

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
WEDNESDAY, SEPTEMBER 26, 2012

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

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 September 12, 2012 approved on motion of Majority Leader Wilson Terrero.

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COMMUNICATIONS FROM CITY OFFICIALS

1. FROM CITY CLERK DATED SEPTEMBER 18, 2012 TO THE CITY COUNCIL RE: EXAMINATION OF PROPOSED CHARTER AMENDMENT PETITIONS.

2. FROM YONKERS PLANNING BOARD DATED SEPTEMBER 13, 2012 RE; SEQRA – LEAD AGENCY DETERMINATION/COORDINATED REVIEW

FILED

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COMMUNICATIONS - GENERALLY

1. FROM THE TOWN OF EASTCHESTER TO THE CITY COUNCIL RE: A PUBLIC HEARING TO BE HELD ON SEPTEMBER 18, 2012 AT 8:00PM AT TOWN HALL, 40 MILL ROAD, EASTCHESTER, NEW YORK 10709 ON A PROPOSED LOCAL LAW EXTENDING LOCAL LAW 2-2012.

2. FROM THE WESTCHESTER COUNTY RENT GUIDELINES BOARD, RE; NOTICE OF A PUBLIC HEARING TO TAKE PLACE ON WEDNESDAY, SEPTEMBER 19, 2012 RE; 2012/13 GUIDELINES AND ADOPTION OF EXPLANATORY STATEMENT.

FILED

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COMMITTEE OF THE WHOLE

	<u>NAME</u>	<u>ADDRESS</u>	<u>ITEM NO.</u>
1.	BARRY McGOEY	LOCAL 628	5

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SPECIAL ORDINANCE NO.67-2012

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

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL GAS UNDERGROUND FACILITIES AND RELATED SERVICES AT DIMSDALE ROAD BETWEEN WOODFORD ROAD AND STONELEIGH ROAD AS THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer, dated August 7, 2012, 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 161 linear feet to install gas underground facilities at Dimsdale Road between Woodford Road and Stoneleigh Road in the City of Yonkers, NY in order to supply gas service to adjacent residences, in accordance with Permit Number REF # 473 and Layout Number G12-10091-WCY; and

WHEREAS, the work being done by said company is 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, BE IT RESOLVED, that the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Consolidated Edison, 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 161 linear feet to install gas underground facilities at Dimsdale Road between Woodford Road and Stoneleigh Road in the City of Yonkers, NY in order to supply gas service to adjacent residences, in accordance with Permit Number REF # 473 and Layout Number G12-10091-WCY.

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SPECIAL ORDINANCE NO.67-2012 (CONTINUED)

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 26,
2012 BY VOTE OF 7-0.

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SPECIAL ORDINANCE NO.68-2012

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

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL GAS UNDERGROUND FACILITIES AND RELATED SERVICES AT LOCUST HILL AVENUE AND BALDWIN PLACE AS THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer, dated August 7, 2012, 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 157 linear feet to install gas underground facilities at the intersection of Locust Hill Avenue and Baldwin Place in the City of Yonkers, NY, in order to supply gas service to adjacent residences, in accordance with Permit Number REF # 474 and Layout Number E12-13009-002WCY; and

WHEREAS, the work being done by said company is 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, BE IT RESOLVED, that the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Consolidated Edison, 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 157 linear feet to install gas underground facilities at the intersection of Locust Hill Avenue and Baldwin Place in the City of Yonkers, NY, in order to supply gas service to adjacent residences, in accordance with Permit Number REF # 474 and Layout Number E12-13009-002WCY.

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SPECIAL ORDINANCE NO.68-2012 (CONTINUED)

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 26,
2012 BY VOTE OF 7-0

ANNOTATED AGENDA
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RESOLUTION NO.105-2012

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

WHEREAS, Cablevision Systems Westchester Corporation ("Cablevision") desires to install and maintain fiber optic cable and related facilities within the Conduit owned and maintained by the City of Yonkers located at Ridge Hill B1 and South Bound Service Road/Exit Ramp, west of the New York State Thruway; and

WHEREAS, the purpose for this request is to service Westchester County's Daniel P. Thomas Material Recovery Facility property located on the east side of the New York State Thruway and north of Stew Leonard Drive; and

WHEREAS, in recognition of the foregoing, the City of Yonkers and Cablevision seek to enter into a Conduit Lease Agreement ("Agreement"), which has been reviewed and recommended for approval by the Corporation Counsel of the City of Yonkers and provides for appropriate remuneration and protection of the rights of the City throughout the Agreement's five year term;

NOW, THEREFORE BE IT RESOLVED, that the Mayor or his designee is hereby authorized to execute the Conduit Lease Agreement and any other documents necessary to effectuate said agreement; 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 WEDNESDAY, SEPTEMBER 26, 2012 BY VOTE OF 7-0

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RESOLUTION NO.106-2012

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

WHEREAS, in accordance with § C1-5 of the Charter of the City of Yonkers entitled "Mandatory reapportionment", the reapportionment of the 12 Ward boundaries shall be made every ten years; and

WHEREAS, pursuant to such Charter section, the Mayor shall appoint a five member commission, with the advice and consent of the City Council, two of whom shall be members of the City Council, and not more than one shall be of the same political party, and three citizen members, not more than two of whom shall be of the same political party, to provide for 12 wards of substantially equal population; and

WHEREAS, on June 26, 2012, the City Council unanimously adopted Resolution 94-2012 appointing various members to the commission on reapportionment; and

WHEREAS, since date of adoption of Resolution 94-2012, it has become necessary to substitute one committee member; and

WHEREAS, the Mayor previously has submitted the names of the commission members to this City Council for its advice and consent;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers amends Resolution 94-2012 to the extent of the following appointment, and hereby gives its advice and consent to the appointment of the following individual to the commission on reapportionment:
Joan Deierlein

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 WEDNESDAY, SEPTEMBER 26, 2012 BY VOTE OF 7-0

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RESOLUTION NO.107-2012

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

WHEREAS, Mayor Mike J. Spano has appointed Robert Sweeney to be the City of Yonkers' next Fire Commissioner; and

WHEREAS, the Commissioner designee comes to the City of Yonkers following a 33 year career in the Fire Department of the City of New York (FDNY), having served most recently as the Chief of Operations for that Department; and

WHEREAS, the Commissioner designee began a career in the Fire Service in 1979 as a sworn Firefighter in the FDNY and has advanced through the ranks of that department and is currently responsible for the oversight and operational readiness of over 11,000 Fire Officers and Firefighters and administrative staff; and

WHEREAS, his many career achievements include his service as Commander of the FDNY Incident Management Team during their dispatch to New Orleans in the aftermath of Hurricane Katrina along with his vital role in rebuilding the FDNY following the tragic events of 9/11; and

WHEREAS, it is clear from his experience that the Commissioner designee exceeds all the qualifications and training necessary to lead a diverse workforce of dedicated Fire personnel; and

WHEREAS, pursuant to Section C3-5 of the Charter of the City of Yonkers, the appointment of the Fire Commissioner is subject to the advice and consent of the City Council; and

WHEREAS, it is in the best interest of the City of Yonkers that the City Council give advice and consent to the appointment of Robert Sweeney as Fire Commissioner and in doing so, the waiver required by Section 2-8 of the Yonkers City Charter be granted.

NOW, THEREFORE BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the appointment of Robert Sweeney as Fire Commissioner for the City of Yonkers; and be it

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RESOLUTION NO.107-2012 (CONTINUED)

FURTHER RESOLVED, that this Resolution shall be effective as of August 31, 2012.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 26, 2012 BY VOTE OF 7-0

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RESOLUTION NO.108-2012

6. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SHEPHERD, SABATINO 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 October 31, 2014.

Salvatore Ferrara
17 Durst Place
Yonkers, New York 10704

Building Department

NEW

Arlene Santos-Weight
1 Glenwood Ave, #23D
Yonkers, New York 10701

Child Care

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 26, 2012 BY VOTE OF 7-0

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RESOLUTION NO.109-2012

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

WHEREAS, the City of Yonkers is truly blessed and 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 Yonkers Columbus Day Celebration Committee who leads the efforts each year to highlight the extensive achievements and contributions of the Italian-American Community; and

WHEREAS, each year the Yonkers Columbus Day Celebration Committee hosts a series of events beginning in September, and culminating with the Columbus Day Parade to commemorate its proud heritage with all the residents of Yonkers; and

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

WHEREAS, this year the Yonkers Columbus Day Celebration Committee under the Chairmanship of ROBERT FERRITO, has selected the following distinguished individuals as honorees for the 2012 Columbus Day festivities: AL SORANO- *Humanitarian Award Recipient*; CHRISTOPHER 'TINY' MILANO-*Hall of Fame Inductee*; DR. RONALD & ANNETTE VOLINO-*Parade Grand Marshals*;

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RESOLUTION NO.109-2012 (CONTINUED)

NOW, THEREFORE, BE IT RESOLVED that the Members of the Yonkers City Council on behalf of all our residents offers its sincerest thanks to the officers of the Columbus Day Committee 2012 and to all members of the Yonkers Columbus Day Celebration Committee for their tremendous efforts given individually and collectively to make the Columbus Day festivities in Yonkers enjoyable and educational for everyone.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 26, 2012 BY VOTE OF 7-0

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RESOLUTION NO. 110-2012

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

WHEREAS, the Yonkers Columbus Day Committee will host its 85th Annual Columbus Day Parade on Sunday, September 30, 2012 and has requested permission from the City Council to place banners in prominent locations throughout the City publicizing the event; and

WHEREAS, the Yonkers Columbus Day Committee has asked that they be permitted to place banners at the following locations: the intersection of North Broadway and Odell Ave; McLean Ave; Central Ave Bridge (near Sadore Lane) the intersection of Central Ave. and Tuckahoe Road; the intersection of Central Ave. and McLean Ave; and the intersection of Central Ave. and Yonkers Ave; and

WHEREAS, said locations are subject to the scheduling and availability of the banner sites as administered by the Department of Public Works.

THEREFORE, BE IT RESOLVED that the City Council of the City of Yonkers hereby grants permission to the Yonkers Columbus Day Committee to place banners in the aforementioned locations, subject to ant terms and conditions deemed appropriate by the administration to protect the best interest of the City of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 26, 2012 BY VOTE OF 7-0

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RESOLUTION NO.111-2012

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

WHEREAS, Sacred Heart HS, located at 34 Convent Avenue in Yonkers will hold its annual "Oktoberfest" Thursday, October 11, thru October 14, 2012, and has requested permission from the City Council to place two banners in the area promoting this event, and

WHEREAS, Sacred Heart HS has asked that they be permitted to place two (2) banners: one the Central Avenue/Tuckahoe Road Bridge and the second on the Nepperhan Avenue Bridge closest to City Hall, as soon as possible and to be removed as soon after October 14, 2012 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 Sacred Heart HS 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 WEDNESDAY, SEPTEMBER 26, 2012 BY VOTE OF 7-0

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RESOLUTION NO.112-2012

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

WHEREAS, St. John's Episcopal Church, located at 100 Underhill Street in Yonkers, will hold its "Annual Fall Fair" on November 3, 2012 and has requested permission from the City Council to place a banner in the area promoting this event, and

WHEREAS, St. John's Episcopal Church has asked that they be permitted to place one banner at the following location: (1) Central Park Avenue/ Sadore Lane Bridge (northbound) around October 13, 2012 and to be removed as soon after November 3rd 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. John's Episcopal Church 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 WEDNESDAY, SEPTEMBER 26, 2012 BY VOTE OF 7-0

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RESOLUTION NO.113-2012

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

WHEREAS, Our Lady of Fatima School, located at 963 Scarsdale Road in Yonkers will hold its Annual Carnival beginning on Thursday, October 18, 2012, through Sunday, October 21, 2012, and has requested permission from the City Council to place one banner in the area promoting this event, and

WHEREAS, Our Lady of Fatima School has asked that they be permitted to place one (1) banner at the location of Central Park Ave. & Sadore Lane, on the pedestrian over-pass (south-bound) or where ever convenient in that same area on Central Park Ave., on or around Sep. 28, 2012, and to be removed as soon after October 21, 2012 as is possible.

WHEREAS, said location/s are subject to the scheduling and availability of the banner site/s 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 Our Lady of Fatima School 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 WEDNESDAY, SEPTEMBER 27, 2012 BY VOTE OF 7-0

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 8:24 P.M.