

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

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

TIME: 8:24PM

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 June 8, 2010 approved on motion of Majority Leader Patricia McDow.

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OLD BUSINESS

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COMMUNICATIONS FROM CITY OFFICIALS

1. A MEMO FROM THE YONKERS POLICE DEPARTMENT DATED MAY 28, 2010, RE; NOTICE OF A GRANT INCREASE FOR THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$112,164.00. COPIES ON DESKS

FILED

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COMMUNICATIONS - GENERALLY

1. A LETTER DATED JUNE 9, 2010 FROM GOVERNOR PATTERSON ACKNOWLEDGING RECEIPT OF RESOLUTION 73-2010 WHICH WAS RECENTLY ADOPTED BY THE CITY COUNCIL. COPIES ON DESKS

FILED

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COMMITTEE OF THE WHOLE

<u>NAME</u>	<u>ADDRESS</u>	<u>ITEM NO.</u>
Elizabeth Grey Tardo	30 Robert Lane	Budget

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OLD BUSINESS

RESOLUTION NO.87-2010

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

RESOLUTION TO APPROVE THE SPECIAL USE PERMIT FOR A LIVE-WORK BUILDING KNOWN AS 54 AKA 56 WARBURTON AVENUE, BLOCK 2017, LOTS 3, 5, 6, 7, 8, AND 20-24 PURSUANT TO ARTICLE VII OF CHAPTER 43 OF THE YONKERS CITY CODE.

WHEREAS, the owner of the property located at 54 AKA 56 Warburton Avenue, more properly known as Block 2017, Lots 3,5,6,7,8, and 20 - 24 on the Tax Assessment Map of the City of Yonkers has submitted an application seeking review and approval of a Site Plan and the review and granting of a Special Use Permit for a Live-Work Building at the aforementioned site; and

WHEREAS, on May 19, 2010, after due consideration and in accordance with Article VII and Article IX of the Code of the City of Yonkers, the Planning Board approved the Site Plan and granted the Special Use Permit; and

WHEREAS, pursuant to Chapter 43, Section 43-55 of the Code of the City of Yonkers, the Planning Board's decision to grant the Special Use Permit was referred to the City Council for review and approval; and

WHEREAS, after due consideration, it is in the best interest of the City to approve the Planning Board's decision to grant the Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Yonkers, in meeting assembled, hereby approves the Planning Board's decision to grant the Special Use Permit for a Live Work Building located at 54 AKA 56 Warburton Avenue, more properly known as Block 2017, Lots 3,5,7,8 and 20-24 on the Tax Assessment Map of the City of Yonkers; 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, JUNE 22, 2010 BY A VOTE OF 7-0.

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RESOLUTION NO.88-2010

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

RESOLUTION TO APPROVE THE DECISION OF THE YONKERS PLANNING BOARD TO GRANT A SPECIAL USE PERMIT TO PROVIDE FOR ALTERNATE METHOD OF PARKING AND TO ACCEPT A CASH PAYMENT TO THE CITY OF YONKERS PARKING RESERVE FUND FOR A FEE IN LIEU OF PARKING FOR A PROPOSED LIVE-WORK BUILDING KNOWN AS 54 AKA 56 WARBURTON AVENUE, BLOCK 2017, LOTS 3, 5, 6, 7, 8, AND 20-24 PURSUANT TO RELEVANT SECTIONS OF CHAPTER 43 OF THE YONKERS CITY CODE.

WHEREAS, the owner of the property located at 54 AKA 56 Warburton Avenue, more properly known as Block 2017, Lots 3, 5, 6, 7, 8 and 20-24 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 at the aforementioned site to the Planning Board which was approved by the Planning Board in accordance with Article VII, §43-78 (C) and Article IX of the Zoning Code of the City of Yonkers; and

WHEREAS, the proposed development of the Live-Work building is intended to help revitalize and improve the overall character and vitality of the Warburton Avenue corridor, to make traffic and parking improvements, to encourage orderly development, and to improve the physical appearance and function of the area while encouraging public and private investment that is consistent with the sustainability goals and aspirations of the community; and

WHEREAS, the applicant is seeking the approval of a special use permit for an alternate method of providing parking with the payment of a one time fee in lieu of parking in accordance with §43-132 of the Zoning Code; this request is submitted to this Council after having been reviewed, considered and approved by the Planning Board; and

WHEREAS, the proposed Live-Work building is located adjacent to the core urban area of the City where adequate public transportation exists, including access to the Bee Line bus system and the Metro North Commuter Railroad; and

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RESOLUTION NO.88-2010 (CONTINUED)

WHEREAS, the proposed project includes 105 dwelling units of affordable live-work rental apartments, to be developed in two phases; Phase I will include the development of 95 new units and Phase II, located in the Philipse Manor Historic District, will restore the existing buildings to include 10 residential units and maintain the approximate 10,000 square feet of on-site retail space; and

WHEREAS, the project will provide one parking space per dwelling unit, or 105 spaces, consistent with the Zoning Code, with seven of those spaces on site and the remaining 98 spaces constructed in a proposed public parking facility to be erected on the western side of Warburton Avenue, directly across from the project; and

WHEREAS, the City Council's approval of the fee in lieu of parking, and the construction of the proposed public parking facility, will contribute to the orderly development of the area of Warburton Avenue and allow for the development of the specific live-work site; and

WHEREAS, pursuant to Section 43-132 of the Zoning Code, the Planning Board has set the fee in lieu of parking to be not less than \$25,000 and not more than \$30,000 per parking space, which is in line with expected costs for the construction of structured parking in Yonkers; and

WHEREAS, the City Council of the City of Yonkers, after due consideration of the records of the Planning Board, and other factors such as the proximity of access to the Metro North Commuter Railroad, and the additional off-street parking offered by the proposed public parking facility, finds that approving, subject to the conditions set forth below, the granting of the Special Use Permit for the alternative method of providing parking by accepting a fee in lieu of parking for the proposed Live-Work building is in the best interest of the City of Yonkers.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled, that the Planning Board's approval of the proposed Special Use Permit for alternate methods of providing parking by accepting the payment of a fee in lieu of parking for Block 2017, Lots 3, 5, 6, 7, 8, and 20-24 on the Tax Assessment Map of the City of Yonkers, on the property known as 54 AKA 56 Warburton Avenue, Yonkers, New York, is hereby approved and granted, subject to the conditions set forth below; and be it further

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RESOLUTION NO.88-2010 (CONTINUED)

RESOLVED, that, notwithstanding Sections 43-132(B)(1) and 43-133(A)(2) of the Zoning Code, this approval and the acceptance of the fee in lieu of parking is expressly conditioned upon the committed project financing for public parking facility contemplated by SEQRA and variance and acceptable to corporation counsel or parking agreements consistent with SEQRA and variance and acceptable to corporation counsel; provided said corporation counsel approval is obtained by December 31, 2010 and; be it further

RESOLVED, that the Mayor, or his designee, is hereby authorized to enter into an agreement, subject to the approval of the Corporation Counsel, setting forth and memorializing the obligations pertaining to and required by this approval; and be it further

RESOLVED, that all of the conclusions, findings and conditions of the May 19, 2010, Planning Board Resolution regarding the proposed payment fee in lieu of parking which are referred to herein are hereby referenced to and made a part hereof; and be it further

RESOLVED, that this Resolution shall take effect immediately.

A FRIENDLY AMENDMENT WAS PROPOSED BY MAJORITY LEADER McDOW, SECONDED BY COUNCIL PRESIDENT LESNICK TO AMEND PARAGRAPH ONE ABOVE. THIS MOTION WAS CARRIED UNANIMOUSLY.

THIS RESOLUTION WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE OF 7-0.

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NEW BUSINESS

LOCAL LAW

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

A LOCAL LAW IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 105 OF THE LAWS OF 2010, PART A, RELATING TO PROVIDING A RETIREMENT INCENTIVE PROGRAM FOR CERTAIN PUBLIC EMPLOYEES IN THE CITY OF YONKERS.

WHEREAS, the New York State Legislature recently enacted Chapter 105 of the Laws of 2010 which makes a Retirement Incentive Program available to local governments, public authorities and community colleges; and

WHEREAS, the purpose of this legislation seeks to establish a temporary retirement incentive to assist in streamlining the workforce while also achieving a cost savings; and

WHEREAS, this legislation permits employers that participate in the New York State and Local Employees Retirement System, if they so elect before September 1, 2010, to provide special retirement incentive benefits to regular retirement plan members who are at least age 50 on the effective date of retirement with at least 10 years of service credit, or at least age 55 with at least 5 years service credit, not including incentive service or otherwise eligible to retire; and

WHEREAS, the eligible employee must have been on the City's payroll as of February 1, 2010 and continue in active service to the first day of the City's open period; and

WHEREAS, eligibility for the retirement incentive would be first determined on the basis of seniority and eligible employees who intend to participate in the incentive program are required to provide written notice to the City twenty-one (21) days prior to the end of the open period; and

WHEREAS, the City Council of the City of Yonkers hereby decides it is in the best interest of the City of Yonkers to participate in this Retirement incentive Program;

NOW, THEREFORE, BE IT ENACTED, by the City Council of the City of Yonkers as follows:

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LOCAL LAW (CONTINUED)

Section 1. The City of Yonkers, by City Council convened, does hereby elect to participate in the Retirement Incentive Program as described in Section 105 of the Laws of 2010 for those employees of the City of Yonkers who are members of the New York State and Local Employees Retirement System and who are at least age 50 with at least 10 years of service credit, or at least age 55 with at least 5 years service credit, not including incentive credit. The commencement date of the Retirement Incentive Program shall be July 15, 2010. The open period, during which eligible employees may retire and receive the additional retirement benefits, shall be forty-five (45) days in length. The Retirement Incentive Program will be open to all eligible employees from July 15, 2010 until August 30, 2010, a forty-five day period.

Section 2. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of New York State and Local Employees' Retirement System, and it shall be paid by the City of Yonkers for each employee who receives the retirement benefits payable under this local law.

Section 3. This local law shall take effect immediately.

THE ABOVE LOCAL LAW WAS SENT BACK TO THE BUDGET COMMITTEE.

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LOCAL LAW

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

A LOCAL LAW IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 105 OF THE LAWS OF 2010, PART B, RELATING TO PROVIDING A RETIREMENT INCENTIVE PROGRAM FOR CERTAIN PUBLIC EMPLOYEES IN THE CITY OF YONKERS.

WHEREAS, the New York State Legislature recently enacted Chapter 105 of the Laws of 2010 which makes a Retirement Incentive Program available to local governments, public authorities and community colleges; and

WHEREAS, the purpose of this legislation seeks to establish a temporary retirement incentive to assist in streamlining the workforce while also achieving a cost savings; and

WHEREAS, this legislation permits employers that participate in the New York State and Local Employees Retirement System, if they so elect before September 1, 2010, to provide special retirement incentive benefits to their regular retirement plan members who are at least age 55 with at least 25 years service credit; and

WHEREAS, the City Council of the City of Yonkers hereby decides it is in the best interest of the City of Yonkers to participate in this Retirement incentive Program;

NOW, THEREFORE, BE IT ENACTED, by the City Council of the City of Yonkers as follows:

Section 1. The City of Yonkers, by City Council convened, does hereby elect to participate in the Retirement Incentive Program as described in Section 105 of the Laws of 2010 for those employees of the City of Yonkers who are members of the New York State and Local Employees Retirement System and who are at least age 55 with at least 25 years service credit. The commencement date of the Retirement Incentive Program shall be October 1, 2010. The open period, during which eligible employees may retire and receive the additional retirement benefits, shall be ninety (90) days in length. Retirement Incentive Program will be open to all eligible employees from October 1, 2010 until December 29, 2010, a ninety day period.

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LOCAL LAW (CONTINUED)

Section 2. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of New York State and Local Employees' Retirement System, and it shall be paid by the City of Yonkers for each employee who receives the retirement benefits payable under this local law.

Section 3. This local law shall take effect immediately.

THE ABOVE LOCAL LAW WAS SENT BACK TO THE BUDGET COMMITTEE.

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GENERAL ORDINANCE

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

A GENERAL ORDINANCE AMENDING THE CODE OF THE CITY OF YONKERS BY ADDING TO THE CODE OF THE CITY OF YONKERS, CHAPTER 43 , ARTICLE XVIII "STEEP SLOPES" IN REFERENCE TO ZONING STEEP SLOPES CONSERVATION LAW

43-219 - Findings, Purpose and Intent

A. A fundamental responsibility of the City Council and the Planning Board is protection of the people and the land within the borders of the City. The topography of Yonkers is hilly and characterized by steep slopes and rocky outcroppings. Construction on such terrain has the inherent risk of causing damage to the ecology.

B. In the past, the inability to build on such sites created a natural form of protection. Recent developments in the technology of construction and the growth in the population have now exposed more sensitive sites to development and, consequently, increased the potential risk to the environment. In addition, the growth in the City's population has made these sites more desirable.

C. Steep slopes are environmentally sensitive areas and a valued natural resource. The City Council recognizes the need to protect these areas from any adverse effects of disturbance in order to ensure the public health, safety and general welfare

D. Steep Slopes including the vegetation and rock outcroppings located thereon, are important environmental features that contribute significantly to the unique visual impression one forms when traveling through the City of Yonkers.

E. Areas of Steep Slopes that are highly visible from roadways, walkways, sidewalks other public places as well as from adjacent and nearby properties are particularly important in maintaining the aesthetic character of the City of Yonkers.

F. Overdevelopment of or improperly managed disturbance to these areas is detrimental to the visual character of City of Yonkers.

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GENERAL ORDINANCE (CONTINUED)

G. It is in the public interest to regulate, preserve, protect and conserve steep slopes so as to maintain and protect the natural terrain and its vegetative features, prevent flooding, protect important scenic views and vistas, preserve areas of wildlife habitat, provide safe building sites and protect the subject property and adjoining properties by preventing erosion, creep and sudden slope failure.

H. The intent of this chapter is twofold: i) to protect and preserve steep slopes to the greatest extent practicable and ii) to regulate their use by minimizing the deleterious effects of development on steep slopes to adjacent and nearby properties.

43-220 Definitions

SLOPE

The ratio of vertical to horizontal distance.

STEEP SLOPE(S)

Ground area(s) of at least 1,000 square feet with a slope of 15% or more, as measured in accordance with THE FOLLOWING CRITERIA:

43-221 Determination of Steep Slope

Slope is to be determined from on-site topographic surveys prepared with a two-foot contour interval. The vertical rise is to be measured, on the basis of two-foot contours, in a ten-foot horizontal length.

43-222 Applicability

Any lot that contains a steep slope or any activity that would create a steep slope on any lot shall be subject to the provisions of this chapter. Notwithstanding the foregoing any activity that is undertaken in accordance with a duly issued building permit that results in the creation of a steep slope on a temporary basis will not be subject to the provisions of this chapter provided that the resulting steep slope does not exist beyond the expiration of the permit or for a period of ninety (90) days whichever occurs first.

43-223 Restrictions on Disturbing Existing Steep Slopes

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GENERAL ORDINANCE (CONTINUED)

A. For any lot that contains a slope in excess of 15% but not greater than 25%, not more than a total of 35% of such steep slope shall be:

- (1) Developed;
- (2) Paved;
- (3) Regraded; or
- (4) Stripped of vegetation

B. For any lot that contains a slope in excess of 25%, not more than a total of 25% of such steep slope shall be:

- (1) Developed;
- (2) Paved;
- (3) Regraded; or
- (4) Stripped of vegetation

C. In no event will the activities described in sections 43-223(A)(1-4) and (B)(1-4) be allowed without the implementation of appropriate measures to prevent an increase in storm water runoff and erosion.

43-224 Requirements for Steep Slopes created

If the proposed activity for which application is being made or approval is being sought would create a steep slope, or a steep slope is created by any activity, such steep slope shall be subject to the restrictions of sections 43-223 (C) above.

43-225 Building Permit Application Requirements

A. Applications for building permits on lots that contain or are proposed to contain a steep slope shall include the following information in addition to any other information required by this chapter or by the Building Commissioner:

- (1) A detailed site plan of the property showing, at a scale of not less than 10 feet equals one inch, the applicant's entire property, the adjacent properties, and existing and proposed adjacent streets and showing the following information:

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GENERAL ORDINANCE (CONTINUED)

(a) The location of all existing and proposed structures and paved surfaces on the applicant's property and any existing septic systems and wells on such property;

(b) The location of the proposed area of disturbance on the applicant's property and its distance and height in relation to abutting properties' structures, roads;

(c) The location on the applicant's property of all existing watercourses, wetlands, marshes, wooded areas, rock outcrops, single trees with a diameter of eight inches DBH or more measured three feet above the base of the trunk, and all other significant existing land features; and

(d) The existing grades on the applicant's property with contour lines at two-foot intervals and proposed grades within the area of the proposed construction or alteration.

(2) A landscaping plan for the applicant's property, indicating proposed paved areas, storm drainage facilities, retaining walls and ground cover, as well as the location of trees and ornamental shrubs.

(3) Architectural plans, elevations and sections of the structures and related improvements.

(4) A statement prepared by a licensed architect, registered landscape architect or engineer describing:

(a) The methods to be used to ensure that there will be no increase in the water runoff from the subject property to all adjacent properties and any other property that would be naturally affected by increased water runoff; and

(b) The methods used to minimize the impact of changes in views, viewsheds and topography on adjacent and nearby properties through landscaping, retaining walls and terracing of gardens.

(5) A plan submitted under the seal of a licensed professional engineer showing and certifying the following:

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GENERAL ORDINANCE (CONTINUED)

(a) All existing and proposed natural and artificial retainage structures and drainage courses and other features for the control of storm water runoff and erosion.

(b) The calculated volume of water runoff from the slope(s) and from the lot in question, as unimproved.

(c) The calculated volume of water runoff from the slope(s) and from the lot in question, as improved.

(d) The existence, location and capacity of all natural and artificial drainage courses and facilities within 500 feet of the lot which are or will be used to carry or contain the water runoff from the slope(s) and the lot.

43-226. Application Review, Issuance of Building Permit, Denial

The application shall be reviewed by the Building Commissioner who shall determine whether the application is complete and includes all information and submissions required by this section. If the Building Commissioner determines that the application is complete, (s)he shall review it and upon compliance with all of the applicable provisions contained herein shall issue a building permit and impose such conditions as shall be reasonable under the circumstances. In the event that the application does not comply with the applicable provisions contained herein the Building Commissioner shall issue a written denial of the Building Permit Application stating with particularity the reason for the denial and reciting the relevant sections of the code that for the basis for the denial.

43-227 Appeal of Decision of Building Commissioner. In the event of a denial of a Building permit application the applicant may appeal the same to the Zoning Board of Appeals within thirty (30) days of the date of the written denial from the Building Commissioner.

43-228 Notice and Public Hearing

The party seeking an Appeal of the Building Commissioner's decision shall submit a written affidavit confirming that all adjacent property owners have been notified of the steep slope application and of the Zoning Board meeting at which it will be considered. Notice shall be provided in accordance with this chapter.

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GENERAL ORDINANCE (CONTINUED)

43-229 Special Hardship Exception

The Zoning Board may grant a special hardship exception to an applicant who cannot meet the requirements of Section of this chapter, provided that the applicant demonstrates that:

- A. The lot cannot be developed without disturbing more than the percentage limits in §43-224;
- B. The proposed construction/disturbance is not contrary to the objectives of this chapter;
- C. The steep slope area or areas will be disturbed to the minimum extent possible.
- D. The proposed mitigation measures will prevent, to the maximum extent practical, the adverse effect of any disturbance of the steep slope area on the environment and any neighboring properties.
- E. The requirements of Section §224 of this chapter are met.

43-230 Time to render a decision

The Zoning Board shall review the application and all information and submissions and, within 60 days of the close of the hearing on the application, shall approve, approve with conditions or deny the application.

43-231 Appeal of Decision of ZBA

A proceeding pursuant to Article 78 of the NYCPLR will be the only method to appeal a decision of the ZBA.

THE ABOVE GENERAL ORDINANCE WAS REFERRED TO THE WESTCHESTER COUNTY PLANNING BOARD AND THE YONKERS PLANNING BOARD.

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SPECIAL ORDINANCE NO.26-2010

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

A SPECIAL ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT REMOVING LOT 14 AT BLOCK 6342 (28 KETTEL AVE., YONKERS, NEW YORK), FROM THE 2010 TAX LIEN SALE, AND ESTABLISHING A PAYMENT SCHEDULE TO PAY BACK TAXES IN INSTALLMENTS (A COPY OF THE AGREEMENT IS ATTACHED HERETO AND MADE A PART HEREOF).

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

Section 1. The Mayor is hereby authorized to enter into an agreement removing Lot 14 in Block 6342 (28 Kettel Ave, Yonkers, New York), from the City's 2010 Tax Lien Sale, and establishing a payment schedule to pay back taxes in installments due thereon (a copy of the agreement is attached hereto and made a part hereof).

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

SPECIAL ORDINANCE NO.27-2010

7. 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 35 DOCK STREET, THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Cablevision, in a communication forwarded to the City Engineer, 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 and no more than 125 linear feet and to install a new conduit and related services at the 35 Dock Street, Yonkers, N.Y. in accordance with Drawing Number L10-WW-0036; 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 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 and no more than 125 linear feet to install a new conduit and related services at the 35 Dock Street, Yonkers, N.Y.

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

SPECIAL ORDINANCE NO.28-2010

8. 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 BRONX RIVER PARKWAY AT READ AVENUE, THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Cablevision, in a communication forwarded to the City Engineer, 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 and no more than 390 linear feet and to install a new conduit and related services at the Bronx River Parkway at Read Avenue, Yonkers, N.Y. in accordance with Drawing Number 0738SPO1 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 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 and no more than 390 linear feet to install a new conduit and related services at the Bronx River Parkway at Read Avenue, Yonkers, N.Y.

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION NO.89-2010

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

WHEREAS, the owner of the property located at 487-493 Central Park Avenue, more properly known as Block 6117 Lot 9 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 convenience store in conjunction with an automobile service station 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 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 KEVIN HUGHES, as the property owner, for a Site Plan Review and Special Use Permit, for the operation of a convenience store in conjunction with an automobile service station at Block 6117, Lot 9 on the Tax Assessment Map of the City of Yonkers, on the property known as 487-493 Central Park Avenue, 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) All improvements made to this site and all conditions imposed by the Planning Board, including the resolution relating to the site plan and special use permit, shall remain in full force and effect as long as the site remains occupied; and (2) The applicant must submit 4 full sized sets of drawings reflecting the Planning Board's approval by March 16, 2010; and (3) Pursuant to the Zoning Board of Appeals conditions and by the Planning Board resolution, the convenience store can only operate between the hours of 7:00 a.m. and 11:00 p.m. and the motorcycle repair shop can only operate between the hours of 7:00 a.m. and 7:00 p.m.; and (4) No signage shall

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION NO.89-2010 (CONTINUED)

be permitted on this site that has not been expressly approved by the Planning Board as part of the site plan approval, and signage required by law is exempt from this condition; and (5) Flags, banners, pennants and the like are expressly prohibited from display on this site; and (6) Outdoor merchandise display racks in the front of the convenience store shall be prohibited; and (7) The existing parking lot must be graded to prevent storm water runoff from flowing onto the adjacent properties or the City right of way before a certificate of occupancy is issued; (8) The existing roof drains that protrude through the curb and into Loring Avenue must be removed before a certificate of occupancy is issued; and (9) the badly cracked concrete sidewalk on the south west corner of Loring Avenue and Central Park Avenue must be replaced before a certificate of occupancy is issued. All of the conclusions, findings and conditions of the March 4, 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, JUNE 22, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION NO.90-2010

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

WHEREAS, the owner of the property located at 574 Tuckahoe Road, more properly known as Block 5530, Lot 650 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 convenience store in conjunction with an automobile service station 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 MOTIVA ENTERPRISES INC., as the property owner, for a Site Plan Review and Special Use Permit, for the operation of a convenience store in conjunction with an automobile service station at Block 5530, Lot 650 on the Tax Assessment Map of the City of Yonkers, on the property known as 574 Tuckahoe 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) All improvements made to this site and all conditions imposed by the Planning Board, including the resolution relating to the site plan and special use permit, shall remain in full force and effect as long as the site remains occupied; and (2) No signage shall be permitted on this site that has not been expressly approved by the Planning Board as part of the site plan approval, and signage required by law is exempt from this condition; and (3) Outdoor merchandise display racks in the front of the convenience store shall be prohibited; and (4) All operations of the convenience store and gas station shall be closed between the hours of midnight and 6:00 A.M.. All of the conclusions, findings and conditions of the March 4, 2010, Planning Board resolution are hereby referenced to and made a part hereof; and be it further

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION NO.90-2010 (CONTINUED)

RESOLVED, that this Resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A
STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE
OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION NO.91-2010

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

WHEREAS, the City of Yonkers currently enforces its laws and ordinances by means of criminal proceedings commenced in the City Court of Yonkers; and

WHEREAS, the City Court calendar of the City of Yonkers has become overburdened with the prosecution of minor city code and ordinance violations and seeks to facilitate and improve the enforcement of City Code and Ordinance violations; and

WHEREAS, the City of Yonkers wishes to improve its efficiency and expand its authority by enforcing its laws in an administrative setting and additionally free up the Court calendar for more serious cases; and

WHEREAS, in order to achieve this result, it is necessary to amend the Laws of the State of New York to allow the City of Yonkers to create a bureau for the administrative adjudication of the code and ordinances of the City of Yonkers, similar to other cities like the City of Buffalo; and

WHEREAS, legislation allowing the City of Yonkers to form an Administrative Adjudication Bureau has been drafted; and

WHEREAS, Assemblyman Gary Pretlow has introduced Assembly Bill No.AO2680 into the New York State Assembly and State Senator Andrea Stewart-cousins has introduced Senate Bill No.SO6697 into the New York State Senate for the purpose of creating an Administrative Adjudication Bureau in the City of Yonkers.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Yonkers hereby issues this Home Rule Request Message for Assembly Bill No. A02680 and Senate Bill No. SO6697 for the creation of an Administrative Adjudication Bureau in the City of Yonkers; and

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CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION NO.91-2010 (CONTINUED)

BE IT FURTHER RESOLVED, that the City Council of the City of Yonkers hereby requests the City Clerk to forward a copy of this Home Rule Request Message to the Legislature of the State of New York requesting the passage of the aforesaid bill.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 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, JUNE 22, 2010

RESOLUTION NO.92-2010

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

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

That the settlement by the Corporation Counsel in the amount of SEVEN HUNDRED FORTY-FIVE DOLLARS (\$745.00) of the action entitled, "Emmanuel Arezeiga, residing at 294 Prescott St., Yonkers, NY, 10701, claimant, against THE CITY OF YONKERS", for vehicle damage arising out of an alleged incident alleging that a City of Yonkers fire truck struck claimant's 2006 Mercury Grand Marquis while it was parked on Saw Mill River Road on April 20, 2010, 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 SEVEN HUNDRED FORTY-FIVE DOLLARS (\$745.00) in favor of said claimant, Emmanuel Arezeiga.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION NO.93-2010

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

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

That the settlement by the Corporation Counsel in the amount of THREE THOUSAND FOUR HUNDRED TWENTY THREE AND 35/100 DOLLARS (\$3,423.35) of the action entitled, AIG INSURANCE A/S/O "MIAH HEDGEPEETH plaintiff against THE CITY OF YONKERS, Defendants", for property damages arising out of an incident that allegedly occurred on November 26, 2007 when a City sanitation truck struck her vehicle near Lawton Street and Hancock Street, 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 THREE THOUSAND FOUR HUNDRED TWENTY THREE AND 35/100 DOLLARS (\$3,423.35) in favor of said plaintiff.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION NO.94-2010

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

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

That the settlement by the Corporation Counsel in the amount of ninety-five thousand dollars (\$95,000.00) of the action entitled, "Sedgewick T. Robinson, (residing at 300 Palisade Avenue, Yonkers, New York 10701) plaintiff against William T. Mannix,, the City of Yonkers and the City of Yonkers Public Works Department, Defendants", for personal injuries and medical expenses arising out of an alleged accident that occurred on February 21, 2006, at St. Joseph's Avenue and Loehr Place, in the City of Yonkers. be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of ninety-five thousand dollars (\$95,000.00) in favor of said plaintiff and his attorneys DeAngelis & Hafiz, 22 West First Street, Suite 407, Mount Vernon, New York 10550.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE OF 7-0.

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CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION NO.95-2010

15. 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 advice and consent to the appointment of Erich Barnes, to the Yonkers Board of Parks, Recreation and Conservation for a term to begin on January 1, 2010 and to end on December 31, 2012.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE OF 7-0.

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CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION NO.96-2010

16. 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 advice and consent to the appointment of Geraldine A. Esposito, to the Yonkers Board of Parks, Recreation and Conservation for a term to begin on January 1, 2008 and to end on December 31, 2010.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION NO.97-2010

17. 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 advice and consent to the appointment of Jason R. Wilson, to the Yonkers Board of Parks, Recreation and Conservation for a term to begin on January 1, 2009 and to end on December 31, 2011.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE OF 7-0.

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CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION NO.98-2010

18. 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 advice and consent to the re-appointment of Herbert Blum, to the Yonkers Board of Parks, Recreation and Conservation for a term beginning on January 1, 2009 and ending on December 31, 2011.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION NO.99-2010

99. 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 advice and consent to the re-appointment of Joseph Greco, to the Yonkers Board of Parks, Recreation and Conservation for a term to begin on January 1, 2008 and to end on December 31, 2010.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE OF 7-0.

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CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION NO.100-2010

20. 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 advice and consent to the reappointment of Orest Kozicky, to the Yonkers Parks, Recreation and Conservation Board , for a term to begin on January 1, 2008 and to end on December 31, 2010.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE OF 7-0.

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CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION NO.101-2010

21. 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 advice and consent to the re-appointment of Stephen Trusa, to the Yonkers Board of Parks, Recreation and Conservation for a term to begin on January 1, 2009 and to end on December 31, 2011.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION

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

RESOLUTION OF THE CITY COUNCIL APPROVING A
SUPPLEMENTAL PARKING PERMIT OF USE AND OPERATING
AGREEMENT BETWEEN THE CITY OF YONKERS AND THE
YONKERS PARKING AUTHORITY

WHEREAS, the City and the Authority entered into an Agreement dated as of December 14, 1964 (the "Master Agreement"), pursuant to which a program for an expanded, permanent, coordinated system of public parking facilities in the City was implemented, and a list of such public parking facilities then-existing was included as an exhibit to the Master Agreement (collectively, the "Original Parking Facilities"); and

WHEREAS, the City and the Authority have also entered into a Cooperation Agreement dated November 1, 1978, as amended by the Amendatory Cooperation Agreement dated December 18, 1979 (as so amended, the "Cooperation Agreement"), pursuant to which the Authority operates and maintains a public parking facility known as the Governmental Center Garage (the "Governmental Center Garage"); and

WHEREAS, the City and the Authority have also entered into a Parking Garage Permit of Use, Conveyance and Operating Agreement approved by the City Council of the City on June 24, 2003 (the "2003 Agreement," and together with the Master Agreement, the Cooperation Agreement and any other agreement between the City and the Authority relating to the system of public parking facilities in the City, the "Operating Agreements"), pursuant to which the Authority manages, operates and maintains a public parking facility known as Buena Vista Garage (the "Buena Vista Garage"); and

WHEREAS, in furtherance of its public purpose, the Authority intends to issue its revenue bonds (the "Authority Bonds") to fund the acquisition of a public parking facility located at 310 Saw Mill River Road in the City (the "310 Saw Mill River Road Facility," and together with the Original Parking Facilities, the Governmental Center Garage, the Buena Vista Garage and any other public parking facilities now or hereafter owned by the City and operated and managed by the Authority, the "Parking Facilities"), to refund the outstanding principal balance of the City of Yonkers Parking Authority Revenue Bonds, Series 1999A (the "Refunded Bonds"), which were previously issued by the Authority to fund

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION (CONTINUED)

the acquisition and construction of certain improvements to certain Parking Facilities, to pay costs of issuance and to fund reserves; and

WHEREAS, the 310 Saw Mill River Road Facility will be conveyed to the City in connection with the issuance of the Authority Bonds; and

WHEREAS, in connection with the issuance of the Authority Bonds, the acquisition of the 310 Saw Mill River Road Facility and the refunding of the Refunded Bonds, and in recognition of the Authority's public purpose of providing a coordinated system of parking facilities and services within the City, the City desires to ratify and confirm its obligations under the Operating Agreements, avail itself of the experience and expertise of the Authority in the management, operation and maintenance of the 310 Saw Mill River Road Facility and assist the Authority in the refunding of the Refunded Bonds by supplementing the Operating Agreements; and

WHEREAS, the Authority desires to ratify and confirm its obligations under the Operating Agreements, provide the requested assistance by undertaking the management, operation and maintenance of the 310 Saw Mill River Road Facility on behalf of the City and refund the Refunded Bonds; and

WHEREAS, in furtherance of the Operating Agreements and the undertakings described above and in recognition of the continued assistance provided by the Authority to the City in the areas of financing, management, operation and technical assistance relating to public parking facilities in the City, the City and the Authority desire to enter into this supplemental agreement; and

WHEREAS, the City has prepared a Supplemental Parking Permit of Use and Operating Agreement (hereinafter the "Agreement") with the Yonkers Parking Authority ("YPA") for the conveyance and parking permit of use of the 310 Saw Mill River Road Parking Facility as well as for the operation of all of its public parking facilities (annexed hereto);

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF YONKERS:

1. That the proposed Agreement is hereby approved in substantially the form presented to the City Council.

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CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

RESOLUTION (CONTINUED)

2. The Mayor is authorized to execute and deliver the Agreement as so approved.

THE ABOVE RESOLUTION WAS SENT TO THE BUDGET COMMITTEE.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 22, 2010

**SUPPLEMENTAL PARKING PERMIT OF USE AND OPERATING
AGREEMENT**

This **SUPPLEMENTAL PARKING PERMIT OF USE AND OPERATING AGREEMENT** (this "Agreement") is made as of _____, 2010, by and between the **CITY OF YONKERS, NEW YORK**, a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York (the "City"), and the **YONKERS PARKING AUTHORITY**, a public benefit corporation duly organized and existing under and by virtue of the laws of the State of New York (the "Authority"),

WITNESSETH:

WHEREAS, the City and the Authority entered into an Agreement dated as of December 14, 1964 (the "Master Agreement"), pursuant to which a program for an expanded, permanent, coordinated system of public parking facilities in the City was implemented, and a list of such public parking facilities then-existing was included as an exhibit to the Master Agreement (collectively, the "Original Parking Facilities");

WHEREAS, the City and the Authority have also entered into a Cooperation Agreement dated November 1, 1978, as amended by the Amendatory Cooperation Agreement dated December 18, 1979 (as so amended, the "Cooperation Agreement"), pursuant to which the Authority operates and maintains a public parking facility known as the Governmental Center Garage (the "Governmental Center Garage");

WHEREAS, the City and the Authority have also entered into a Parking Garage Permit of Use, Conveyance and Operating Agreement approved by the City Council of the City on June 24, 2003 (the "2003 Agreement," and together with the Master Agreement, the Cooperation Agreement and any other agreement between the City and the Authority relating to the system of public parking facilities in the City, the "Operating Agreements"), pursuant to which the Authority manages, operates and maintains a public parking facility known as Buena Vista Garage (the "Buena Vista Garage");

WHEREAS, in furtherance of its public purpose, the Authority intends to issue its revenue bonds (the "Authority Bonds") to fund the acquisition of a public parking facility located at 310 Saw Mill River Road in the City (the "310 Saw Mill River Road Facility," and together with the Original Parking Facilities, the Governmental Center Garage, the Buena Vista Garage and any other public parking facilities now or hereafter owned by the City and operated and managed by the Authority, the "Parking Facilities"), to refund the outstanding principal balance of the City of Yonkers Parking Authority Revenue Bonds, Series 1999A (the "Refunded Bonds"), which were previously issued by the Authority to fund

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the acquisition and construction of certain improvements to certain Parking Facilities, to pay costs of issuance and to fund reserves;

WHEREAS, the 310 Saw Mill River Road Facility will be conveyed to the City in connection with the issuance of the Authority Bonds;

WHEREAS, in connection with the issuance of the Authority Bonds, the acquisition of the 310 Saw Mill River Road Facility and the refunding of the Refunded Bonds, and in recognition of the Authority's public purpose of providing a coordinated system of parking facilities and services within the City, the City desires to ratify and confirm its obligations under the Operating Agreements, avail itself of the experience and expertise of the Authority in the management, operation and maintenance of the 310 Saw Mill River Road Facility and assist the Authority in the refunding of the Refunded Bonds by supplementing the Operating Agreements pursuant to this Agreement;

WHEREAS, the Authority desires to ratify and confirm its obligations under the Operating Agreements, provide the requested assistance by undertaking the management, operation and maintenance of the 310 Saw Mill River Road Facility on behalf of the City and refund the Refunded Bonds; and

WHEREAS, in furtherance of the Operating Agreements and the undertakings described above and in recognition of the continued assistance provided by the Authority to the City in the areas of financing, management, operation and technical assistance relating to public parking facilities in the City, the City and the Authority desire to enter into this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, the City and the Authority hereby agree as follows:

1. **Operating Agreements Ratified and Confirmed**. The Operating Agreements, as the same are herein supplemented and modified, are each hereby ratified and confirmed.

2. **Grant of Use and Occupancy**. The City hereby grants a Permit of Use of the 310 Saw Mill River Road Facility to the Authority, which grant shall consist of the conveyance by the City to the Authority of the exclusive right to use, occupy and operate the 310 Saw Mill River Road Facility for so long as the corporate existence of the Authority shall continue.

3. **Operation of Parking Facilities**. Notwithstanding anything in the Operating Agreements to the contrary, the City hereby authorizes and designates, or confirms the designation of, the Authority to provide, all management, operation and routine maintenance services and functions necessary for the operation of the Parking Facilities including, but not limited to:

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(a) collection of parking receipts and revenues during the operating hours of the Parking Facilities, and through such other arrangements as shall be mutually agreed upon by the City and the Authority;

(b) performance of normal maintenance functions such as cleaning; removal of refuse and rubbish and the removal of snow and ice from parking and driving surfaces, entrances, exits and adjacent sidewalks; providing ticket dispensers and gates controlling ingress and egress; the striping and restriping of parking spaces; and the maintenance, repair and replacement of signage; and

(c) undertaking repair and replacement functions necessitated by normal wear and tear, including repairs to surface areas, mechanical and electrical equipment, lighting, signs, striping, ticket dispensers and gates controlling ingress and egress, and electronic surveillance equipment.

The Authority shall promptly perform repairs as noted above in 4(b) and 4(c) upon request by the City.

4. Debt Service Amounts, Debt Service Deficit or Surplus.

(a) All outstanding amounts payable to any corporate trustee with respect to the Authority Bonds, or other entity providing funds for the acquisition of the 310 Saw Mill River Road Facility, security for the Authority Bonds or the redemption or refunding of the Refunded Bonds, that are to be applied to debt service or reserves with respect to the Authority Bonds, or payable to such other entity in respect of such funds, security or the Refunded Bonds, as used herein shall constitute "Debt Service Amounts".

(b) Monthly, within 15 days after the last calendar day of each month, the Authority shall deliver to any corporate trustee with respect to the Authority Bonds, an accounting with respect to said month, in substantially the form attached hereto as Exhibit A and certified by an officer of the Authority, of: (i) all parking receipts and revenues from operation of the Parking Facilities for such month ("Parking Receipts"), (ii) any amounts then held by the Authority from prior months within the Authority's then-current fiscal year constituting Surplus (as defined below) not otherwise required to be paid to the City pursuant to Section 5(b) below (the "Available Surplus"), (iii) all operating, maintenance, repair and replacement expenses of the Authority (including all Authority staff salaries and benefits, accounting, legal and consulting expenses and other ordinary expenses necessary for the operation of the Parking Facilities, including amounts required to replenish operating reserves necessary for prudent operation of the Authority's facilities but excluding Debt Service Amounts, depreciation and non-cash expenses for other post employment benefits) for such month ("Non-Debt Service Expenses"), (iv) all Debt Service Amounts payable in the next succeeding month, (v) a computation of Parking Receipts

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minus Non-Debt Service Expenses (any resulting positive amount shall be the "Amount Available for Debt Service"), and (vi) a computation of whether (A) Debt Service Amounts payable in the next succeeding month exceed the Amount Available for Debt Service (any such amount shall be a "Debt Service Deficit"), or (B) Parking Receipts exceed the sum of Non-Debt Service Expenses and Debt Service Amounts (any such amount shall be a "Surplus").

(c) The Authority shall deliver the accounting described above to the City's Commissioner of Finance for any month upon request and for any month in which a Debt Service Deficit exists.

5. Appropriations, Payment of Debt Service Amounts. Notwithstanding anything in the Operating Agreements to the contrary, in accordance with this Section 5 and subject to annual appropriation by the City Council of the City therefor, the City covenants and agrees to pay on behalf of the Authority, at the times and in the manner hereinafter set forth, Debt Service Amounts as provided in Section 4(a); provided that the aggregate amount payable by the City on behalf of the Authority shall not exceed \$350,000 in any City fiscal year. The City shall, in accordance with this Agreement, include in the City's budget for each fiscal year for submission to the City Council of the City a request for an annual appropriation in an amount of not less than the lesser of \$350,000 or the Debt Service Amounts payable in such fiscal year, with such amount, if appropriated by the City Council, to be paid in accordance with and subject to this Section 5.

(a) If there is a Debt Service Deficit, then notwithstanding anything in the Operating Agreements to the contrary, but subject to annual appropriation by the City Council of the City therefor, within 10 days following the City's receipt of the related monthly accounting, the City on behalf of the Authority shall pay to the corporate trustee or other entity, as applicable, to which such Debt Service Amounts are payable, an amount or amounts equal to the amount of such Debt Service Deficit.

(b) If there is a Surplus, then such Surplus shall be applied by the Authority as follows:

(i) by the end of the month in which the related accounting is delivered to the City, to the payment of any past due Debt Service Amounts;

(ii) if (b)(i) above is fully satisfied, by the end of the month in which the related accounting is delivered to the City, to the City to the extent necessary to reimburse the City for any previously unreimbursed payments made by the City on behalf of the Authority prior to such month under this Section 5; and

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(iii) if (b)(i) and (b)(ii) above are fully satisfied, any such remaining Surplus shall be retained by the Authority.

(c) Any unrequested accounting delivered to the City pursuant to Section 4(c) above shall constitute notice to the City of any Deficit to be paid by the City pursuant to Section 5(a) or any Surplus to be distributed by the Authority pursuant to Section 5(b).

6. No Setoff. The City shall not be entitled to any setoff or reduction, in whole or in part, of its obligation hereunder to pay any Debt Service Amounts by reason of any failure of the Authority to comply with the covenants contained in this Agreement. The City agrees that its sole remedy at law in such instances will be by way of an action for damages for breach of contract.

7. Miscellaneous.

(a) This Agreement may not be modified, changed or supplemented, except by written instrument executed by both parties hereto.

(b) This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

(c) Neither party to this Agreement shall assign this Agreement or its rights hereunder without the express written consent of the other party, except that the Authority may make such assignment to any corporate trustee with respect to the Authority Bonds or other entity providing funds for the acquisition of the 310 Saw Mill River Road Facility, security for the Authority Bonds or the redemption or refunding of the Refunded Bonds or providing collateral to any such entity.

(d) This Agreement shall not be binding or effective until executed and delivered by the parties hereto.

(e) This Agreement and the Operating Agreements, collectively, contain all of the promises, agreements, conditions, inducements and understandings between the City and the Authority concerning the 310 Saw Mill River Road Facility, and there are no promises, agreements, conditions, inducements or understandings, oral or written, expressed or implied, between them with respect thereto other than as expressly set forth herein and therein.

(f) Nothing contained in this Agreement shall be construed to confer upon any person other than the parties hereto, any rights, remedies, privileges, benefits or causes of action to any extent whatsoever.

(g) Unenforceability for any reason of any provision of this Agreement shall not limit or impair the operation or validity of any other provision

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of this Agreement or the Operating Agreements, and if any term or provision of this Agreement or the application thereof to any person or circumstance shall for any reason and to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances to which it is valid or enforceable, shall not be limited, impaired or otherwise affected thereby, and each term and provision of this Agreement shall be valid and enforced to the extent permitted by law.

(Remainder of Page Left Intentionally Blank)

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IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed and delivered as of the date first written above.

Attest:

THE CITY OF YONKERS

City Clerk

By: _____
Mayor

Attest:
AUTHORITY

YONKERS PARKING

Secretary

By: _____
Chairman

APPROVED AS TO FORM

Corporation Counsel

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EXHIBIT A

FORM OF MONTHLY ACCOUNTING

The Yonkers Parking Authority (the "Authority") is delivering this accounting pursuant to Section 4 of the Supplemental Parking Permit of Use and Operating Agreement, dated as of _____ 1, 2010 (the "Agreement"), between the City of Yonkers, New York (the "City") and the Authority. All capitalized terms used herein shall have the meanings assigned to such terms in the Agreement. The undersigned hereby certifies as follows:

- (a) For the month ended _____, 20__:
- | | | | |
|-----|--|---|-------|
| (1) | Parking Receipts: | | _____ |
| | _____ | | |
| (2) | plus Available Surplus | + | _____ |
| | _____ | | |
| (3) | minus Non-Debt Service Expenses: | - | _____ |
| | _____ | | |
| (4) | equals Amount Available for Debt Service ¹ : | = | _____ |
| | _____ | | |
| (5) | minus Debt Service Amounts payable: | - | _____ |
| | _____ | | |
| (6) | equals (Debt Service Deficit) ² : | = | _____ |
| | | | |
| | OR | | |
| (7) | equals Surplus: | = | _____ |
| | _____ | | |

(b) Pursuant to Section 5(a) of the Agreement, the Authority hereby requests that the City pay on behalf of the Authority, within 10 days of receipt hereof, any amount shown above in (a)(6) as a Debt Service Deficit to the corporate trustee or other entity, as applicable, to which Debt Service Amounts are payable.

¹ The amount set forth in (a)(4) shall be the result of the computation of (a)(1) Parking Receipts **plus** (a)(2) Available Surplus **minus** (a)(3) Non-Debt Service Expenses, but only to the extent such computation results in a positive amount. If the result of (a)(1) **plus** (a)(2) **minus** (a)(3) is a negative amount, insert \$0.

² The amount set forth in (a)(6) or (a)(7), as applicable, shall be the result of the computation of (a)(4) Amount Available for Debt Service **minus** (a)(5) Debt Service Amounts payable. If the result of (a)(4) **minus** (a)(5) is a negative amount, such amount shall be set forth as a Debt Service Deficit in (a)(6). If the result of (a)(4) **minus** (a)(5) is a positive amount, such amount shall be set forth as a Surplus in (a)(7).

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(c) Pursuant to Section 5(b) of the Agreement, the Authority will apply any amount shown above in (a)(7) as a Surplus in accordance with the provisions of such Section 5(b).

Dated: _____, 20__

YONKERS PARKING AUTHORITY

By: _____
Name:
Title:

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RESOLUTION NO.102-2010

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

A RESOLUTION ESTABLISHING A STANDARD WORK DAY AND REPORTING FOR ELECTED AND APPOINTED OFFICIALS IN THE CITY OF YONKERS.

WHEREAS, new regulations promulgated by the Office of the New York State Comptroller requires each municipality to maintain a new standard work day and reporting system for elected and appointed officers and employees; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, that in accordance with such regulations, the City of Yonkers, hereby establishes the following as standard work days for elected and appointed officers and employees and will report the following days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by these officers and employees to the City Clerk, which reads as follows;

Title	Name	S. S. Number	Registration Number	Standard Work Day	Term Begins/Ends	Time keeping System	Days/ Month
Corporation Counsel	Mark W. Blanchard	8720	42690669	7	03/22/10-12/31/13	Y	20
First Deputy Corporation Counsel	Edward P. Dunphy	0636	38635876	7	03/22/10-12/31-13	Y	20
Inspector General	Daniel R. Schorr	3341	40192916	7	02/16/10-02/15/15	Y	20
City Council President	Charles-Schorr-Lesnicks	0585	33954603	7	01/01/10-12/31/13	Y	20
City Council Member	Wilson Terrero	5355	50000520	7	01/01/10-12/31/13	Y	20
City Council Member	Dennis Sheperd	9278	50009414	7	01/01/10-12/31/13	Y	20
City Council Member	John Larkin	6980	50000348	7	01/01/10-12/31/13	Y	20

AND BE IT FURTHER RESOLVED, that this resolution take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE OF 7-0.

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RESOLUTION

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

RESOLUTION OF THE CITY COUNCIL REFERRING THE SOUTH BROADWAY ZONING STUDY AND DRAFT ZONING AMENDMENT OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT TO THE PLANNING BOARD PURSUANT TO SECTION 43-164 OF THE CITY CODE.

WHEREAS, the Yonkers Department of Planning and Development has forwarded to the City Council for its review, the South Broadway Zoning Study and Draft Zoning Amendment which has been completed by the consultants, Philips Preiss Shapiro Associates ; and

WHEREAS, the purpose of the South Broadway Zoning Study and the Draft Zoning Amendment, is to recognize, preserve and protect the special character of the South Broadway shopping area, one of the premier shopping districts in Yonkers and Southern Westchester County; and

WHEREAS, pursuant to Section 43-164 of the City Code, any such study or amendment to the Zoning Code requires that the matter be referred to the Planning Board for its review and report regarding the form and advisability of the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers that the South Broadway Zoning Study and the Draft Zoning Amendment submitted to the Yonkers City Council by the Department of Planning and Development, be and the same are hereby to the Planning Board for review and report, in accordance with the provisions of the Yonkers City Code; and be it further

RESOLVED, that this resolution shall take effect immediately.

THE ABOVE RESOLUTION WAS REFERRED TO THE WESTCHESTER COUNTY PLANNING BOARD AND THE YONKERS PLANNING BOARD.

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RESOLUTION NO.103-2010

25. 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 July 31, 2012.

Josephine M. Viviano
437 Palisade Avenue E2
Yonkers, New York 10703

Office of City Clerk

RENEWAL

Isabel Eugenio
33 Parkway East
Yonkers, New York 10701

Office of City Clerk

RENEWAL

Arlene Santos Wright
1 Glenwood Avenue #23
Yonkers, New York 10701

Child Care

RENEWAL

June Buckland
122 Ravine Avenue
Yonkers, New York 10701

Law Firm

RENEWAL

Equilla Marie Anderton
60 Belknap Avenue
Yonkers, New York 10704

YWCA

RENEWAL

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RESOLUTION NO.103-2010 (CONTINUED)

Sheryl K. Wood
160 Bushey Avenue
Yonkers, New York 10710

Real Estate

RENEWAL

Mary C. Shipman
411 Warburton Avenue #2E
Yonkers, New York 10701

City of Yonkers

RENEWAL

Symra Brandon
205 N. Broadway
Yonkers, New York, 10701

State Senate

NEW

Miriam Lacroix
150 Croydon Road
Yonkers, New York 10710

State Senate

NEW

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A
STATED MEETING HELD ON TUESDAY, JUNE 22, 2010 BY A VOTE
OF 7-0.

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RESOLUTION NO.104-2010

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

WHEREAS, Krayola Kid Child Care / South Presbyterian Church, located at 20 Wolfe Street in Yonkers will hold a Kids Carnival and Tag Sale on Sunday, July 18th, 2010 and has requested permission from the City Council to place two banners in the area promoting this event, and

WHEREAS, Krayola Kid Child Care / South Presbyterian Church has asked that they be permitted to place two banners, one (1) banner at the location of Park Hill Ave & Linden Street and another (2) banner at Central Park Ave & McLean Ave Bridge or where ever convenient in that same area on McLean Ave., on or around July 2, 2010 and to be removed soon after July 18th, 2010 as is possible.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to Krayola Kid Child Care / South Presbyterian Church to place two banners 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, JUNE 22, 2010 BY A VOTE OF 7-0.

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RESOLUTION NO.105-2010

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

WHEREAS, St. Bartholomew Church, located at 15 Palmer Road in Yonkers will hold their annual "Parish Carnival" on September 16, 17, 18th and 19th, 2010 and has requested permission from the City Council to place two banners in the area promoting this event, and

WHEREAS, St. Bartholomew Church has asked that they be permitted to place two (2) banners closest to the location of Palmer and Saw Mill River Road and the other on the underpass bridge closest to the intersection of Central Park Avenue and Tuckahoe Road on or around August 23rd and to be removed as soon after September 19th 2010 as is possible.

WHEREAS, said locations are subject to the scheduling and availability of the banner sites 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 St. Bartholomew Church to place two banners 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, JUNE 22, 2010 BY A VOTE OF 7-0.

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RESOLUTION NO.106-2010

27A BY: COUNCILMEMBER LARKIN, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, AND SHEPHERD;

WHEREAS, The Parish of St. Ann's, on Midland Ave., will be holding their "St. Ann's Annual Feast" Thursday, Sept. 23rd thru Sunday, Sept. 26th, 2010, and has requested permission from the City Council to place 2 banners around town promoting the event, and

WHEREAS, St. Ann's has asked that they be permitted to place one (1) banner on Midland Ave. at Smart Ave.; and the other one (1) banner on Palmer Rd. at Mile Square, with removal as soon as possible after September 26th.

WHEREAS, said locations are subject to the scheduling and availability of the banner sites 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 St. Ann's Parish to place two (2) banners 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, JUNE 22, 2010 BY A VOTE OF 7-0.

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RESOLUTION NO.107-2010

27B BY: COUNCILMEMBER LARKIN, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, AND SHEPHERD;

WHEREAS, the Untermeyer Performing Arts Council, will be holding their "Untermeyer on Broadway 2010" celebrating their 34th year, which will run from the last week in June, to end on September 4, 2010, and has requested permission from the City Council to place banners throughout the City promoting the event, and

WHEREAS, Untermeyer Performing Arts Council has asked that they be permitted to place five (5) banners at the following locations: (1) on the Sadore Lane foot-bridge, Central Park Avenue; (2) the City Hall foot-bridge, Nepperhan Avenue; (3) across Yonkers Ave. & Midland Ave. (near Planet Fitness); (4) the area of North Broadway and DeHaven Drive (in front of Untermeyer Park);and (5) North Broadway & Executive Blvd. in front of the Foxfire School, on or around June 17, 2010 and to be removed as soon after September 4, 2010 as is possible.

WHEREAS, said locations are subject to the scheduling and availability of the banner sites 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 Untermeyer Performing Arts Council to place five banners 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, JUNE 22, 2010 BY A VOTE OF 7-0.

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 9:34P.M. BECAUSE WE HAD TO RUN
THE HELL OUT BEFORE THE RATS GOT US.