

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8, 2013

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

TIME: 8:15PM

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 December 11, 2012 approved on motion of Majority Leader Wilson Terrero.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

INDEX

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1. G.O. 1-2013	GENERAL ORDINANCE – AMENDING CHAPTER 109 OF THE CODE ENTITLED “VEHICLES & TRAFFIC”	6
2. S.O. 1-2013	SPECIAL ORDINANCE – TRANSFERRING FUNDS FROM GRANT CASH MATCH TO PARKS & REC	7
3. S.O. 2-2013	SPECIAL ORDINANCE – VERIZON ASHBURTON & STEWART PLACE	8/9
4. S.O. 3-2013	SPECIAL ORDINANCE – VERIZON PALISADES & LA FAYETTE PLACE	10/11
5. R. 1-2013	RES – PARKS COMMISSIONER APPT. YVETTE HARTSFIELD	12/13
6. R. 2-2013	RES – DEP. PARKS COMMISSIONER APPT. STEPHEN SANSONE	14/15
7. R. 3-2013	RES – SPECIAL USE PERMIT – 15 GRASSY SPRAIN ROAD	16
8. R. 4-2013	RES – URGING CONGRESS TO REINSTATE FEDERAL ASSAULT WEAPONS BAN	17/18
9. R. 5-2013	RES – COMMISSIONERS OF DEEDS	19/20
10. R. 6-2013	RES – NATIONAL EMERGENCY GRANT HURRICANE SANDY	21

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

COMMUNICATIONS FROM CITY OFFICIALS

NONE

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

COMMUNICATIONS - GENERALLY

NONE

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

COMMITTEE OF THE WHOLE

NONE

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

GENERAL ORDINANCE NO.1-2013

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

A GENERAL ORDINANCE AMENDING CHAPTER 109 OF THE CODE OF THE CITY OF YONKERS ENTITLED VEHICLES AND TRAFFIC.

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

Section 1. Chapter 109 of the Code of the City of Yonkers entitled "Vehicles and Traffic" Section 109-79 entitled "Commercial vehicles, buses, and school buses" is hereby amended to read as follows:

§ 109-79. Commercial vehicles, buses, school buses, trailer, semi-trailer, house-on-wheels

[Amended 3-22-2005 by G.O. No. 3-2005]

No person shall park a commercial vehicle, trailer, semi-trailer, house-on-wheels, bus or school bus, on any street other than for the expeditious unloading and delivery or pickup and loading of materials or people, or while providing a commercial service.

Section 2. This General Ordinance will take effect immediately

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 8, 2013 BY VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

SPECIAL ORDINANCE NO.1-2013

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

A SPECIAL ORDINANCE AMENDING THE BUDGET FOR THE CITY OF YONKERS FOR FISCAL YEAR 2012/2013 IN RELATION TO TRANSFERRING FUNDS FROM GRANT CASH MATCH TO PARKS RECREATION AND PLAYGROUNDS, SPECIAL PROJECTS.

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

Section 1. The budget for fiscal year 2012/2013 is hereby amended by transferring funds as follows:

<u>Transfer</u>	<u>Account #</u>	<u>Amount</u>
<u>From:</u>		
Grant Cash	120.9999.0000000.0000.1115.	\$100,000
Match	000000	
<u>Transfer To:</u>	<u>Account #</u>	<u>Amount</u>
SNUG-YMCA	120.9999.0000000.0000.1137.	\$100,000
	000000	

Section 2. The encumbered balance of such appropriation remaining after the transfer equals or exceeds the estimated expenditure the City requires for such purpose during the remainder of the budget year.

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 8, 2013 BY VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

SPECIAL ORDINANCE NO.2-2013

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

A SPECIAL ORDINANCE GRANTING TO VERIZON A PERMIT TO INSTALL A NEW CONDUIT AND RELATED SERVICES TO ASHBURTON AVENUE AND STEWART PLACE, TO UPGRADE THE TELECOMMUNICATIONS SYSTEM, THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET SUBJECT TO CERTAIN TERMS AND CONDITIONS.

WHEREAS, Verizon, in a communication forwarded to the City Engineer dated December 4, 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 to install a new conduit and related services to Ashburton Avenue and Stewart Place, the estimated dimensions are in excess of 100 linear feet and not more than 180 linear feet, in accordance with said application; 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 FURTHER RESOLVED, that the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Verizon, 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 not more than not more than 180 linear feet, in order to install a new conduit and related services to Ashburton Avenue and Stewart Place.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

SPECIAL ORDINANCE NO.2-2013 (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, JANUARY 8, 2013 BY
VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

SPECIAL ORDINANCE NO.3-2013

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

A SPECIAL ORDINANCE GRANTING TO VERIZON A PERMIT TO INSTALL A NEW CONDUIT AND RELATED SERVICES TO PALISADES AVENUE AND LA FAYETTE PLACE, TO UPGRADE THE TELECOMMUNICATIONS SYSTEM, THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET SUBJECT TO CERTAIN TERMS AND CONDITIONS.

WHEREAS, Verizon, in a communication forwarded to the City Engineer dated December 4, 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 to install a new conduit and related services to Palisades Avenue and La Fayette Place, the estimated dimensions are in excess of 100 linear feet and not more than 130 linear feet, in accordance with said application; 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 FURTHER RESOLVED, that the City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby given to Verizon, 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 not more than not more than 130 linear feet, in order to install a new conduit and related services to Palisades Avenue and La Fayette Place.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

SPECIAL ORDINANCE NO.3-2013 (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, JANUARY 8, 2013 BY
VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

RESOLUTION NO.1-2013

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

WHEREAS, Mayor Mike Spano has appointed Yvette Hartsfield to be the City of Yonkers' next Commissioner of Parks, Recreation and Conservation; and

WHEREAS, the Commissioner designee has more than twelve years experience in the area of municipal government administration having served as the Recreation and Parks Director of the Cities of Palm Coast and Leesburg, Florida and having served as Director for the city of Leesburg and having most recently served as the Assistant Parks and Recreation Director in the City of Miami Gardens, Florida; and

WHEREAS, the Commissioner designee possesses the necessary education, training, qualifications and experience in governmental administration, recreational programming, park planning and development, and cultural, educational and artistic programming; and

WHEREAS, the City Charter requires for this appointment a waiver of Section C2-8 be granted; and

WHEREAS, pursuant to Section C3-2(7) of the Charter of the City of Yonkers, the appointment of the Commissioner of Human Resources 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 Yvette Hartsfield as Commissioner of Parks, Recreation and Conservation and in doing so, the waiver required by Section C2-8 of the Yonkers City Charter be granted.

NOW, THEREFORE BE IT RESOLVED, that that Yonkers City Council hereby gives its advice and consent to the appointment of Yvette Hartsfield as Commissioner of Parks, Recreation and Conservation ; and be it

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

RESOLUTION NO.1-2013 (CONTINUED)

FURTHER RESOLVED, that this Resolution shall be effective as of December 17, 2012.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 8, 2013 BY VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

RESOLUTION NO.2-2013

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

WHEREAS, Mayor Mike Spano has appointed Stephen Sansone to be the City of Yonkers' next Deputy Commissioner of Parks, Recreation and Conservation; and

WHEREAS, since 2007, the Deputy Commissioner designee has served as Executive Director of the Yonkers Downtown Waterfront Business Improvement District where he was responsible for producing such events as the Yonkers Riverfest, Jazz at the Waterfront, Outdoor Film Series and Art Shows, Business Week, and Business Seminars and has served as the President of the Untermeyer Performing Arts Council, Inc.; and

WHEREAS, the Deputy Commissioner designee possesses the necessary education, training, qualifications and experience in governmental administration, and community organization which will enable him to be successful in this endeavor; and

WHEREAS, pursuant to Section C3-2(7) of the Charter of the City of Yonkers, the appointment of the Deputy Commissioner of Parks, Recreation and Conservation 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 Stephen Sansone as Deputy Commissioner of Parks, Recreation and Conservation.

NOW, THEREFORE BE IT RESOLVED, that that Yonkers City Council hereby gives its advice and consent to the appointment of Stephen Sansone as Deputy Commissioner of Parks, Recreation and Conservation; and be it

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

RESOLUTION NO.2-2013 (CONTINUED)

FURTHER RESOLVED, that this Resolution shall be effective as of January 2, 2013.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 8, 2013 BY VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

RESOLUTION NO.3-2013

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

RESOLUTION APPROVING A SPECIAL USE PERMIT PURSUANT TO ARTICLE VII AND ARTICLE IX OF THE ZONING CODE OF THE CITY OF YONKERS ON THE PROPERTY KNOWN AS 15 GRASSY SPRAIN ROAD.

RESOLVED, by the City Council of the City of Yonkers in meeting assembled:

That upon the record and findings of the Planning Board of the City of Yonkers with respect to the application on behalf of Consolidated Edison of New York, (owner) to allow the installation of a sub –grade oil / water separator and curb and moats to direct the water to the oil / water separator at the existing Utility Substation for commercial purposes wherein such use is permitted by Special Exception Use only, on premises known as 15 Grassy Sprain Road, Block 4001, Lot 150, "I" Zone, is hereby approved.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 8, 2013 BY VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

RESOLUTION NO.4-2013

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

RESOLUTION URGING THE U.S. Congress to reinstate AND ENHANCE the federal assault weapons ban

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS AS FOLLOWS:

WHEREAS, on December 14, 2012, a mass shooting took place in Sandy Hook Elementary School in Newtown, Connecticut; and

WHEREAS, the people of the City of Yonkers mourn the 26 innocent lives, including those of 20 children, that have been lost at Sandy Hook Elementary School in this unimaginable tragedy; and

WHEREAS, one of the firearms used in this incident was an AR-15 semiautomatic assault type of weapon, the civilian version of the U.S. military's M-16 and M-4, with the ability to rapidly fire multiple high-velocity rounds; and

WHEREAS, the firepower of these types of semiautomatic assault weapons makes them especially desirable to violent criminals and particularly lethal in their hands; and

WHEREAS, according to the Bureau of Alcohol, Tobacco, and Firearms, assault weapons are preferred by criminals over law abiding citizens eight to one such that access to them shifts the balance of power to the lawless; and

WHEREAS, law enforcement has been united in support of banning assault weapons as they are of particular danger and concern to law enforcement personnel; and

WHEREAS, limiting civilian access to such weapons lessens the need for law enforcement to carry assault weapons themselves in order to match the firepower capability that criminals with assault weapons would have; and

WHEREAS, semiautomatic assault weapons were banned for a period of ten (10) years beginning in 1994 under the Federal Assault Weapons Act; and

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

RESOLUTION NO.4-2013 (CONTINUED)

WHEREAS, various studies indicated that the Federal Assault Weapons Act significantly reduced the incidence of assault weapons in the use of crime; and

WHEREAS, the assault weapons ban expired in 2004 and has not been renewed; and

WHEREAS, this City Council finds it in the best interest of the public safety of this community to reinstate and enhance the ban on assault weapons; and

NOW, THEREFORE, BE IT RESOLVED, that this City Council:

Section 1. Urges the United States Congress to reinstate and strengthen the federal ban on assault weapons; and

Section 2. Directs the City Clerk to send a certified copy of this resolution to the City's Congressional Delegation in Washington, D.C.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 8, 2013 BY VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

RESOLUTION NO.5-2013

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, 2015

Pasquale F. Pellegrino
105 Candlewood Dr.
Yonkers, New York 10710

Contactor

RENEWAL

Michelle L. Salvatore
24 Warwick Rd
Bronxville, New York 10708

Real Estate

RENEWAL

Erika Del Bene
93 Amackassin Terrace
Yonkers, New York 10703

City of Yonkers

NEW

Michael Ramondelli
4 Portland Place
Yonkers, New York 10703

Deputy City Clerk

NEW

Michael Breen
81 Longvale Rd
Yonkers, New York 10708

Airport Transportation

RENEWAL

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

RESOLUTION NO.5-2013 (CONTINUED)

Daniel Crowley
49 Cassilis Ave
Yonkers, New York 10708

Council Aide

NEW

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A
STATED MEETING HELD ON TUESDAY, JANUARY 8, 2013 BY VOTE
OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8, 2013

RESOLUTION NO.6-2013

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

WHEREAS, the City Council of the City of Yonkers recognizes the devastating effects that Hurricane Sandy had on the City of Yonkers and surrounding region; and

WHEREAS, the New York State Department of Labor has made certain funds available to Local Workforce Investment Areas (LWIA) through a National Emergency Grant (NEG) for the purpose of remediation efforts directed at damage caused to public property as a result of the storm: and

WHEREAS, the City of Yonkers LWIA has been awarded a grant under this program in the amount of \$750,345.81 to be used for the hiring and supplying of temporary workers, purchase of disaster related supplies, equipment rentals, supervisory wages; and

WHEREAS, the NEG funds are to be distributed in approximately 25% increments to encourage the timely utilization of the funds and therefore, once 70% of the initial allocation is distributed, the next 25% of funding will be released and so on; and

WHEREAS, the City of Yonkers has received the initial Notice of Obligational Authority for the expenditure of \$206,201.15, and therefore, it is incumbent upon the City to ensure the efficient and timely use of these funds.

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of Yonkers, or his designee, is hereby authorized to execute the grant agreement with the State of New York, Department of Labor, in order to implement the program and receive the funding under the National Emergency Grant; 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 TUESDAY, JANUARY 8, 2013 BY VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 8.2013

COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 8:35PM