

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 28, 2014

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

TIME: 8:03PM

PRESENT: PRESIDENT OF THE COUNCIL
 LIAM J. MCLAUGHLIN

DISTRICT:

 6 MAJORITY LEADER JOHN J. LARKIN
 3 MINORITY LEADER MICHAEL R. SABATINO

COUNCIL MEMBERS:
DISTRICT:

 1 CHRISTOPHER A. JOHNSON
 2 CORAZON PINEDA
 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 14, 2014 approved on motion of Majority Leader John Larkin.

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COMMUNICATIONS FROM CITY OFFICIALS

1. FROM ROMAN KOZICKY OF THE PLANNING BOARD, A LETTER DATED JANUARY 16, 2014 TO CITY COUNCIL PRESIDENT MCLAUGHLIN RE; REQUEST FOR A RECOMMENDATION FROM THE PLANNING BOARD ON A PETITION TO AMEND THE YONKERS ZONING MAP AT BLOCK 5227 LOT1,10, AND 39 ON PROPERTY KNOWN AS 705 BRONX RIVER RD AND 262 CRESCENT PLACE PURSUANT TO ARTICLE XIII 43-164 OF THE YONKERS ZONING ORDINANCE. THE PLANNING BOARD APPROVED THIS RESOLUTION BY A VOTE OF 7-0.

REFERRED TO RULES COMMITTEE

2. FROM ROMAN KOZICKY OF THE PLANNING BOARD, A LETTER DATED JANUARY 16, 2014 TO CITY COUNCIL PRESIDENT MCLAUGHLIN RE; A SPECIAL USE PERMIT AND SITE PLAN REVIEW APPLICATION FOR PROPOSED SECURITY CAMERAS AT BLOCK; 5000 LOT:1 ON THE PROPERTY KNOWN AS 590 PALMER RD PURSUANT TO ARTICLE IX AND ARTICLE VII OF THE YONKERS ZONING ORDINANCE.

REFERRED TO RULES COMMITTEE

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COMMUNICATIONS - GENERALLY

NONE

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COMMITTEE OF THE WHOLE

SPEAKERS

	<u>NAME</u>	<u>ADDRESS</u>	<u>ITEM NO.</u>
1.	GERALDINE CANTY	61 BEECHWOOD TERR	2
2.	KATHY HERTZBERG	162 BEECHWOOD TERR	2
3.	NORTRUD SPERO	SUNNYSIDE DRIVE	2
4.	MICHELLE SOTO	262 CROYDON RD	--

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RESOLUTION NO.6-2014

1. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, 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 (\$30,000.00) of the action entitled, "Robert Gulliver and Tanisha Gulliver, (residing at 89 Saratoga Avenue, Yonkers, New York 10701, plaintiff against THE CITY OF YONKERS, Defendant", for personal injuries arising out of an alleged incident alleging that excessive force was used during plaintiff's arrest on May 27, 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 Thirty Thousand Dollars (\$30,000.00) in favor of said plaintiffs and their attorneys Richard St. Paul, Esq., 399 Knollwood Road, Suite 301, White Plains, New York 10603.

THIS RESOLUTION WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 28, 2014 BY A VOTE OF 7-0.

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RESOLUTION NO.7-2014

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YONKERS
IN OPPOSITION TO THE DIVERSION OF ADDITIONAL SEWAGE
FROM WESTCHESTER COUNTY TO THE CITY OF YONKERS

WHEREAS, the City of Yonkers has a beautiful and vibrant Waterfront District that is home to many residents, booming businesses and new development projects; and

WHEREAS, the City desires to maintain its Waterfront District as enticing and welcoming to all visitors and residents as possible; and

WHEREAS, the Westchester County Wastewater Sewage Treatment Plant currently exists on the Yonkers Waterfront; and

WHEREAS, the residents and businesses along the Waterfront District, particularly residents in the Ludlow section of Yonkers, have complained for years about the offensively potent smell which often emanates from the Sewage Treatment Plant; and

WHEREAS, the smell from Sewage Treatment Plant adversely effects the quality of life for many Yonkers Residents and Waterfront District visitors; and

WHEREAS, Westchester County has proposed to divert additional sewage to the Yonkers Sewage Treatment Plant; and

WHEREAS, Yonkers residents vehemently oppose this proposal; and

WHEREAS, the proposal has the strong likelihood of exacerbating the potency of the smell from the Sewage Treatment Plant and adversely affecting the economic and residential viability of the Waterfront District; and

WHEREAS, the County states that the additional 125,000 gallons per day will not have a significant impact to the current operations: and

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WHEREAS, the County has not agreed to place a limit of gallons diverted per day; and

RESOLUTION NO.7-2014 (CONTINUED)

WHEREAS, the growth of neighborhoods in Northern Westchester, especially in New Castle, will result in expansion of the sewage services for those communities; and

WHEREAS, the growth will cause significantly more sewage to be diverted to Yonkers in the future is an unfair burden to the residents of Yonkers; and

WHEREAS, Mayor Mike Spano has released a statement in opposition to the proposal;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby declares its opposition to the sewage diversion proposal, vows to do everything in its power to prevent the diversion of additional sewage into Yonkers, and calls upon the Westchester County to abort its plans to divert more sewage into Yonkers. The City Clerk is directed to forward a copy of this Resolution to the Board of Legislators and County Executive.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

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RESOLUTION NO.8-2014

3. BY COUNCILMEMBER JOHNSON, COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS PINEDA, SHEPHERD AND BREEN:

RESOLUTION OF THE COUNCIL OF THE CITY OF YONKERS
MEMORIALIZING MAYOR MIKE SPANO TO PROCLAIM FEBRUARY
2014 AS BLACK HISTORY MONTH IN THE CITY OF YONKERS

WHEREAS, black History Month is traditionally observed in February of each year; and

WHEREAS, the month of February observes the rich and diverse heritage of our great City and Nation; and

WHEREAS, the idea for an observance honoring the accomplishment of Blacks was proposed by Dr. Carter G. Woodson, the founder of the Association for the Study of African American Life and History and known as the Father of Black History; and

WHEREAS, in 1926, Dr. Carter G. Woodson chose the second week in February to observe Negro History Week because it included the birthdays of Frederick Douglass and Abraham Lincoln; and

WHEREAS, during the early 1970s Negro History Week became known as Black History Week, and in 1976 the week-long observance was extended to the entire month of February in order to have enough time to hold celebratory programs and activities and be established as Black History Month; and

WHEREAS, Black History Month is designed to recognize and pay tribute to many Blacks long neglected by society and the history books; and

WHEREAS, Black History Month aims to bridge the gap created by American history's failure to accurately acknowledge, portray and record the contributions and inventions of African-Americans; and

WHEREAS, Black History Month seeks to emphasize that Black History is American History; and

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RESOLUTION NO.8-2014 (CONTINUED)

WHEREAS, Black History Month acknowledges the achievements of Blacks in the Military, the Arts, Civil Rights, Education, Entertainment, History, Law, Literature, Medicine, Music, Politics, Science, Sports, and other Arenas; and

WHEREAS, African Americans reflect a proud legacy of courage and dedication that has helped to guide our Nation's success and prosperity; and

WHEREAS, it is the sense of this Legislative Body to commend the African American community for preserving for future generations its centuries-old traditions that benefit us all and add to the color and beauty of the tapestry which is our American society;

NOW, THEREFORE, BE IT RESOLVED, that this Legislative Body pause in its deliberations to memorialize Mayor Mike Spano to proclaim February 2014 as Black History Month in the City of Yonkers; and

BE IT FURTHER RESOLVED, that this Legislative Body pause in its deliberations to commemorate the February 2014 celebration of Black History Month in the City of Yonkers; and

BE IT FURTHER RESOLVED, that copies of this Resolution, suitably engrossed, be transmitted at events commemorating Black History Month throughout the City of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 28, 2014 BY A VOTE OF 7-0.

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RESOLUTION NO.9-2014

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YONKERS IN ACCORDANCE WITH SECTION 139 OF THE EXECUTIVE LAW CONCERNING THE ESTABLISHMENT OF THE NUMBER OF COMMISSIONERS OF DEEDS.

WHEREAS, Chapter 123 of the Code of the City of Yonkers fixes the maximum number of Commissioners of Deeds that may be appointed as seven hundred (700) and

WHEREAS, Section 139 of the Executive Law requires the City Council to bi-annually determine the number of Commissioners of Deeds to be appointed, now, therefore, be it

RESOLVED, THAT THE City Council of the City of Yonkers hereby fixes and determines the number of Commissioners of Deeds in the City of Yonkers as seven hundred (700), and such number is so fixed and determined as of January 1, 2014 and be it further

RESOLVED, that this Resolution shall take effect as of January 1, 2014.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 28, 2014 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.1-2014

4A BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE AUTHORIZING A CURB CUT ALONG ASHBURTON 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 THE COMMUNITY BUILDERS, Inc as the developers of the School 6 project located at 33 and 43 Ashburton Avenue, Yonkers, New York, Section 2, Block 2090, Lot 40, to construct two separate curb cuts on the property with maximum lengths of 40 and 44 feet on Ashburton Avenue in accordance with and as shown on a survey to be approved by the City Engineer and the Director of the Bureau of Housing and Buildings.

Section 2. This permission is granted subject to the
following
terms and conditions, to wit:

(a) That the entire cost and expense of constructing and
thereafter
maintaining the curb cuts on Ashburton Avenue shall be paid by the developers, 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 development of the property at 33 and 43 Ashburton Avenue nor the placement of any improvements by the developers of 33 and 43 Ashburton Avenue upon said property 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

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or any successors or assigns from the payment of any assessment hereafter imposed;

(c) That no permanent improvements will be allowed in the curb cut area;

SPECIAL ORDINANCE NO.1-2014 (CONTINUED)

(d) That the owners, or 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) That the owners, their 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 AT A STATED MEETING HELD ON TUESDAY, JANUARY 28, 2014 BY A VOTE OF 7-0.

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED IN MEMORY OF YONKERS
FIREFIGHTER JEFF CAMPION AT 8:25PM