

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 24, 2012

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

TIME: 8:05 p.m.

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT:

 2 MAJORITY LEADER WILSON A. TERRERO
 6 MINORITY LEADER JOHN J. LARKIN

COUNCIL MEMBERS:
DISTRICT:

 1 CHRISTOPHER A. JOHNSON
 3 MICHAEL R. SABATINO
 4 DENNIS E. SHEPHERD
 5 MICHAEL B. BREEN

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 January 10, 2012 approved on motion of Majority Leader Wilson Terrero.

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COMMUNICATIONS FROM CITY OFFICIALS

NONE

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COMMUNICATIONS - GENERALLY

NONE

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COMMITTEE OF THE WHOLE

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SPECIAL ORDINANCE NO.2-2012

1. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE GRANTING TO CABLEVISION A PERMITTO INSTALL A NEW CONDUIT AND RELATED SERVICES AT 2 THROUGH 24 MAIN STREET, THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Cablevision, in a communication forwarded to the City Engineer dated December 22, 2011, 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, to install 1-4" PVC from Pole W-1 located on Mill Street to the front of 12 Main Street and continue to feed 2-24 Main Street for approximately 451 feet. The contractor will trench approximately 176 feet to the sidewalk in front of 12 Main Street, and a new sidewalk vault installed. The trench will continue west for approximately 57 feet to the front of 16 Main Street and a new sidewalk vault installed. The trench will also continue approximately 78 feet east from in front of 12 Main Street to 6 Main Street and a new sidewalk vault installed. Finally, the trench will continue approximately 100 feet east to the front of 2 Main Street and a new sidewalk vault installed and related services at the aforementioned addresses in Yonkers, N.Y., in accordance with the letter; 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, said work will include but not be limited to the installation of 1-4" PVC from Pole W-1 located on Mill Street to the front of 12 Main Street and continue to feed 2-24 Main Street for approximately 451 feet. The contractor will trench approximately 176 feet to the sidewalk in front of 12 Main Street, and a new sidewalk vault installed. The trench will continue west for approximately 57 feet to the front of 16 Main Street and a new sidewalk vault installed. The trench will also continue approximately 78 feet east from in front of 12 Main Street to 6 Main Street and a new sidewalk vault installed. Finally, the trench will continue approximately 100 feet east to the front of 2 Main Street and a new sidewalk vault installed and related services at the aforementioned addresses in Yonkers, N.Y.; and

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SPECIAL ORDINANCE NO.2-2012 (CONTINUED)

WHEREAS, the said company will be required, prior to the commencement of the work, to insure the restoration of said streets and sidewalks in the same condition as said streets and sidewalks were in prior to said excavation or removal and indemnifying and saving harmless the City of Yonkers against loss or losses, damages, action, or proceedings arising out of said excavation;

NOW, THEREFORE BE IT RESOLVED, 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 to install a new conduit and related services, as well as new sidewalk vaults, as described herein, at the 2-24 Main Street and Mill 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, JANUARY 24, 2012 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.3-2012

2. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE AUTHORIZING AN ENCROACHMENT IN THE RIGHT-OF-WAY ON LENNON 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 JOHN AVERSANO and ROBERT AVERSANO, as owners of 22 Lennon Avenue, Yonkers, New York, Section 2, Block 2190, Lot 45, to construct and maintain an encroachment upon the City right-of-way located on Lennon Avenue in accordance with and as shown on a survey to be approved by the City Engineer.

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 Lennon Avenue shall be paid by the owners, their 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 owners of 22 Lennon 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.3-2012 (CONTINUED)

- (d) That the owners, their successors, assigns, and 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 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, her successors or assigns shall immediately remove any improvement placed within said encroachment at the express direction of the City, and at the owners cost and expense;
- (f) That the owner, his 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.

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
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VOTE OF 7-0.

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SPECIAL ORDINANCE NO.4-2012

3. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE AUTHORIZING AN ENCROACHMENT ON UNUSED CITY PROPERTY IN THE SOUTHWEST CORNER OF A LOT LOCATED AT 2187 CENTRAL PARK AVENUE UPON WHICH FIRE STATION 14 IS SITUATED.

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

Section 1. Permission is hereby granted to Anthony J. Iarrichio of 20 Newport Road, Yonkers, New York 10710, the owner of adjacent property designated as Block 4350, Lots 18 and 19, as shown on the official map of the City of Yonkers, to maintain an encroachment upon City property, known as Fire Station 14 located 2187 Central Park Ave. Yonkers, 10710, Block 4350, Lot 1 in accordance with and as shown on a plan approved by the City Engineer, attached hereto as Exhibit A.

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 said City property shall be paid by the owner, its successors or assigns (hereinafter referred to as "owner") without expense to or contribution by the City of Yonkers. The owner, its successors and assigns shall be limited to the construction/erection of a garden wall no higher than 12 inches from the grade of land;
- (b) That upon the written request of the City of Yonkers, the owner, at his own expense shall remove the aforementioned garden wall within 30 days and restore the property to its original state prior to the construction/erection of said wall;
- (c) 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 rights of the City of Yonkers to provide for construction or otherwise improve its property; provided further that that the City of Yonkers reserves the right to assess the property benefitted in like manner and in like effect as if approval has 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;

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SPECIAL ORDINANCE NO.4-2012 (CONTINUED)

- (d) 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 upon the mutual agreement of the owner and the City of Yonkers for an additional five (5) year period and provided that the owner is not in default of its obligations hereunder. Said renewal shall commence with a written request to the City of Yonkers by the owner not less than six (6) months before the expiration of this permission. However, the City of Yonkers shall reserve the right to terminate the permission within thirty (30) written notice to the owner. All activities undertaken in performance of any work shall be properly guarded by said owner, his servants, agents, or employees and any disturbed areas shall be restored in similar or equal condition to the present state of said property;
- (e) That the construction of the aforementioned garden wall shall be performed in compliance with all local laws;
- (f) That it is the responsibility of the owner to secure all necessary permits and consents from the appropriate City agency and shall secure and maintain a property damage policy and public liability insurance policy naming the City as insured, or as a named additional insured in the amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and to provide the City with evidence thereof;
- (g) That the owner 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, demands, losses, damages, causes of action, including personal injury and/or death including all costs related to the defense thereof;
- (h) That the City of Yonkers or authorized representatives shall be permitted entry upon the encroached property at any time or for any reason.

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SPECIAL ORDINANCE NO.4-2012 (CONTINUED)

Section 3. This ordinance shall take effect immediately.

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VOTE OF 7-0.

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RESOLUTION NO.9-2012

4. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

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 Hundred Ninety Dollars and Ninety-Seven Cents (\$590.97) of the action entitled, "Frank Miller, Plaintiff against THE CITY OF YONKERS, Defendant", for property damage arising out of an incident on July 19, 2011 in front of 22 Curtis Lane, 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 Five Hundred Ninety Dollars and Ninety-Seven Cents (\$590.97) in favor of said plaintiffs.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 24, 2012 BY A VOTE OF 7-0.

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RESOLUTION NO.10-2012

5. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

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 FIVE HUNDRED DOLLARS AND NO CENTS (\$1,500.00) of the action entitled, "Safiy Hawthorne, (residing at 13 Eagle Ridge Way, Nanuet, NY 10954) plaintiff against THE CITY OF YONKERS, Defendant", for vehicle damage arising out of an alleged accident alleging that her vehicle was damaged on August 19, 2011, 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 DOLLARS AND NO CENTS (\$1,500.00) in favor of said plaintiff.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 24, 2012 BY A VOTE OF 7-0.

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RESOLUTION NO.11-2012

6. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

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 NINE HUNDRED TEN DOLLARS and THIRTY-NINE CENTS (\$3910.39) of the action entitled, "Allstate a/s/o Frank Thorp", residing at 15 B South Maple Avenue, Dark Ridge, New Jersey, 07656, plaintiff against "THE CITY OF YONKERS," defendant, for property damage arising out of an incident on August 8, 2011, in the City of Yonkers that caused damage to his vehicle as a result of an accident with a Department of Public Works vehicle on Park Hill Avenue near its intersection with Lakeside Drive. 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 NINE HUNDRED TEN DOLLARS and THIRTY-NINE CENTS (\$3910.39) in favor of said plaintiff.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 24, 2012 BY A VOTE OF 7-0.

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RESOLUTION NO.12-2012

7. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
YONKERS APPOINTING A MEMBER OF THE CITY OF
YONKERS INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, at the request of the City of Yonkers, General Municipal Law Section 903, as the enabling act for City of Yonkers Industrial Development Agency ("YIDA"), was amended by Chapter 475 of the Laws of 2010, to provide for appointment of one member of YIDA by the City Council resulting in a board composition of six mayoral appointees and one council appointee; and

WHEREAS, it has been the recent tradition in the City of Yonkers for the Mayor and Deputy Mayor both to serve as members of YIDA; and

WHEREAS, the YIDA bylaws delineate that the Mayor serves ex-officio and the Deputy Mayor serves in his or her individual capacity; and

WHEREAS, Mayor Michael Spano will therefore designate himself to be a member of the YIDA to fill the position held by former Mayor Philip Amicone; and

WHEREAS, the Mayor and City Council desire to continue the recent tradition of having the Deputy Mayor serve as a member of the YIDA, while preserving City Council's discretion to appoint one member as contemplated by the YIDA Enabling Act as amended.

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby appoints Ms. Susan Gerry, Deputy Mayor, as a member of YIDA, to fill the position held by former Deputy Mayor Regan, for a term to expire on the earlier of May 31, 2013 (earliest date of current terms of other YIDA members) or earlier if another member resigns or no longer serves, at which time the City Council will appoint a member of YIDA and the Mayor has discretion to continue and/or to reappoint Ms. Gerry as one of the Mayoral appointees; and be it

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RESOLUTION NO.12-2012 (CONTINUED)

FURTHER RESOLVED, that in the spirit of the recent amendment, YIDA will recognize a non-voting liaison from the City Council to help insure City Council participation. Prior to each meeting, a Council member or designated staff shall notify the Chair of the meeting who will be the liaison for that meeting. The responsibility for designation at each meeting lies with City Council. This liaison will cease to function once Ms. Gerry is no longer the City Council appointee; and be it

FURTHER RESOLVED, this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 24, 2012 BY A VOTE OF 7-0.

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RESOLUTION NO.13-2012

8. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

BE IT RESOLVED, that the Yonkers City Council hereby appoints Jean M. Tickell, 369 Bellevue Avenue, Yonkers, NY, 10703, to the Yonkers Board of Assessment and Review for a five year term to expire on December 31, 2017.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 24, 2012 BY A ROLL CALL VOTE OF 4-0. MINORITY LEADER LARKIN, COUNCILMEMBERS SHEPHERD AND BREEN ABSTAINED.

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RESOLUTION NO.14-2012

9. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

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, 2014.

Marwan Wadi Dahdal
343 Hawthorne Avenue
Yonkers, New York 10705

Architectural Office

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 24, 2012 BY A VOTE OF 7-0.

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RESOLUTION NO.15-2012

9A BY MINORITY LEADER LARKIN, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

WHEREAS, the Dunwoodie Youth Association (Boys & Girls Club), will be holding their annual "Baseball & Softball Registration" from Monday, February 6, 2012 to Monday, March 12th 2012, and has requested permission from the City Council to place a banner at the following location promoting the event; and

WHEREAS, the Dunwoodie Youth Association has asked that they be permitted to place one (1) banner on the Yonkers Ave. Bridge, at the intersection of Central Park Avenue as soon as possible and to be removed as soon after March 12th as is possible; and

WHEREAS, said location is 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 the Dunwoodie Youth Association to place one banner in the aforementioned location, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 24, 2012 BY A VOTE OF 7-0.

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THIS CITY COUNCIL MEETING WAS ADJOURNED AT 8:25 P.M.