

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
THURSDAY, AUGUST 1, 2013

TIME: 6:00PM

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT
2 MAJORITY 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

WE, THE UNDERSIGNED MEMBERS OF THE CITY COUNCIL, PURSUANT TO RULE 1.2 OF THE CITY COUNCIL RULES, DO HEREBY CALL A SPECIAL MEETING OF THE CITY COUNCIL, TO BE HELD ON THURSDAY, AUGUST 1, 2013 IN THE CITY COUNCIL CHAMBERS, FOURTH FLOOR, CITY HALL, YONKERS, NEW YORK AT 6:00 P.M, FOR THE FOLLOWING PURPOSE:

TO DISCUSS AND TAKE ACTION ON:

1. LOCAL LAW – EXTENSION OF INCOME TAX SURCHARGE.
2. LOCAL LAW – EXTENSION OF MORTGAGE RECORDING TAX.
3. SPECIAL ORDINANCE - GRANTING TO CON EDISON A PERMIT TO INSTALL A NEW GAS MAIN AND RELATED SERVICES AT LAMARTINE AVENUE AS THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET SUBJECT TO CERTAIN TERMS AND CONDITIONS.
4. RES - SETTLEMENT BY LAW DEPARTMENT- \$30,000.00 – IN THE MATTER OF AMATO V HARTNETT, ET AL. (FISCAL IMPACT – AMOUNT OF SETTLEMENT.)
5. RES - SETTLEMENT BY LAW DEPARTMENT - \$43,000.00 - IN THE MATTER OF JONES, ET AL. V .CITY OF YONKERS, ET AL

COUNCIL PRESIDENT LESNICK
MAJORITY LEADER TERRERO
MINORITY LEADER LARKIN
COUNCILMEMBER JOHNSON

COUNCILMEMBER SABATINO
COUNCILMEMBER SHEPHERD
COUNCILMEMBER BREEN

A COMMITTEE OF THE WHOLE MEETING WILL BE HELD PRIOR TO THIS SPECIAL COUNCIL MEETING AT 5:30 P.M.

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COMMUNICATIONS FROM CITY OFFICIALS

NONE

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COMMUNICATIONS - GENERALLY

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COMMITTEE OF THE WHOLE

NO SPEAKERS

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LOCAL LAW NO.4-2013

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

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. 12-1991, LOCAL LAW NO. 6- 1994, LOCAL LAW NO. 8-1996, LOCAL LAW NO. 10-1997, LOCAL LAW NO. 2-1999, LOCAL LAW NO. 10-2001, LOCAL LAW NO. 2-2003, LOCAL LAW NO. 4-2005, LOCAL LAW NO. 6-2007 LOCAL LAW NO. 4-2009 AND LOCAL LAW NO. 9-2011 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 ADDING A NEW ARTICLE IX AND A NEW ARTICLE X IN RELATION TO THE IMPOSITION OF A CITY OF YONKERS INCOME TAX SURCHARGE IN RELATION TO AMENDING SAID LOCAL LAW TO CONFORM WITH THE 2007 AMENDMENTS OF THE NEW YORK STATE TAX LAW.

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

Section 1. Paragraph A of Section 15-100 of Article IX of Chapter 15 of the Codes and Ordinances of the City of Yonkers, as amended, is hereby further amended as follows:

Section 15-100. Persons subject to tax surcharge.

- A. General. The City of Yonkers income tax surcharge imposed hereby shall be imposed for each taxable year on every city resident individual, estate and trust in every taxable year commencing after December 31, 1983 and ending on or before [December 31, 2013] September 30, 2015. A taxpayer's taxable year for the purposes of the City of Yonkers income tax surcharge imposed pursuant to this Article shall be the same as his/her taxable year under Article 22 of the New York State Tax Law.

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LOCAL LAW NO.4-2013 (CONTINUED)

Section 2. Section 15-117 of Article X of Chapter 15 of the Codes and ordinances of the City of Yonkers, as amended, is hereby further amended as follows:

Section 15-117. Taxable years to which tax is imposed. The tax imposed by this Article is imposed for taxable years beginning December 31, 1983 and ending on or before [December 31, 2013] September 30, 2015.

Section 3. This local law shall take effect as of October 1, 2013.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON THURSDAY, AUGUST 1, 2013 BY A VOTE OF 7-0.

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LOCAL LAW NO.5-2013

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

A LOCAL LAW AMENDING LOCAL LAW NO. 5-1993 AS AMENDED BY LOCAL LAW NO. 4-1995 AS AMENDED BY LOCAL LAW NO. 11-1997 AND AMENDED BY LOCAL LAW 5-2009 AND LOCAL LAW NO. 8-2011, AMENDING SECTION 15-141 OF THE CODE OF THE CITY OF YONKERS, IN RELATION TO EXTENDING THE CITY OF YONKERS MORTGAGE RECORDING TAX.

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

Section 1. Section 15-141 of Article XIII of Chapter 15 of the Code of the City of Yonkers, as amended, is hereby further amended as follows:

Section 15-141. Imposition of tax.

A tax of fifty cents for each one hundred dollars and each remaining major fraction thereof of principal debt or obligation which is, or under any contingency may be secured at the date of execution thereof or at any time thereafter by a mortgage on real property situated within the city and recorded on or after September 1, 1993, or prior to [September 1, 2013] September 1, 2015, is hereby imposed on each such mortgage and shall be collected and paid as provided in this article. If the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars, a tax of fifty cents is hereby imposed on such mortgage, and shall be collected and paid as provided in this article.

Section 2. This local law shall take effect September 1, 2013.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON THURSDAY, AUGUST 1, 2013 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.40-2013

3. 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 A NEW GAS MAIN AND RELATED SERVICES AT 28 LAMARTINE TERRACE THE ESTIMATED DIMENSIONS ARE IN EXCESS OF 100 LINEAR FEET SUBJECT TO CERTAIN TERMS AND CONDITIONS.

WHEREAS, Consolidated Edison, in a communication dated April 19, 2013, forwarded to the City Engineer, 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 315 linear feet, more or less, and to replace and install new gas underground facilities and related services at 28 Lamartine Terrace, Yonkers, N.Y. in accordance with Drawing Number S12-11499-000WCY ; 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 no more than 100 linear feet and no more than 315 linear feet, more or less, and to replace and install new gas underground facilities and related services at 28 Lamartine Terrace, Yonkers, N.Y. in accordance with Drawing Number S12-11499-000WCY.

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SPECIAL ORDINANCE NO.40-2013 (CONTINUED)

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
AT A SPECIAL COUNCIL MEETING HELD ON THURSDAY, AUGUST 1,
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RESOLUTION

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 THIRTY THOUSAND DOLLARS and 00/100 (\$30,000.00) of the action entitled, CARL AMATO v. EDMUND HARTNETT, et al., 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 \$30,000.00 in settlement of the above referenced matter.

THE ABOVE RESOLUTION WAS PUT OVER BY THE COUNCIL

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RESOLUTION NO.108-2013

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 FORTY-THREE THOUSAND DOLLARS and 00/100 (\$43,000.00) of the action entitled, LATASHA JONES, et al., v. CITY OF YONKERS, et al., 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 \$43,000.00 in settlement of the above referenced matter.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON THURSDAY, AUGUST 1, 2013 BY A VOTE OF 7-0.

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RESOLUTION NO.109-2013

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

WHEREAS, The Yonkers Downtown Waterfront Business Improvement District (BID) will be hosting the 21st Annual Yonkers Riverfest on September 7th, 2013. The Yonkers Riverfest is a free outdoor extravaganza for the entire family, including music played by top area performance groups, arts and crafts displays, international food, classic cars, children's petting zoo, face painting; mini golf, street jugglers and more!

WHEREAS, in previous years, the Downtown BID has worked collaboratively with the City of Yonkers to promote this wonderful community event and has requested permission from the City Council to have six (6) banners displayed to promote this event from August 15th until September 8th in the following locations:

- Nepperhan Ave Foot Bridge
- Intersection of Main Street and Riverdale Ave.
- Central Park Ave by Tuckahoe Rd.
- Bridge of Central Park Ave and McLean Ave.
- Somewhere on North Broadway and Roberts Ave.
- Somewhere on South Broadway (as appropriate)

WHEREAS, said locations/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 The Yonkers Downtown Waterfront Business Improvement District (BID) 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 SPECIAL COUNCIL MEETING HELD ON THURSDAY, AUGUST 1, 2013 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.41-2013

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

A SPECIAL ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT REMOVING LOT 48 AT BLOCK 5638 (759 PALMER ROAD., YONKERS, NEW YORK), FROM THE CITY IN REM FORECLOSURE LIST, AND ESTABLISHING A PAYMENT SCHEDULE TO PAY BACK TAXES IN INSTALLMENTS (A COPY OF THE AGREEMENT IS ATTACHED HERETO AND MADE A PART HEREOF).

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

Section 1. The Mayor is hereby authorized to enter into an agreement removing Lot 48 in Block 5638 (759 Palmer Road., Yonkers, New York), from the City's In Rem foreclosure list, and establishing a payment schedule to pay back taxes in installments due thereon (a copy of the agreement is attached hereto and made a part hereof).

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON THURSDAY, AUGUST 1, 2013 BY A VOTE OF 6-0. COUNCIL PRESIDENT LESNICK RECUSED HIMSELF FROM VOTE.

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 6:25PM