

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, NOVEMBER 27, 2012

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 - ABSENT

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 November 13, 2012 and a special meeting held on November 20, 2012 approved on motion of Majority Leader Wilson Terrero.

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COMMUNICATIONS FROM CITY OFFICIALS

FROM DELBELLO, DONNELLAN, WEINGARTEN, WISE &
WIEDERKEHR, LLP REGARDING PETITION OF MORRIS INDUSTRIAL
BUILDERS FOR AMENDMENTS TO THE ZONING ORDINANCE AND
ZONING MAP AFFECTING PROPERTY LOCATED ON STEW
LEONARD DRIVE, YONKERS.

REFERRED TO PLANNING

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COMMUNICATIONS - GENERALLY

NOTICE OF A PUBLIC HEARING FROM THE TOWN OF GREENBURGH TO BE HELD ON WEDNESDAY, NOVEMBER 28, 2012 AT GREENBURGH TOWN HALL, 177 HILLSIDE AVENUE, GREENBURGH, N.Y. 10607, RE: A SPECIAL PERMIT APPLICATION FOR A GASOLINE SERVICE STATION LOCATED AT 880 CENTRAL PARK AVENUE.

FILED

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COMMITTEE OF THE WHOLE

NO SPEAKERS

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GENERAL ORDINANCE NO.17-2012

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

AN ORDINANCE AMENDING THE CODE OF THE CITY OF YONKERS
BY AMENDING IN PART CHAPTER 15 ENTITLED "TAXES"

The City Council of the City of Yonkers, in City Council convened, does hereby ordain and enact as follows:

Section 1. Chapter 15 of the Code of the City of Yonkers, entitled "Taxes" is hereby amended, in part, by amending Section 15-62 thereof, entitled "Payment" to read as follows;

§ 15-62. Payment.

The tax imposed hereunder shall be paid by the grantor to the City of Yonkers within [30] 7 days after the delivery of the deed by the grantor to the grantee, but before the recording of such deed. The grantee shall also be liable for the payment of such tax in the event that the grantor is exempt from tax. Evidence of the payment of the tax shall be affixed to the deed. The Comptroller may provide for the use of stamps as evidence of payment and that they shall be affixed to the deed before it is recorded.

Section 2. This Ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
AT A STATED MEETING HELD ON TUESDAY, NOVEMBER 27, 2012
BY VOTE OF 6-0. COUNCIL PRESIDENT LESNICK WAS ABSENT

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SPECIAL ORDINANCE NO.79-2012

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

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW GAS MAIN AND RELATED SERVICES AT 38-44 PARK AVENUE AS THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET SUBJECT TO CERTAIN TERMS AND CONDITIONS.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer dated September 7, 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 252 linear feet, more or less, and to replace and install new gas underground facilities and related services at 38-44 Park Avenue, Yonkers, N.Y. in accordance with Drawing Number S12-86645-WCY; 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, 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 252 linear feet, more or less, and to replace and install new gas underground facilities and related services at 38-44 Park Avenue, Yonkers, N.Y. in accordance with Drawing Number S12-86645-WCY.

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SPECIAL ORDINANCE NO.79-2012 (CONTINUED)

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
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SPECIAL ORDINANCE NO.80-2012

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

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW GAS MAIN AND RELATED SERVICES AT KINGS CROSS PARKWAY AS THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET SUBJECT TO CERTAIN TERMS AND CONDITIONS.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer dated September 7, 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 603 linear feet, more or less, and to replace and install new gas underground facilities and related services at Kings Cross Parkway, Yonkers, N.Y. in accordance with Drawing Number G12-05214-WCY ; 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, 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 603 linear feet, more or less, and to replace and install new gas underground facilities and related services at Kings Cross Parkway, Yonkers, N.Y. in accordance with Drawing Number G12-05214-WCY.

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SPECIAL ORDINANCE NO.80-2012 (CONTINUED)

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
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SPECIAL ORDINANCE NO.81-2012

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

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW GAS MAIN AND RELATED SERVICES AT BUCKINGHAM ROAD, FOWLER AVENUE AND LOCKWOOD AVENUE AS THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET SUBJECT TO CERTAIN TERMS AND CONDITIONS.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer dated September 7, 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 260 linear feet, more or less, and to replace and install new gas underground facilities and related services at Buckingham Road, Fowler Avenue and Lockwood Avenue, Yonkers, N.Y. in accordance with Drawing Number G12-004854-WCY ; 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, 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 260 linear feet, more or less, and to replace and install new gas underground facilities and related services at Buckingham Road, Fowler Avenue and Lockwood Avenue, Yonkers, N.Y. in accordance with Drawing Number G12-004854-WCY.

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SPECIAL ORDINANCE NO.81-2012 (CONTINUED)

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
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SPECIAL ORDINANCE NO.82-2012

5. BY MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW GAS MAIN AND RELATED SERVICES AT MC LEAN AVENUE AND KIMBALL AVENUE AS THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET SUBJECT TO CERTAIN TERMS AND CONDITIONS.

WHEREAS, Consolidated Edison, in a communication forwarded to the City Engineer dated October 5, 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 225 linear feet, more or less, and to replace and install new gas underground facilities and related services at Mc Lean Avenue between Kimball Avenue and Alexander Street, Yonkers, N.Y. in accordance with Drawing Number S12-87607-WCY-P2; 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, 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 225 linear feet, more or less, and to replace and install new gas underground facilities and related services at Mc Lean Avenue between Kimball Avenue and Alexander Street, Yonkers, N.Y. in accordance with Drawing Number S12-87607-WCY-P2.

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SPECIAL ORDINANCE NO.82-2012 (CONTINUED)

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
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RESOLUTION NO.127-2012

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

WHEREAS, Mayor Mike Spano has appointed Michael V. Curti, Esq. to be Yonkers' next Corporation Counsel; and

WHEREAS the Corporation Counsel designee has approximately eight years of progressive legal experience in both the public and private sectors with increasing responsibilities with each legal assignment and has served in the position of First Deputy Corporation Counsel for the City of Yonkers for the past nine months focusing on the management of the office, including litigation and development issues; and

WHEREAS, the Corporation Counsel designee has all of the qualifications, training and experience to guide, manage and lead the office of the Corporation Counsel; and

WHEREAS, pursuant to Section 3-7 of the Charter of the City of Yonkers, the appointment of the Corporation Counsel is subject to the advise 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 Michael V. Curti, Esq., as Corporation Counsel.

NOW, THEREFORE BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the appointment of Michael V. Curti, Esq. as Corporation Counsel; and be it

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RESOLUTION NO.127-2012 (CONTINUED)

FURTHER RESOLVED, that this Resolution shall take effect as of November 9, 2012.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, NOVEMBER 27, 2012 BY VOTE OF 6-0. COUNCIL PRESIDENT LESNICK WAS ABSENT

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RESOLUTION NO.128-2012

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

WHEREAS, Mayor Michael J. Spano has appointed Brendan J. McGrath, Esq. to serve as First Deputy Corporation Counsel; and

WHEREAS, the First Deputy Corporation Counsel designee has approximately eleven years experience in the Office of the Westchester County Attorney along with 10 months of experience as the Second Deputy Corporation Counsel in the City of Yonkers; and

WHEREAS, this legal experience included the prosecution of matters in the various courts of Westchester County, knowledge of and practice in Appellate litigation, drafting of opinions and legislation and daily management of office and personnel, and in the City of Yonkers he has experience in drafting legislation, overseeing litigations matters, advising department heads and has assisted in the management of the office of the Corporation Counsel; and

WHEREAS, pursuant to Section C3-5 of the City Charter the appointment of the First Deputy Corporation Counsel is subject to the advice and consent of the City Council; and

WHEREAS, since the First Deputy Corporation Counsel designee possesses the necessary legal experience and qualifications for the said position in the Department of Law, it is in the best interest of the City of Yonkers that the City Council give advise and consent to the appointment of Brendan J. McGrath, Esq. as First Deputy Corporation Counsel;

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby gives its advice and consent to the appointment of Brendan J. McGrath, Esq. as the First Deputy Corporation Counsel; and be it

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RESOLUTION NO.128-2012 (CONTINUED)

FURTHER RESOLVED, that this Resolution shall take effect as of November 9, 2012.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, NOVEMBER 27, 2012 BY VOTE OF 6-0. COUNCIL PRESIDENT LESNICK WAS ABSENT

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RESOLUTION NO.129-2012

8. 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 Fifteen Thousand Dollars (\$15,000.00) of the action entitled, "Tajuana Manners, et al. Plaintiffs against THE CITY OF YONKERS, Defendant", for violations of civil rights allegedly sustained by plaintiffs in the course of a search warrant execution by City of Yonkers police officers on May 3, 2007; 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 Fifteen Thousand Dollars (\$15,000.00) in favor of said plaintiffs and their attorneys Leventhal & Klein.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, NOVEMBER 27, 2012 BY VOTE OF 6-0. COUNCIL PRESIDENT LESNICK WAS ABSENT

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RESOLUTION NO.130-2012

9. BY 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 December 31, 2014.

Karen Ann Schindler
210 Oak Street
Yonkers, New York 10701

Social Worker

RENEWAL

Conrad Orey
130-76 Glenwood Ave
Yonkers, New York 10703

Retired

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A
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RESOLUTION NO.131-2012

10. BY COUNCILMEMBER SHEPHERD, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO AND BREEN:

Whereas, many community activists in the City of Yonkers have worked in the city to help others, and

Whereas, an example of this is the late Joseph M. Esposito, and

Whereas, Joseph M. Esposito was born to Leona Florio and Joseph A. Esposito on September 9, 1948 in the Bronx; his family moved to the City of Yonkers soon after, where Joseph lived until his time of passing on July 16, 2010, and

Whereas, Joseph M. Esposito was dedicated to public service in and for Yonkers, serving for many years in the Yonkers public schools, and

Whereas, Joseph M. Esposito attended Yonkers Public Schools, PS. 14 Rosemarie Saragusa School, Mark Twain Middle School and Lincoln High School, and

Whereas, Joseph M. Esposito, attended John Jay College for Criminal Justice for two years, then received a finance degree from CUNY Baruch College in New York City, and

Whereas, Joseph M. Esposito was an Auxiliary Police Officer in Mount Vernon for five years, and

Whereas, Joseph M. Esposito was an employee of the City of Yonkers, a member of the Academy of Finance at Lincoln High School, a member of the High School Associations of Stepinac High School, Our Lady of Victory, as well as Good Council Academy, and retired as an employee of the Yonkers Board of Education, and

Whereas, Joseph M. Esposito was involved in many activities such as being one of the founders of the Sons of Italy John Calendar Lodge, a member of St. John the Baptist Church and its Parents Association, and a member of the Cross County Home Owners Association, and

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RESOLUTION NO.131-2012 (CONTINUED)

Whereas, Joseph M. Esposito served as District Leader, Co-Ward Leader, Ward Leader, Treasurer, and Club President for the 12th Ward, rising to the post of Vice Chairman for the Republican Party, and

Whereas, Joseph M. Esposito is survived by his beloved wife of thirty four years, Geraldine E. Esposito, his son Christopher, His Daughter in law Angela, daughter Nicole, son-in-law Andrew Wallack, youngest daughter Kellie Marie, and his grandson Zachary Joseph Wallack, and

Whereas, Joseph M. Esposito's family, neighbors and friends of many years request to have the street, presently named Ridgewood Avenue, at the Yonkers Avenue intersection, where Joseph M. Esposito lived with his family, be honorarily named Joe Esposito Way to recognize the work and public service he accomplished during his lifetime, and

Whereas, Council Rules of October, 2012 require a public hearing take place for such a request.

Now, therefore be it resolved, that the City Council of Yonkers hereby directs the City Clerk to set a public hearing date for the consideration of an honorary street naming of Joe Esposito Way on Ridgewood Avenue at the intersection of Ridgewood Avenue and Yonkers Avenue.

Be it further resolved, that barring any unforeseen circumstance, a street naming ceremony may thereafter be scheduled.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, NOVEMBER 27, 2012 BY VOTE OF 6-0. COUNCIL PRESIDENT LESNICK WAS ABSENT

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RESOLUTION NO.132-2012

11. BY MINORITY LEADER LARKIN, 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 Holiday Craft Fair beginning on Saturday, December 8, 2012, through Sunday, December 9, 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 Nov. 19, 2012, and to be removed as soon after December 9, 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 TUESDAY, NOVEMBER 27, 2012 BY VOTE OF 6-0. COUNCIL PRESIDENT LESNICK WAS ABSENT

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COMMITTEE REPORTS

THIS CITY COUNCIL MEETING WAS ADJOURNED AT 8:27PM IN
MEMORY OF JOSEPH ESPOSITO.