

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

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

TIME: 8:00 P.M.

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK – ABSENT.

DISTRICT:

 1 MAJORITY LEADER PATRICIA D. McDOW
 5 MINORITY LEADER JOHN .M. MURTAGH

COUNCIL MEMBERS:
DISTRICT:

 2 WILSON A. TERRERO
 3 JOAN GRONOWSKI
 4 DENNIS E. SHEPHERD - ABSENT
 6 JOHN LARKIN

Recitation of the Pledge of Allegiance to the Flag followed by a minute of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on December 14, 2010 held approved on motion of Majority Leader Patricia McDow.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

INDEX

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1. SO 1-2011	SO – CAPITAL IMPROVEMENT PROGRAM DAYLIGHTING OF SAW MILL RIVER AT LARKIN PLAZA	6
2. R-1-2011	RES – AUTHORIZATION FOR MAYOR TO EXECUTE GRANT FOR CAPITAL IMPROVEMENT PROGRAM DAYLIGHTING OF SAW MILL RIVER AT LARKIN PLAZA	7/8
3. R-2-2011	RES – REQUESTING STATE DELEGATION TO INTRODUCE LEGISLATION RE: INEQUITY IN STATE SCHOOL FUNDING FORMULA	9/11
4. R-3-2011	RES – SETTLEMENT – DRENGA (\$1,750.00)	12
5. R-4-2011	RES – SETTLEMENT – BRUNSON (\$2,500.00)	13
6. R-5-2011	RES – SETTLEMENT – NGUIJOL (\$4,000.00)	14
7. R-6-2011	RES – SETTLEMENT – MARTINEZ (\$4,000.00)	15
8. R-7-2011	RES – COMMISSIONERS OF DEEDS	16/17

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

COMMUNICATIONS FROM CITY OFFICIALS

1. IN A LETTER DATED DECEMBER 17, 2010 FROM MAYOR AMICONE TO ALL COUNCILMEMBERS, RE: GENERAL ORDINANCE "DISPOSAL OF BEDDING" ADOPTED BY THE CITY COUNCIL ON DECEMBER 14, 2010. THIS LETTER WAS TO INFORM THE CITY COUNCIL THAT THE MAYOR HAS VETOED THIS LEGISLATION.

THIS LEGISLATION WAS REFERRED TO THE RULES COMMITTEE

2. IN A MEMO DATED DECEMBER 16, 2010 FROM PLANNING DIRECTOR LEE ELLMAN, TO NOTIFY CITY COUNCIL THAT THE PLANNING BOARD ADOPTED A RESOLUTION ACCEPTING THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED BUENA VISTA TEUTONIA PROJECT AS COMPLETE.

FILED

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

COMMUNICATIONS - GENERALLY

1. FROM THE TOWN BOARD OF THE TOWN OF GREENBURGH, NOTICE OF A PUBLIC HEARING TO BE HELD AT GREENBURGH TOWN HALL, 177 HILLSIDE AVENUE, GREENBURGH, NEW YORK, ON WEDNESDAY, JANUARY 12, 2011 AT 8:30P.M. RE: TO CONSIDER ADOPTION OF AMENDING A LOCAL LAW OF THE ZONING ORDINANCE "DETACHED CANOPIES OVER BANK DRIVE-THROUGHS"

2. FROM THE TOWN BOARD OF THE TOWN OF GREENBURGH, NOTICE OF A PUBLIC HEARING TO BE HELD AT GREENBURGH TOWN HALL, 177 HILLSIDE AVENUE, GREENBURGH, NEW YORK, RE: TO PERMIT A FILLING OF AN APPLICATION WITH AN AMENDED SITE PLAN AND SPECIAL PERMIT BY WHITE HICKORY ASOC.

FILED

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

COMMITTEE OF THE WHOLE

THERE WERE NO SPEAKERS AT THIS COMMITTEE OF THE WHOLE
MEETING

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

SPECIAL ORDINANCE NO.1-2011

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

A SPECIAL ORDINANCE AMENDING THE CITY OF YONKERS GRANT
BUDGET FOR FISCAL YEAR 2010/2011.

The City of Yonkers hereby ordains and enacts:

Section 1: The City's Grant Budget for fiscal year 2010/2011 is hereby amended by increasing revenues and appropriations for the Planning and Development Department, to fund the Day lighting of the Saw Mill River at Larkin Plaza.

Increase Estimated Revenues

NYS Dept. of Conservation	049-G12-1518-1501	\$2,000,000
---------------------------	-------------------	-------------

Increase Appropriation

Special Projects	049-G12-1518-0496	\$2,000,000
------------------	-------------------	-------------

Section 2: The unencumbered balance of such appropriation equals or exceeds the estimated expenditures the City requires for such purpose during the remainder of the budget year.

Section 3: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 11, 2011 BY A ROLL CALL VOTE OF 4-1, COUNCILMEMBER GRONOWSKI VOTING "NAY". COUNCIL PRESIDENT LESNICK AND COUNCILMEMBER SHEPHERD WERE ABSENT.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

RESOLUTION NO.1-2011

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

WHEREAS, the City of Yonkers has been awarded a grant in the amount of two million dollars (\$2,000,000.00) by the New York State Department of Environmental Conservation (DEC) under its Water Quality Improvement Project (WQIP) and has been assigned Project ID# 2010-WQI10299 Seg.2 and Contract Number C304344 for the Saw Mill Daylighting and Restoration at Larkin Plaza to unearth the Saw Mill River; and

WHEREAS, in addition to unearthing the river, the project will also replace the parking area with a natural ecosystem consisting of; the installation of pervious surface pathways along pedestrian pathways, separate sanitary and storm sewers, installation of three dynamic pools that cascade into each other and finally into a brackish tidal basin, Tidal wetlands with hydrophytic vegetation and fish ladders and natural riffles to allow for fish passage; and

WHEREAS, the CITY OF YONKERS is responsible for approximately six hundred, sixty six thousand and six hundred and sixty six dollars (\$666,666.00) for its portion of the costs to unearth the Saw Mill River and construct the improvements, said funds being made available from the Capital Improvement Program that this City Council approved for this project in the amount of thirteen million, seven hundred thousand dollars (\$13,700,000.00); and

WHEREAS, the Mayor of the City of Yonkers, or his authorized representative, is hereby authorized to execute any such agreement with the DEC, in order to provide such funds to the CITY OF YONKERS; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of Yonkers is hereby authorized to execute the Grant Agreement with the New York State Department of Environmental Conservation for the aforesaid purposes, with the total amount of the award at two million dollars (\$2,000,000.00); and be it further;

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

RESOLUTION NO.1-2011 (CONTINUED)

RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 11, 2011 BY A ROLL CALL VOTE OF 4-1, COUNCILMEMBER GRONOWSKI VOTING "NAY". COUNCIL PRESIDENT LESNICK AND COUNCILMEMBER SHEPHERD WERE ABSENT.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

RESOLUTION NO.2-2011

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

WHEREAS, more than 4,000 men and women serve the Yonkers Public School System in all capacities and are charged with the education and well-being of over 26,000 of our City's school children; and

WHEREAS, working hand-in-hand our School System and its employees provide our students with a quality public education, giving them the abilities, skills abilities and confidence geared at helping them take their place as responsible, competent and knowledgeable adults; and

WHEREAS, serving children from all socio-economic backgrounds, the Yonkers Public School System accomplishes this important goal by providing core studies in grades Pre-K thru 12, offering classes in health education, the performing and visual arts, music, interscholastic athletics, an enriched academic core curriculum for gifted children, and for those students who speak languages other than English, provides a System-wide program using the 'English as a Second Language' geared at developing skills in understanding, speaking, reading, and writing English; and

WHEREAS, during the past seven years the City of Yonkers has increased its contribution to our school system by over 62% to a yearly total that nears \$220,000,000; and

WHEREAS, it is unfortunate that the decades-old, inadequate State education funding formula continues to shortchange the City of Yonkers and the Yonkers Public School System vis-à-vis the other three big second-class cities, Buffalo, Rochester and Syracuse --- despite the fact that the Members of our State Delegation work each year to return additional, non-formula State dollars to the City of Yonkers and the Yonkers Public Schools through one-shots, 'spin-ups' and various other forms of special aid dollars; and

WHEREAS, the City of Yonkers and the Yonkers Public School System can no longer afford the uncertainty as we wait, each year, in hopes that the proverbial 'white-knight' will once again ride-in from Albany at the eleventh hour with much needed state aid; and

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

RESOLUTION NO.2-2011 (CONTINUED)

WHEREAS, with regard to State funding of education, the City of Yonkers, the Yonkers Public School System and it's 26,000 thousand students deserve to be treated with the same fairness, equity and presumption of stability of State funding that is afforded the cities of Buffalo, Rochester and Syracuse; and

WHEREAS, by providing school funding for each student from Yonkers at a rate that is at least \$3,000 less per year than that provided to each student from Buffalo, Rochester or Syracuse, the State school funding formula is clearly systemically unfair, detrimental and disparate; and

WHEREAS, when one considers that more than three out of every four Yonkers public school students are members of recognized minority groups and over 70% of all of our 26,000 students (who live in one of the richest counties in the U.S.) are, in fact, living in poverty, this chronic school underfunding by New York State is especially harmful to our residents and our school children; and

WHEREAS, once again, on behalf of the 200,000 residents the City of Yonkers and, most importantly, the 26,000 children that attend the Yonkers School System, the City Council of the City of Yonkers hereby request that the inequity in the State education formula be addressed and resolved by the State Legislature prior to the adoption of the FY11-12 State budget; and

WHEREAS, at the same time the Yonkers City Council hereby requests a dual-track action under which the State Legislature would also take all steps necessary and appropriate to provide the same permanent and certain per student basis funding to the City of Yonkers that it provides to the City of Syracuse; therefore be it

RESOLVED, that the City Council of the City of Yonkers hereby requests that the New York State Legislature undertake a full review of the methodology used to return State dollars to its school districts with a view towards correcting the longstanding inequity that continues to adversely impact the City of Yonkers and the Yonkers Public School System vis-à-vis the other three big second-class cities, Buffalo, Rochester and Syracuse; and be it further

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

RESOLUTION NO.2-2011 (CONTINUED)

RESOLVED, at the same time the Yonkers City Council request that the State Legislature undertake a dual-track action that would provide the same permanent and certain per student basis funding to the City of Yonkers that it provides to the City of Syracuse; and be it further

RESOLVED, that the City Council requests the introduction and passage of State legislation to address the inequity in the State school funding formula prior to the adoption of the FY 2011-2012 State budget; and be it further

RESOLVED, that the City Council requests the introduction and passage of State legislation that would provide the same permanent and certain per student basis funding to the City of Yonkers that it provides to the City of Syracuse prior to the adoption of the FY 2011-2012 State budget; 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 each member of the 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, JANUARY 11, 2011 BY A VOTE OF 5-0. COUNCIL PRESIDENT LESNICK AND COUNCILMEMBER SHEPHERD WERE ABSENT

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

RESOLUTION NO.3-2011

4. BY: 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 One Thousand Seven Hundred and Fifty Dollars (\$1,750.00) of the action entitled, "Edward Drenga, (residing at 22 Soundview Avenue, Yonkers, New York, 10704), Plaintiff against THE CITY OF YONKERS, Defendant", for property damage arising out of an alleged accident on April 8, 2010 when a City stump grinder machine damaged a water box cover in front of 22 Soundview Avenue , be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of One Thousand Seven Hundred and Fifty Dollars (\$1,750.00) in favor of said plaintiff.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 11, 2011 BY A VOTE OF 5-0. COUNCIL PRESIDENT LESNICK AND COUNCILMEMBER SHEPHERD WERE ABSENT

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

RESOLUTION NO.4-2011

5. BY: 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 Two Thousand Five Hundred Dollars (\$2,500.00) of the action entitled, "Gail Brunson, (residing at 80 Beaumont Circle, Apt. 3, Yonkers, New York, 10710), Plaintiff against THE CITY OF YONKERS, Defendant", for injuries arising out of an incident alleging excessive force on October 30, 2008 on South Broadway, in Yonkers, New York, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) in favor of said plaintiff and her attorney Welton K. Wisham, 24 Metropolitan Oval, Suite 7-C, Bronx, New York, 10462.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 11, 2011 BY A VOTE OF 5-0. COUNCIL PRESIDENT LESNICK AND COUNCILMEMBER SHEPHERD WERE ABSENT

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

RESOLUTION NO.5-2011

6. BY: 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 Four Thousand Dollars (\$4,000.00) of the action entitled, "Emmanuel Nguijol, (residing at 333 Bronx River Road, Yonkers, New York, 10704), Plaintiff against THE CITY OF YONKERS, Defendant", for personal injuries and medical expenses arising out of an incident alleging false arrest on April 26, 2005, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of Four Thousand Dollars (\$4,000.00) in favor of said plaintiff and his attorneys Mann & Mann, LLP, 316 Westchester Avenue, Port Chester, New York, 10573.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 11, 2011 BY A VOTE OF 5-0. COUNCIL PRESIDENT LESNICK AND COUNCILMEMBER SHEPHERD WERE ABSENT

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

RESOLUTION NO.6-2011

7. BY: 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 Four Thousand Dollars (\$4,000.00) of the action entitled, "State Farm Insurance Company a/s/o Julio Martinez, (business address at P.O. 2371, Bloomington, Illinois 61702-2371), Plaintiff against THE CITY OF YONKERS, Defendant", for property damage arising out of an incident alleging motor vehicle accident on March 27, 2009 near Saw Mill River Road and Lake Avenue, in Yonkers, New York, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of Four Thousand Dollars (\$4,000.00) in favor of said plaintiffs.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 11, 2011 BY A VOTE OF 5-0. COUNCIL PRESIDENT LESNICK AND COUNCILMEMBER SHEPHERD WERE ABSENT

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

RESOLUTION NO.7-2011

8. 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 January 31, 2013.

Joan E. Sivulich
100 Gramatan Drive
Yonkers, New York 10701

Board of Ed

NEW

Susan Azzara
1511 Central Park Avenue
Yonkers, New York 10710

MHA

NEW

Mio A. Feliz
1511 Central Park Avenue
Yonkers, New York 10710 MHA

NEW

Donna Adams
1511 Central Park Avenue
Yonkers, New York 10710

MHA

RENEWAL

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

MHA

RENEWAL

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

RESOLUTION NO.7-2011 (CONTINUED)

Chrystal Estrada
1511 Central Park Avenue
Yonkers, New York 10710

MHA

RENEWAL

Shannon Stewart
1511 Central Park Avenue
Yonkers, New York 10710

MHA

RENEWAL

Sebastian J Gruppuso
848 N. Broadway, 1D
Yonkers, New York 10701

Plumbing Company

RENEWAL

Joan O'Gorman
43 Pine Street
Yonkers, New York 10701

Yonkers Schools

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 11, 2011 BY A VOTE OF 5-0. COUNCIL PRESIDENT LESNICK AND COUNCILMEMBER SHEPHERD WERE ABSENT

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 11, 2011

COUNCILMEMBER GONORWKS! ASKED THAT THIS STATED CITY COUNCIL MEETING BE ADJOURNED IN MEMORY OF BERT ROTHING WHO PASSED AWAY RECENTLY. MR. ROTHING WAS A STRONG COMMUNITY LEADER IN THE CITY OF YONKERS.

MINORITY LEADER MURTAGH ASKED THAT IN ADDITION TO MR. ROTHING THE COUNCIL REMEMBER THE VICTIMS OF THIS WEEK'S TRAGIC SHOOTINGS IN TUCSON, ARIZONA.

ON MOTION OF MINORITY LEADER MURTAGH, SECONDED BY COUNCILMEMBER TERRERO, THIS STATED COUNCIL MEETING WAS ADJOURNED AT 8:08 P.M.