

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 22, 2011

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

TIME: 8:05PM

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT:

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

COUNCIL MEMBERS:
DISTRICT:

 2 WILSON A. TERRERO - ABSENT
 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 February 8, 2011 approved on motion of Majority Leader Patricia McDow.

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COMMUNICATIONS FROM CITY OFFICIALS

1. A LETTER DATED FEBRUARY 9, 2011 FROM MAYOR AMICONE ADVISING THE CITY COUNCIL THAT IT IS NOT HIS INTENT TO ACQUIRE SECTION 6, BLOCK 6328, LOT 49 AKA 1051 YONKERS AVENUE. SENT TO COUNCIL ON FEBRUARY 10, 2011

2. A MESSAGE OF NECESSITY DATED FEBRUARY 15, 2011 FROM MAYOR AMICONE RE: INCREASE IN THE AMOUNT OF THE INCOME TAX SURCHARGE. SENT TO COUNCIL ON FEBRUARY 15, 2011

FILED

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COMMUNICATIONS - GENERALLY

1. A LETTER DATED FEBRUARY 11, 2011 FROM CABLEVISION TO COUNCIL PRESIDENT LESNICK, RE: RE-BRANDING OF ABC EYEWITNESS NEWS.

2. FROM THE VILLAGE OF BRONXVILLE, DATED FEBRUARY 11, 2011, NOTIFICATION OF PROJECT APPLICATION AND LEAD AGENCY ESTABLISHMENT FOR LAWRENCE HOSPITAL CENTER FOR A SITE PLAN AND SPECIAL PERMIT FOR THE CONSTRUCTION OF AN APPROXIMATELY 42,000 SQUARE FOOT ADDITION TO THE EXISTING LAWRENCE HOSPITAL COMPLEX.

FILED

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COMMITTEE OF THE WHOLE

<u>NAME</u>	<u>ADDRESS</u>	<u>ITEM NO.</u>
KEVIN GORMAN	YKS RESIDENT	1

AGENDA
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LOCAL LAW NO.3-2011

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

A LOCAL LAW AMENDING LOCAL LAW NO. 8-1984, AS AMENDED BY LOCAL LAW NO. 9-1984, LOCAL LAW NO. 12-1984, LOCAL LAW NO. 9-1988, LOCAL LAW NO. 9-1991, LOCAL LAW NO. 6-1994, LOCAL LAW NO. 5-1995, LOCAL LAW NO. 8-1996 AND LOCAL LAW NO. 10-1997 ENTITLED "A LOCAL LAW PURSUANT TO 30-A AND 30-B OF THE NEW YORK STATE TAX LAW AMENDING THE CODES AND ORDINANCES OF THE CITY OF YONKERS BY A NEW ARTICLE IX IN RELATION TO THE IMPOSITION OF A CITY OF YONKERS INCOME TAX SURCHARGE AND A CITY OF YONKERS EARNING TAX ON NON-RESIDENTS" IN RELATION TO AMENDING SAID LOCAL LAW TO CONFORM WITH THE 2009 AMENDMENTS OF THE NEW YORK STATE TAX LAW AND SPECIFICALLY AMENDING SECTIONS 15-104 AND 15-111 OF THE CODE OF THE CITY OF YONKERS IN REGARD TO THE ESTIMATED TAX AND THE AMOUNT OF THE INCOME TAX SURCHARGE.

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

Section 1. Local Law No. 4, adopted on July 14, 2010 regarding the estimated tax imposed by the City of Yonkers, is hereby repealed.

Section 2. Section 15-104 of Article IX of Chapter 15 of the Code of the City of Yonkers entitled "Estimated tax" is hereby amended, in part, as follows:

"§15-104. Estimated tax.

Every City resident or individual required to make payments of New York State estimated tax under Article 22 of the New York State Tax Law shall make payments of Yonkers estimated tax in an amount equal to [10%] 15% of his New York State estimated tax payments, [in the same manner and subject to the same requirements, to the greatest extent possible as provided in §§ 655 and 656 of the New York State Tax Law. No payment of estimated tax shall be required for taxable years beginning in 1984.]

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LOCAL LAW NO.3-2011 (CONTINUED)

Section 3. Section 15-111 of Article IX of Chapter 15 of the Codes and Ordinances of the City of Yonkers, entitled "Amount of surcharge", is hereby amended as follows:

"§ 15-111. Amount of surcharge.

The surcharge imposed by this article shall be at the rate of [10%] 15% of the net state tax as defined in section [15-90] 15-101 of this article. Further, in the event that the City of Yonkers is desirous of changing the amount of said income tax surcharge from the rate herein imposed, said change shall be effectuated by the adoption by the City Council of a special ordinance."

Section 4. This local law shall take effect as of January 1, 2011.

THIS LOCAL LAW WAS PUT OVER TO A SPECIAL MEETING CALLED FOR WEDNESDAY, FEBRUARY 23, 2011.

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SPECIAL ORDINANCE NO.6-2011

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

A SPECIAL ORDINANCE AUTHORIZING AN ENCROACHMENT IN THE RIGHT-OF-WAY AT 61 TRUMAN AVENUE 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 Mr. Tony Evangelista, 61 Truman Avenue, Yonkers, N.Y., 10703 as owner of 61 Truman Avenue, Yonkers, New York, being designated as Section 3, Block 3382, Lots 1 and 2, on the Official City of Yonkers Tax Map (the "Property"), to construct and maintain an encroachment (repair driveway and retaining wall) upon the City right-of-way located on Truman Avenue in accordance with and as shown on a survey to be approved by the City Engineer and the Director of the Bureau of Housing and Buildings.

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

(a) That the entire cost and expense of obtaining and thereafter maintaining the encroachment on Truman Avenue shall be paid by Mr. Evangelista or his successors and/or assigns without expense to or contribution by the City of Yonkers;

(b) That neither the approval of the above-referred survey by the appropriate city official, nor the placement of any improvements by the owner of 61 Truman Avenue upon said encroachment, 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 benefited 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 said owner or any successors or assigns from the payment of any assessment hereafter imposed;

(c) That no permanent improvements will be allowed in the encroachment area;

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SPECIAL ORDINANCE NO.6-2011 (CONTINUED)

(d) That the owner, its successors and/or assigns, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City of Yonkers 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 within thirty (30) days of approval of this encroachment;

(e) The City of Yonkers reserves the right to revoke or terminate this permission for whatever reason, upon thirty (30) days written notice to the owner, whenever it may deem such revocation necessary; Upon revocation or termination of this permission, the owner, its successors or assigns shall immediately remove any improvement placed within said encroachment at the express direction of the City and at the owner's cost and expense;

(f) That the owner, its successors and/or assigns shall, for the duration of the encroachment, save harmless and indemnify the City of Yonkers for any and all claims, actions, suits, judgments arising out of or related to this encroachment, etc., including all costs associated with the defense thereof.

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 22, 2011 BY A VOTE OF 5-0. COUNCILMEMBERS TERRERO AND SHEPHERD ABSENT.

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SPECIAL ORDINANCE NO.7-2011

3. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS GRONOWSKI 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 N.Y.S. Dormitory Authority for the purchase of equipment for the CBRNE Response Vessel.

Increase Estimated Revenues

NYS Dormitory Authority	049-G07-3450-1509	\$50,000
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Increase Appropriation

Fire Department Equipment	049-G07-3450-0250	\$50,000
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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: The Mayor and/or his designee be and the same is hereby authorized to execute any documents in connection with receipt of said grant.

Section 4: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 22, 2011 BY A VOTE OF 5-0. COUNCILMEMBERS TERRERO AND SHEPHERD ABSENT.

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SPECIAL ORDINANCE NO.8-2011

4. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW,
MINORITY LEADER MURTAGH, COUNCILMEMBERS GRONOWSKI
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 Department of Planning and Development for a grant from NYS Housing Trust Fund/Division of Housing and Community Renewal for emergency home rehabilitation.

Increase Estimated Revenues

NYS	049-G05-8902-0124	\$ 75,000
City Cash Match	049-G05-8902-3200	<u>75,000</u>
		\$150,000

Increase Appropriation

Salaries	049-G05-8902-0101	\$7,498
Misc. Supplies	049-G05-8902-0313	2
Special Prep	049-G05-8902-0496	<u>\$142,500</u>
		\$150,000

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: The Mayor and/or his designee be and the same is hereby authorized to execute any documents in connection with receipt of said grant.

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SPECIAL ORDINANCE NO.8-2011 (CONTINUED)

Section 4: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 22, 2011 BY
A VOTE OF 5-0. COUNCILMEMBERS TERRERO AND SHEPHERD
ABSENT.

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RESOLUTION NO.32-2011

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

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN ENERGY SERVICES PROGRAM AGREEMENT BETWEEN THE POWER AUTHORITY OF THE STATE OF NEW YORK ("PASNY") AND THE CITY OF YONKERS.

WHEREAS, the Power Authority of the State of New York, with offices at 123 Main Street, White Plains, N.Y. 10601, and the City have agreed to participate in an energy services program whereby PASNY developed a turn key program for implementation of these services and programs; and;

WHEREAS, the City of Yonkers wishes to enter into this agreement with the New York State Power Authority to provide certain energy services and/or clean energy technology projects at certain installations and facilities, owned or operated by the City of Yonkers, said projects to be undertaken as part of the Power Authority's Energy Services Program and intended to reduce energy costs and/or to realize significant environmental benefits at the facilities;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee be and the same is hereby authorized to enter into the agreement between the New York State Power Authority and the City of Yonkers for the provision and implementation of an Energy Services Program; and be it further

Resolved, that this resolution will take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 22, 2011 BY A VOTE OF 5-0. COUNCILMEMBERS TERRERO AND SHEPHERD ABSENT.

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RESOLUTION NO.33-2011

6. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW,
MINORITY LEADER MURTAGH, COUNCILMEMBERS GRONOWSKI
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 22, 2013.

Elbert Shamsid-Deen
33 South Broadway
Yonkers, New York 10701

Insurance Broker

RENEWAL

Theresa M. Lucadamo
96 Longview Terrace
Yonkers, New York 10710

Retail Business

RENEWAL

Robert L. Moffitt
96 Longview Terrace
Yonkers, New York 10710

Retired

RENEWAL

Maria Rendina
10 Greenway Terrace
Mahopac, New York 10541

City of Yonkers

RENEWAL

Michael DeFlorio
11 Richard Drive
Mahopac, New York 10541

City of Yonkers

RENEWAL

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RESOLUTION NO.33-2011 (CONTINUED)

Jannine Ferraiola
16 Nytko Drive
Pomona, New York 10970

City of Yonkers

RENEWAL

Catherine Jones
1990A Powell Avenue
Bronx, New York 10472

City of Yonkers

RENEWAL

Jean Suarez
3034 Kingsbridge Avenue
Bronx, New York 10463

Law Firm

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 08, 2011 BY A VOTE OF 5-0. COUNCILMEMBERS TERRERO AND SHEPHERD ABSENT.

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RESOLUTION NO.34-2011

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

WHEREAS, Yoho Arts Studios, located at the Nepperhan Business Center, 540 – 578 Nepperhan Avenue in Yonkers, has an up coming event called YOHO ARTISTS OPEN STUDIO April 9th and 10th 2011. Yoho Arts Studios has asked that they be permitted from the City Council to place banners in areas promoting this event, and

WHEREAS, Yoho Arts Studios has asked that they be permitted to place three (3) banners at the following locations on or before March 25, 2011 and to be removed as soon after April 10, 2011 as is possible:

1. City Hall Bridge
2. Central Park Avenue & Yonkers Avenue Bridge
3. Central Park Avenue & Tuckahoe Avenue Bridge

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Yonkers hereby grants permission to Yoho Arts Studios to place three 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, FEBRUARY 22, 2011 BY A VOTE OF 5-0. COUNCILMEMBERS TERRERO AND SHEPHERD ABSENT.

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RESOLUTION NO.35-2011

7A BY: COUNCILMEMBER LARKIN, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH AND COUNCILMEMBER GRONOWSKI;

WHEREAS, St. Bartholomew's located at 278 Saw Mill River Rd will hold its annual "Sweepstakes Social" on Friday March 25, 2011, and has requested permission from the City Council to place banners in the area promoting this event, and,

WHEREAS, St. Bartholomew's Parish has asked that they be permitted to place four(4) banners at the following locations: (1) on North Broadway & Executive Blvd., (2) the southside of the pedestrian walkway facing Central Park Ave. just north of Central Park Ave. and Tuckahoe Rd., (3) Yonkers Ave. in front of Gold's Gym, and (4) Palmer Rd. and Saw Mill River Rd., on or around March 3rd and to be removed as soon as possible after March 25, 2011.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to St Bartholomew's Parish to place 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, FEBRUARY 22, 2011 BY A VOTE OF 5-0. COUNCILMEMBERS TERRERO AND SHEPHERD ABSENT.

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RESOLUTION NO.36-2011

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

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

WHEREAS, foremost among these groups is the St. Patrick's Day Parade Committee which spearheads the efforts each year to highlight the notable achievements and contributions of prominent caring members of the Irish-American Community; and

WHEREAS, the St. Patrick's Day Parade originated in Yonkers at the Irish Centre on November 29, 1955 and the first festive Parade commemorating this annual celebration in Yonkers took place on Sunday March 11, 1956; and

WHEREAS, each year the St. Patrick's Day Parade Committee hosts a series of events in our City, sharing its proud heritage with all our residents, beginning with the "Changing of the Sash" in early February and culminating with the festive St. Patrick's Day Parade and dinner, this year on the 6th day of March 2011 and will once again celebrate the history and splendor of the Irish and those most supremely proud of their Irish-American heritage; and

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

WHEREAS, this year the Members of the St. Patrick's Day Parade Committee has chosen the very dedicated Roy C. McLaughlin as the 2011 Parade Grand Marshal and the following distinguished individuals as his Aides for the festivities: Elizabeth Fitzgerald, Paul Ryan, Daniel Murphy, Frank Sacco, Christine Murray, Susan Sacco, Robert Philip and Margaret Staruch;

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RESOLUTION NO.36-2011 (CONTINUED)

NOW, THEREFORE BE IT RECOGNIZED, that the Members of the Yonkers City Council join with the St. Patrick's Day Parade Committee in congratulating Parade Grand Marshal Roy C. McLaughlin and his Aides on this most auspicious occasion and we wish them much success in their continued endeavors on behalf of the citizens of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 22, 2011 BY A VOTE OF 5-0. COUNCILMEMBERS TERRERO AND SHEPHERD ABSENT.

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RESOLUTION NO.37-2011

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

WHEREAS there is a growing awareness that violence within relationships often begins during adolescence, with about one in four teens reportedly being the victim of verbal, physical, emotional, or sexual violence each year; and

WHEREAS abusive relationships can impact adolescent development, leading to long-term negative behavioral and health consequences; and

WHEREAS those adolescents experiencing such relationships may carry these dangerous and unhealthy patterns into future ones; and

WHEREAS many communities face the problem of teen dating violence, while young people can be afraid to discuss it, or they may not recognize the severity of physical, emotional, or sexual abuse; and

WHEREAS parents and other adults can also be uncomfortable acknowledging that young people experience abuse, or may be unaware of its occurrence; and

WHEREAS mentors and leaders must stress the importance of mutual respect and challenge representations in popular culture that can lead young people to accept unhealthy behavior in their relationships, in order to help stop abuse before it starts; and

WHEREAS on January 31, 2011, President Barack Obama has proclaimed February 2011 to be National Teen Dating Violence Awareness and Prevention Month; and

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RESOLUTION NO.37-2011 (CONTINUED)

NOW THEREFORE BE IT RESOLVED, that the Yonkers City Council applauds and supports this Presidential Proclamation and echoes its sentiments by recognizing February 2011 to be National Teen Dating Violence Awareness and Prevention Month in Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 22, 2011 BY A VOTE OF 5-0. COUNCILMEMBERS TERRERO AND SHEPHERD ABSENT.

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 8:45PM