK 51 LOT (S) 11 TO MAKE A LONG HOUSE CONNECTION TO THE CITY'S SANITARY SYSTEM IN COURTER AVE. (NO EXPENSE TO THE CITY OF YONKERS).

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

Section 1. Permission is hereby granted to the property owner of 61 GIBSON PL., Block 51 Lot(s) 11 to make a long house sanitary sewer connection from said lot to a city sanitary sewer in Courter Ave. at his own cost and expense and in accordance with the plan submitted by STEVEN A. COSTA, P.E. # 64369 dated 12/29/2009, filed in the Plumbing Division, subject to the conditions of a Plumbing Permit to be secured from the Plumbing Division and a street opening permit to be secured from the City Engineer.

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

The granting of this permission shall, in no way, free or release the said owner, or his successors, from the payment of any assessments or benefits accruing to said lot by reason of the construction of any sanitary sewer already built, or that hereafter shall be built, to serve the area within which the lot herein referred to is located.

The cost of construction, maintenance and repairs of said long house connection shall be the responsibility of the owner of the building served by the long house connection.

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 28, 2010 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.40-2010

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

AN ORDINANCE AUTHORIZING AND PERMITTING THE PROPERTY OF 65 GIBSON PLACE. BLOCK 51 LOT (S) 13 TO MAKE A LONG HOUSE CONNECTION TO THE CITY'S SANITARY SYSTEM IN COURTER AVE. (NO EXPENSE TO THE CITY OF YONKERS).

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

Section 1. Permission is hereby granted to the property owner of 65 GIBSON PL., Block 51 Lot(s) 13 to make a long house sanitary sewer connection from said lot to a city sanitary sewer in Courter Ave. at his own cost and expense and in accordance with the plan submitted by STEVEN A. COSTA, P.E. # 64369 dated 12/29/2009, filed in the Plumbing Division, subject to the conditions of a Plumbing Permit to be secured from the Plumbing Division and a street opening permit to be secured from the City Engineer.

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

The granting of this permission shall, in no way, free or release the said owner, or his successors, from the payment of any assessments or benefits accruing to said lot by reason of the construction of any sanitary sewer already built, or that hereafter shall be built, to serve the area within which the lot herein referred to is located.

The cost of construction, maintenance and repairs of said long house connection shall be the responsibility of the owner of the building served by the long house connection.

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 28, 2010 BY A VOTE OF 7-0.

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NEW BUSINESS

LOCAL LAW NO.5-2010

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

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

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

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

ARTICLE VI

PUBLIC NUISANCE ABATEMENT

§75 – 22. Legislative findings.

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

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LOCAL LAW NO.5-2010 (CONTINUED)

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

§75 – 23. Definitions.

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

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

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

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

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

PUBLIC NUISANCE

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

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

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

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offense thereunder. Four Points.;

- (11) Section 175.10 of the penal Law (Falsifying Business Records) or a plea to a lesser included offense thereunder. Four Points.;
- (12) Sections 170.65 and 170.70 of the Penal Law (Forgery of and Illegal Possession of a Vehicle Identification Number) or a plea to a lesser included offense thereunder. Four Points.;
- (13) Possession, use, sale or offer for sale of any alcoholic beverage in violation of Article 18 of the Tax Law , or of any cigarette or tobacco products in violation of Article 20 of the Tax Law or a plea to a lesser included offense thereunder. Four Points.;
- (14) Article 178 of the Penal Law (Criminal Diversion of Prescription Medications and Prescriptions) or a plea to a lesser included offense thereunder. Four Points.
- (15) Section 147 of the Social Services Law. (Food Stamp Program Fraud.) or a plea to a lesser included offense thereunder. Four Points.;
- (16) Operating a business during hours which the business is required to be closed pursuant to Chapter 43 of the Code of the City of Yonkers, otherwise known as the Zoning Code: Four Points.

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

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§75-24. Remedies to abate public nuisances.

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

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

§75-25. Service of notice.

- A. Prior to the issuance of an order by the Commissioner, pursuant to this law, the Commissioner shall give notice and opportunity for a hearing to the owner, and any other person directly or indirectly in control of the premises wherein the public nuisance is being conducted, maintained or permitted. Such notice and opportunity to be heard may be given to a mortgagee of the premises. Such notice shall be served upon an owner or any other person directly or indirectly in control of the premises pursuant to Article 3 of the New York State Civil Practice Law and Rules, and upon a mortgagee by means of certified mail, return receipt requested, sent to the mortgagee's last known address, provided that any other service other than delivery to the person to be served shall be complete immediate upon delivery, mailing or posting without the necessity of filing proof of service with the clerk of the court.
- B. The notice specified in Subsection A of this section shall:
 - (1)Specify the activity creating the public nuisance;
 - (2) Provide 30 days for elimination for the public nuisance;

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

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

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

§75-26. Lack of Knowledge no defense.

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

§75-27. Issuance of order.

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

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LOCAL LAW NO.5-2010 (CONTINUED)

§75-28. Enforcement of order

- A. No sooner than five business days after the issuance of the order pursuant to Sections 75-25 and 75-28, and upon the directive of the Commissioner, officers of the Yonkers Police Department are authorized to act upon and enforce such order

- B. Where the Commissioner closes a premises pursuant to this law, such closing shall be for such period as the Commissioner may direct, but in no event shall the closing be for a period of greater than one year from the issuance of the order.

- C. Upon receiving a copy of the order issued by the Commissioner, pursuant to Sections 75-25 and 75-28, the Corporation Counsel shall maintain a special proceeding to affix a civil penalty in the amount of up to \$5,000, and to collect any costs and expenses incurred by the City of Yonkers, in commencing the proceeding, closing the premises and in relocating any occupants on the premises. The Corporation Counsel shall file a notice of pendency of the proceeding in the Westchester County Clerk's Office.

- D. The judgment in such proceeding, in favor of the City of Yonkers, shall establish the penalty sued for with costs and disbursements as a lien upon the premises, subject only to taxes, assessments, water rates, mortgages and mechanic's liens as they exist thereon.

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

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

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LOCAL LAW NO.5-2010 (CONTINUED)

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

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

§75-30. Closing not possession.

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

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

- A. It shall be a Class I offense for any person to use or occupy or to permit any other person to use or occupy, the premises or any portion thereof, ordered closed by the Commissioner.
- B. Mutilation or removal of a posted order of the Commissioner shall be a Class II offense.
- C. Intentional disobedience of or resistance to any provision of the order issued by the Commissioner, in addition to any other punishment prescribed by

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LOCAL LAW NO.5-2010 (CONTINUED)

law, shall be a Class II offense.

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

§75-32. Promulgation of rules and regulations.

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

§75-33. Administrative liability.

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

§75-34. Severability.

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

Section 2. This Local Law shall take effect immediately.

MOTION BY COUNCIL PRESIDENT LESNICK, SECONDED BY MAJORITY LEADER McDOW TO ADD A SUNSET PROVISION TO THE ABOVE LOCAL LAW FROM NOVEMBER 1, 2010 TO EXPIRE ON NOVEMBER 1, 2011. THIS MOTION WAS DEFEATED BY A ROLL CALL VOTE OF 4-3. MINORITY LEADER MURTAGH, COUNCILMEMBERS GRONOWSKI, SHEPHERD AND LARKIN VOTING "NAY".

MOTION BY COUNCIL PRESIDENT LESNICK, SECONDED BY MAJORITY LEADER McDOW TO ADD SUNSET PROVISION TO THE ABOVE LOCAL LAW FOR A PERIOD OF EIGHTEEN MONTHS. THIS MOTION WAS DEFEATED BY A ROLL CALL VOTE OF 4-3. MINORITY LEADER MURTAGH, COUNCILMEMBERS GRONOWSKI, SHEPHERD AND LARKIN VOTING "NAY".

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LOCAL LAW NO.5-2010 (CONTINUED)

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 28, 2010 BY A ROLL CALL VOTE OF 4-3. COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW AND COUNCILMEMBER TERRERO, VOTING "NAY".

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GENERAL ORDINANCE NO.4-2010

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

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

The City of Yonkers, in City Council convened, does hereby ordain and enact:

Section 1.General Ordinance No. 4-2000 and the accompanying map, also known as Chapter 43 of the Code of the City of Yonkers and more commonly known as the Zoning Code of the City of Yonkers, is hereby generally amended and revised in part as follows:

“Section 43-8 of the Code of the City of Yonkers entitled “Definition of Terms” is hereby amended in part by the addition of the following terms to be placed in alphabetical order within the section:

BLIGHT SITE: Any site or building that has been declared to be a substandard or insanitary area as defined under Urban Renewal Law, Article 15 Section 502(4), the inclusion of which is deemed necessary for the effective undertaking of one or more Urban Renewal Programs, or any building, structure or land that exerts a negative influence upon the surrounding properties as evidenced by a history of violations of City or State ordinances and codes relating to health and safety, building and fire code violations, persistent vacancy and violation of other City of Yonkers or State Codes and Ordinances related but not limited to property maintenance.

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

PERSISTENTLY VACANT BUILDING OR STRUCTURE: A persistently vacant building or structure shall be one that; (a)

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GENERAL ORDINANCE NO.4-2010

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

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

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

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

Section 3. This Ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 28, 2010 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.41-2010

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

AN ORDINANCE AUTHORIZING AND PERMITTING THE PROPERTY OF 18 PROSPECT TERRACE, BLOCK 106 LOT (S) 30 TO MAKE A LONG HOUSE CONNECTION TO THE CITY'S SANITARY SYSTEM IN VAN CORTLANDT PARK AVE. (NO EXPENSE TO THE CITY OF YONKERS).

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

Section 1. Permission is hereby granted to the property owner of 18 PROSPECT TERRACE, Block 106 Lot 30 to make a long house sanitary sewer connection from said lot to a city sanitary sewer in Van Cortlandt Park Ave. at his own cost and expense and in accordance with the plan submitted by MICHAEL G. CALVI P.E. # 57806 dated July 27,2010 filed in the Plumbing Division, subject to the conditions of a Plumbing Permit to be secured from the Plumbing Division and a street opening permit to be secured from the City Engineer.

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

The granting of this permission shall, in no way, free or release the said owner, or his successors, from the payment of any assessments or benefits accruing to said lot by reason of the construction of any sanitary sewer already built, or that hereafter shall be built, to serve the area within which the lot herein referred to is located.

The cost of construction, maintenance and repairs of said long house connection shall be the responsibility of the owner of the building served by the long house connection.

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SPECIAL ORDINANCE NO.41-2010 (CONTINUED)

Section 3. 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.122-2010

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

RESOLUTION APPROVING AN INTER-MUNICIPAL AGREEMENT BETWEEN THE CITY OF YONKERS AND THE COUNTY OF WESTCHESTER TO FORMALIZE OPERATIONAL PROCEDURES FOR MUTUAL AID AND RAPID RESPONSE PLAN.

WHEREAS, the County of Westchester and the Police Departments of the municipalities within Westchester County have executed a plan by which each member has agreed to make available its police personnel and equipment to the others upon the occurrence of a condition which is beyond the scope of its police resources; and

WHEREAS, the provisions of said agreement are governed by Section 209-m of the General Municipal Law of the State of New York, which provides that, absent agreement to the contrary, the municipality receiving police aid (the "Requesting Municipality") shall reimburse the municipality providing the aid (the "Assisting Municipality") for any money paid by it for police salaries and other expenses incurred by it including damage to or loss of equipment and supplies; and

WHEREAS, the County of Westchester now desires to have the City of Yonkers enter into the intermunicipal agreement pertaining to the Mutual Aid and Rapid Response Plan for the Police Department of Westchester County;

NOW, THEREFORE, BE IT RESOLVED, that the intermunicipal agreement between the County of Westchester and the City of Yonkers is hereby approved and the Mayor or his designee be and the same is authorized to execute said agreement; and be it further,

RESOLVED, that this resolution will take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 28, 2010 BY A VOTE OF 7-0.

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RESOLUTION NO.123-2010

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

WHEREAS, the Civil Service of the State of New York State and each of its civil divisions is comprised of the classified and unclassified service; and

WHEREAS, Section 35, subsections (a) through (k) of the New York State Civil Service Law delineate those positions which are included within the unclassified service; and

WHEREAS, subsection (c) specifies that "all officers and employees of the state legislature, and all officers and employees of any other legislative body whose principal functions and duties are directly related to the performance of the legislative functions of such body" shall be included within the unclassified service; and

WHEREAS, subsection (c) takes into consideration the nature and special needs of legislative bodies and the legislative process and, thereby, appropriately places officers and employees of both state and local legislative bodies within the unclassified service of civil service; and

WHEREAS, these same special needs also exist within the executive branch of local governments and, as such, require that executive branch officers and employees not only have the necessary and appropriate abilities and skill-sets but also have a number of other required traits --- including, but not limited to, trust, loyalty, confidentiality and good judgment --- that do not lend themselves to testing; and

WHEREAS, while Section 35 of the New York State Civil Service places officers and employees of legislative bodies and members of various other groups into the unclassified service, executive branch officers and employees whose principal functions and duties are directly related to the performance of the executive functions of its respective Mayor or Supervisor have been omitted; and now

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, SEPTEMBER 28, 2010

RESOLUTION NO.123-2010 (CONTINUED)

THEREFORE BE IT RESOLVED, that the City Council requests the introduction and passage of State legislation amending Section 35 of the New York State Civil Service Law by adding a new subsection, subsection (l), so as to include all officers and employees of any municipality whose principal functions and duties are directly related to the performance of the executive functions of its respective municipal Mayor or Supervisor within the unclassified service; and be it further

RESOLVED, that the City Council requests that Governor David Paterson, upon his review and determination, sign into law legislation that addresses the inequity in Section 35 of the New York State Civil Service Law; and be it further

RESOLVED, that the Yonkers City Clerk be and hereby is authorized and directed to forward a duly certified copy of this Resolution to Governor David Paterson, Temporary President of the Senate Malcolm A. Smith, Senate Majority Leader Pedro Espada, Jr., Assembly Speaker Sheldon Silver, Senate Civil Service Committee Chair Diane Savino, Assembly Civil Service Government Employees Committee Chair Peter Abbate, Jr., and all members of Yonkers' State Delegation; 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, SEPTEMBER 28, 2010 BY A ROLL CALL VOTE OF 6-1. COUNCILMEMBER GRONOWSKI VOTING "NAY".

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, SEPTEMBER 28, 2010

RESOLUTION NO.124-2010

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

NOW, THEREFORE BE IT RESOLVED, that the Yonkers City Council hereby gives its approval and consent to the reappointment of Donna Giambrone Ingram of Yonkers, New York as a Member of the Landmarks Preservation Board for the three-year term that began on March 20, 2010 and that will expire on March 19, 2013.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 28, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, SEPTEMBER 28, 2010

RESOLUTION NO.125-2010

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

BE IT RESOLVED that the Yonkers City Council hereby gives its approval and consent to the appointment of Robert Yedowitz, a Yonkers resident, to the Landmarks Preservation Board for a three -year term to expire three years after the effective date of this Resolution.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 28, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, SEPTEMBER 28, 2010

RESOLUTION NO.126-2010

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

WHEREAS, Nepera Park-Grey Oaks Neighborhood Association of Yonkers will be holding its annual "Flea Market/Tag Sale" on Saturday, November 13, 2010 to benefit both St. Mark's and St. Anthony's Church, and has requested permission from the City Council to place a banner in the area promoting this event; and

WHEREAS, Nepera Park-Grey Oaks Neighborhood Association has asked that they be permitted to place one (1) banner closest to the intersection of Odell and Nepperhan Ave., on or around October 4, 2010 and to be removed as soon after November 13, 2010 as is possible; and

WHEREAS, said location is subject to the scheduling and availability of the banner site as administered by the Department of Public Works.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to Nepera Park-Grey Oaks Neighborhood Association to place one banner in the aforementioned location, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 28, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, SEPTEMBER 28, 2010

COMMITTEE REPORTS

THIS COUNCIL MEETING WAS ADJOURNED AT 8:51PM