

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, MARCH 8, 2011

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

TIME: 8:10PM

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.

Motion by Council president Lesnick, seconded by Majority Leader McDow to reconsider the minutes of the February 22, 2011 stated meeting as well as the February 23, 2011 and March 1, 2011 Special Meetings to allow Councilmember Shepherd to vote in the affirmative.

Minutes of the stated meeting held on February 22, 2011 and Special Meetings held on February 23, 2011 and March 1, 2011 approved as amended on motion of Majority Leader Patricia McDow.

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COMMUNICATIONS FROM CITY OFFICIALS

1. LETTER DATED FEBRUARY 28, 2011 TO COUNCIL PRESIDENT LESNICK FROM THE YONKERS PLANNING BOARD. RE: INFORMING THE CITY COUNCIL THAT THE RAVINE AVENUE MASTER PLAN WAS APPROVED AT THE PLANNING BOARD'S MEETING SEPTEMBER 15, 2010 BY A VOTE OF 6-0

2. LETTER DATED FEBRUARY 28, 2011 TO COUNCIL PRESIDENT LESNICK FROM THE YONKERS PLANNING BOARD. RE: INFORMING THE CITY COUNCIL THAT THE NODINE HILL URBAN RENEWAL PLAN WAS APPROVED AT THE PLANNING BOARD'S MEETING SEPTEMBER 15, 2010 BY A VOTE OF 6-0

3. MEMO DATED MARCH 3, 2011 FROM PLANNING BUREAU DIRECTOR LEE ELLMAN. RE: RESPONSES TO PETITION BROUGHT BY ANDREW BALINT TO PLANNING BOARD FOR ZONING CHANGE ON BEHALF OF FERNCLIFF MANOR

4. LETTER DATED MARCH 4, 2011 FROM THE PLANNING BOARD RE: SPECIAL USE PERMIT FOR CON-EDISON FOR A PROPOSED PUMP HOUSE AT 590 PALMER ROAD

FILED

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COMMUNICATIONS - GENERALLY

1. FROM THE VILLAGE OF BRONXVILLE, RE: NOTICE OF A PUBLIC HEARING TO BE HELD BY THE PLANNING BOARD OF THE VILLAGE OF BRONXVILLE AT VILLAGE HALL 200 PONDFIELD ROAD, BRONXVILLE, NEW YORK ON MARCH 9, 2011 AT 7:30PM TO CONSIDER AN APPLICATION FILED BY LAWRENCE HOSPITAL CENTER REQUIRING APPROVAL OF A SITE PLAN LOCATED AT 55 PALMER AVENUE.

2. A LETTER FROM NOBILE, MAGARIAN & DiSALVO, LLP DATED FEBRUARY 28, 2011, RE: ZONING BOARD OF APPEALS APPLICATION, 2-8 HUDSON STREET, YONKERS, NEW YORK. CASE # 5259

3. A NOTICE OF A PUBLIC HEARING DATED FEBRUARY 28, 2011 TO THE YONKERS PLANNING BOARD FROM LINDA SHAW OF KNAUF, SHAW LLP. RE: ALEXANDER STREET MASTER PLAN. THIS PUBLIC HEARING WILL TAKE PLACE ON MARCH 9, 2011 AT 5:30PM IN THE YONKERS CITY HALL 4TH FLOOR HEARING ROOM.

FILED

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COMMITTEE OF THE WHOLE

NO SPEAKERS

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LOCAL LAW

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

A LOCAL LAW PROVIDING THAT THE COLLECTION OF TAXES IN THE CITY OF YONKERS SHALL BE ENFORCED PURSUANT TO ARTICLE 11 OF THE NEW YORK STATE REAL PROPERTY TAX LAW.

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

Section 1. Local Law 5 of 1994, whereby the City of Yonkers elected that the collection of real property taxes in the City of Yonkers would be enforced pursuant to Articles VIII and IX of the City Charter, is hereby repealed.

Section 2. Pursuant to Section 1106 of the Real Property Tax Law, the collection of taxes in the City of Yonkers shall be enforced pursuant to Article 11 of the New York State Real Property Tax Law.

Section 3. In accordance with Section 1106 of the New York State Real Property Tax Law, the transition period relating to the enforcement of taxes that have become liens prior to the date of this law, shall be ninety (90) days from date of the enactment of this law.

Section 4. This local law shall take effect immediately.

THE ABOVE LOCAL LAW WAS RETURNED TO RULES

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SPECIAL ORDINANCE NO.9-2011

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

A SPECIAL ORDINANCE GRANTING TO CABLEVISION A PERMIT TO INSTALL A NEW CONDUIT AND RELATED SERVICES AT OTSEGO ROAD AT TUCKAHOE ROAD TO FEED 1596 CENTRAL PARK 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 479 linear feet and to install a new conduit and related services at Otsego Road near the entrance of 644 Tuckahoe Road in order to feed 1596 Central Park Avenue, Yonkers, N.Y. in accordance with Permit A011259 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 be 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 479 linear feet to install a new conduit and related services at Otsego Road at the entrance of 644 Tuckahoe Road in order to feed 1596 Central Park Avenue, Yonkers, N.Y.

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SPECIAL ORDINANCE NO.9-2011 (CONTINUED)

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
AT A STATED MEETING HELD ON TUESDAY, MARCH 08, 2011 BY A
VOTE OF 6-0. COUNCILMEMBER TERRERO ABSENT.

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SPECIAL ORDINANCE NO.10-2011

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

A SPECIAL ORDINANCE AUTHORIZING AN ENCROACHMENT IN THE CITY RIGHT OF WAY ON SWEENEY PLACE, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

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

Section 1. Permission is hereby granted to V.F. W. Lowerre Post No. 3083 of 363 McLean Avenue, Yonkers, N.Y., the owner of adjacent property designated as, Section 1, Block 60, Lots, 1, 3 and 4, as shown on the Official Map of the City of Yonkers, to maintain an encroachment upon the City right of way located on Sweeney Place, in accordance with and as shown on a plan approved by the City Engineer and the Commissioner of Housing and Buildings.

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

(a) That the whole cost and expense of maintaining the encroachment on Sweeney place shall be paid by the owner, its successor or assigns without expense to or contribution by the City of Yonkers. The owner, its successors and assigns shall not construct or place any structures upon the area of encroachment;

(b) That neither the approval of this plan by the appropriate City official nor the existence of said improvement after construction shall be deemed a waiver, or in any way affect the right of the City of Yonkers to provide for construction or otherwise improve its right –of-way; provided further that the City of Yonkers reserves the right to assess the property benefitted in like manner and in like effect as if approval had not been given by the City of Yonkers. That the granting of this permission shall in no way free or release the said owner, or its successors or assigns from the payment of any assessments hereafter imposed;

(c) That the term of this permission shall be for a period of five (5) years commencing from the date of the approval of this ordinance, and shall be subject to renewal at the option of the V.F.W. Lowerre Post No. 3083, its successors or assigns for one additional five (5) year period,

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SPECIAL ORDINANCE NO.10-2011 (CONTINUED)

provided that the owner is not in default of its obligations hereunder. Said option shall not be exercised by the owner, his successors or assigns by not less than six months written notice to the City. However, the City shall reserve the right to terminate the permission with thirty days written notice to the owner, its successors or assigns: all activities undertaken in performance of this work shall be properly guarded by the said owner, his servants, agents or employees and any disturbed areas shall be restored in similar and equal condition to the present state of said street right-of-way;

(d) That all work is to be done in accordance with the City of Yonkers standard specifications and designs and that all other property owners as well as the applicant, shall have the right to connect with this awning and to use same free of charge, except the usual approvals and permits for any future addition(s) shall be obtained from the City Engineer and the scheduled fees for same paid to the City of Yonkers. The City of Yonkers shall have the right to construct or to permit future extension of this awning;

(e) That the owner, or its agents, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City as insured, or as an additional named insured in the amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City with evidence thereof;

(f) That the owner, its successors or assigns shall, for whatever period this permission remains in effect, save harmless and indemnify the City of Yonkers for any and all claims, actions, suits, judgments, etc., including all costs related to the defense thereof;

(g) That the owner, its successors and assigns, shall for whatever period this permission remains in effect, keep Sweeney Place open for the limited purposes of vehicular access to the parking area(s) of 375 McLean Avenue, designated as Section 1, Block 62, Lot 1 on the Official Map of the City of Yonkers.

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SPECIAL ORDINANCE NO.10-2011 (CONTINUED)

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 08, 2011 BY A VOTE OF 6-0. COUNCILMEMBER TERRERO ABSENT.

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SPECIAL ORDINANCE NO.11-2011

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

AN ORDINANCE CONFIRMING THE TAX ROLL FOR WESTCHESTER COUNTY TAXES, INCLUDING SEWER DISTRICT TAXES AND REFUSE DISPOSAL DISTRICT TAXES, FOR THE CALENDAR YEAR 2011, AND LEVYING AND ASSESSING THE TAXES CONTAINED THEREIN.

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

Section 1. The apportionment and extension of the assessment roll of Westchester County Taxes for the calendar year 2011, including sewer district taxes and refuse disposal district taxes, having been completed by the City Assessor at the direction of the City Council, said apportionment and extension constitutes the tax rolls for Westchester County Taxes and said taxes are hereby levied and assessed on the real property appearing thereon as therein set forth.

Section 2. The Mayor is authorized to sign and attach to such tax rolls a warrant under the corporate seal of the City allowing the City Comptroller to collect, in the manner provided by law, the taxes set forth therein, and the City Assessor is hereby directed to deliver the said tax rolls to the Comptroller.

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 08, 2011 BY A VOTE OF 6-0 AT 8:25PM. COUNCILMEMBER TERRERO ABSENT.

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SPECIAL ORDINANCE NO.12-2011

5. BY: COUNCIL PRESIDENT LESNICK, 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 Fire Department for a grant from FEMA, The purpose of the grant is to rehire or hire Firefighters that were laid off or new recruits for the Yonkers Fire Department.

Increase Estimated Revenues

FEMA	049-G07-2778-3419	\$4,846,035
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Increase Appropriation

Fire Dept. – Salaries	049-G07-3419-0101	\$3,034,461
Check _ In Pay	049-G07-3419-0125	71,364
Clothing Allowance	049-G07-3419-0181	30,400
Holiday Pay	049-G07-3419-0182	155,686
Night Differential	049-G07-3419-0183	161,373
Sick Incentive	049-G07-3419-0184	51,908
Pension	049-G07-9015-0803	758,615
FF Welfare	049-G07-9073-0827	87,666
Social Security	049-G07-9030-0805	171,447
Health Ins	049-G07-9060-0815	323,115

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.

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SPECIAL ORDINANCE NO.12-2011 (CONTINUED)

Section 3: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
AT A STATED MEETING HELD ON TUESDAY, MARCH 08, 2011 BY A
ROLL CALL VOTE OF 6-0. COUNCILMEMBER TERRERO ABSENT.

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RESOLUTION NO.40-2011

6. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS 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 AND 00/100 DOLLARS (\$2,000) of the action entitled, "Joseph Imburgia, THE CITY OF YONKERS, Defendant", for property damage wherein it is alleged that that on the 1st day of September, 2010, in front of 79 Mansion Ave., Yonkers, damage was sustained by said party of the second part when a COY Sanitation Vehicle struck the driver's side of claimant's parked and unoccupied vehicle, a 1998 Chrysler Town and Country. 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 AND 00/100 DOLLARS (\$2,000) in favor of said plaintiff.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 08, 2011 BY A VOTE OF 6-0. COUNCILMEMBER TERRERO ABSENT.

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RESOLUTION NO.41-2011

7. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS 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 FIVE THOUSAND DOLLARS (\$5000.00) of the action entitled, "GEICO a/s/o DWAIN PALMER, plaintiffs against THE CITY OF YONKERS, Defendant", for property damage arising out of an alleged incident alleging that on March 3, 2010, Dwain Palmer, subrogor in the above referenced matter, while proceeding on Bashford Street, Yonkers, sustained damage to his vehicle, a 2002 BMW, Model X5, occurring when a COY Police Officer while in the front passenger seat of a stationery Yonkers police vehicle, opened the door of said police vehicle into oncoming vehicular traffic, causing impact with Claimant's vehicle, 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 FIVE THOUSAND DOLLARS (\$5000.00) in favor of said plaintiffs.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 08, 2011 BY A VOTE OF 6-0. COUNCILMEMBER TERRERO ABSENT.

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RESOLUTION NO.42-2011

8. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS 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 THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$7500.00) of the action entitled, "JORGE MUNOZ plaintiff, against CITY OF YONKERS, etal., Defendants," for the alleged deprivation of rights resulting from his arrest on July 26, 2008 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 THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$7,500.00) in favor of said plaintiff and his attorney Rose M. Weber 225 Broadway, Suite 1607 New York, New York 10007.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 08, 2011 BY A ROLL CALL VOTE OF 5-1. COUNCILMEMBER GRONOWSKI VOTING "NAY" COUNCILMEMBER TERRERO ABSENT.

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RESOLUTION NO.43-2011

9. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW,
MINORITY LEADER MURTAGH, COUNCILMEMBERS 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 March 31, 2013.

Mary Ann Maurer
200 Willow St. apt 11
Yonkers, New York 10701

Retired

RENEWAL

Jennifer Williams
251 Woodland Avenue, 2C
Yonkers, New York 10703

Law Firm

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A
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OF 6-0. COUNCILMEMBER TERRERO ABSENT.

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RESOLUTION NO.44-2011

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

WHEREAS, Saint Eugene's Parish, 707 Tuckahoe Rd. in Yonkers will hold their ANNUAL PENNY SOCIAL on April 15th at 6:30 pm and St. Eugene's has requested permission from the City Council to hang a banner in the City promoting this event informing the public as to the details involved with the Penny Social, and

WHEREAS, Saint Eugene's has asked they be permitted to place the banner at the following location:

Bridge over Central Ave. at Tuckahoe Rd./Central Ave. on the South part of the fence, facing North.

The banner will be hung on or about March 18th and to be removed as soon after April 15th as possible.

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

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 08, 2011 BY A VOTE OF 6-0. COUNCILMEMBER TERRERO ABSENT.

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RESOLUTION NO.45-2011

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

WHEREAS, the City of Yonkers is proud and honored to have one of the finest Fire Departments in the Country; and

WHEREAS, over the years, the Yonkers Fire Department has been fortunate to have many dedicated individuals who work faithfully to ensure the safety and well-being of all City residents; and

WHEREAS, one of those dedicated Firefighters is Mike Giroux who was appointed to the Fire Department on October 27, 2000; and

WHEREAS, on Friday, March 4, 2011, Firefighters executed a dramatic rescue 13 stories above Nepperhan Avenue after a collapsed scaffold left two workers dangling; and

WHEREAS, rescuers then performed what is known as a "pick-off," which entailed Firefighter Mike Giroux repelling down and stopping just feet above each victim before transferring them onto his harness; and

WHEREAS, Yonkers Firefighter Mike Giroux, who teaches rope rescue around the country stated, "I don't consider myself a hero," Giroux said "This is just something that I was fortunate enough to be here today, I was fortunate to be picked to go over to do this;" and

WHEREAS, a 90-minute drama came to a successfully conclusion thanks to the Yonkers Fire and Police Departments and Firefighter Mike Giroux who risked his own life to save others.

NOW THEREFORE BE IT RESOLVED, that the Yonkers City Council offers a special thank you to our Yonkers Firefighter Mike Giroux and the Yonkers Fire Department for a job well done on this momentous occasion.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MARCH 08, 2011 BY A VOTE OF 6-0. COUNCILMEMBER TERRERO ABSENT.

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 8:45PM.