

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, FEBRUARY 24, 2015

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
 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 February 10, 2015 approved on motion of Majority Leader Larkin.

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COMMUNICATIONS FROM CITY OFFICIALS

NONE

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COMMUNICATIONS - GENERALLY

A COMMUNICATION FROM THE TOWN BOARD OF GREENBURGH RECEIVED FEBRUARY 18, 2015 IN REGARDS TO A PUBLIC HEARING TO BE HELD AT GREENBURGH TOWN HALL, 177 HILLSIDE AVENUE, GREENBURGH NEW YORK, ON WEDNESDAY, FEBRUARY 25, 2015 AT 7:30PM. THIS HEARING IS TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING THE ZONING ORDINANCE, CHAPTER 285 OF THE CODE OF THE TOWN OF GREENBURGH , TO ALLOW FOR CHILD DAY CARE CENTERS IN THE CENTRAL AVE MIXED IMPACT DISTRICT.

FILED

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COMMITTEE OF THE WHOLE

NO SPEAKERS

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GENERAL ORDINANCE NO.2-2015

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

A GENERAL ORDINANCE AMENDING SECTION 43-8 OF THE ZONING CODE OF THE CITY OF YONKERS IN REGARD TO DEFINITIONS OF ACCESSORY STRUCTURE, COLLECTION BIN AND SHEDS.

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

Section 1. General Ordinance No.4 -2000 and the accompanying map, also known as Chapter 43 of the Code of the City of Yonkers, and more commonly known as the Zoning Code of the City of Yonkers, is hereby amended, in part, by amending the definitions of Accessory Structure and Shed within Section 43-8, entitled "Definition of terms", to read as follows:

§ 43-8 Definition of terms.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE – A structure, other than a collection bin, detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. (See also "accessory building," "accessory use" and Illustration No. 1.)

SHED – A small, fully-enclosed structure for storage, other than a collection bin. (See also "accessory structure.")

Section 2. Section 43-8 of the Code of the City of Yonkers entitled "Definition of terms" is hereby further amended, by the addition of the following new term to be placed in alphabetical order within the section:

COLLECTION BIN – A publicly accessible outdoor receptacle or container, other than any container placed by any government or governmental agency, or its contractors or licensees, for the donation and the temporary storage of clothing or other materials, other than money, to be collected by the provider of such container governed under Chapter 21 of the Code of the City of Yonkers.

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GENERAL ORDINANCE NO.2-2015 (CONTINUED)

Section 3. This Ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
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A VOTE OF 7-0.

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GENERAL ORDINANCE NO.3-2015

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

A GENERAL ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF THE CITY OF YONKERS ALSO KNOWN AS "NONCOMMERCIAL SOLICITATION" REGARDING COLLECTION BINS

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

Section 1. Chapter 21 of the Code of the City of Yonkers entitled "Noncommercial Solicitation" is hereby amended in part by adding to Section 21-1 thereof entitled "Definitions", a new definition for the term "Collection Bin" to read as follows:

§ 21-1. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

COLLECTION BIN

Collection Bin shall mean any publicly accessible outdoor receptacle or container, other than any container placed by any government or governmental agency, or its contractors or licensees, for the donation and the temporary storage of clothing or other materials, other than money, to be collected by the provider of such container.

COMMISSIONER

The Commissioner of Housing and Building, and shall include the designee of the Commissioner, unless otherwise provided.

DIRECTOR

The Director of the Office of Licensing, who is also referred to as the Consumer Protection Officer in Article IIIA of the Charter, and shall include the designee of the Director, unless otherwise provided.

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GENERAL ORDINANCE NO.3-2015 (CONTINUED)

NONCOMMERCIAL SOLICITATION

Includes any soliciting activity of a noncommercial solicitor.

NONCOMMERCIAL SOLICITOR

Includes any person who goes from place to place, house to house or apartment to apartment or who stands in or along any street or public place or who places any collection containers on any property or who contacts any person by telephone, on behalf of any legitimate not-for-profit religious, charitable, educational, public interest or political organization, association, corporation or entity, for the purpose of soliciting donations of money, property or financial assistance of any kind or soliciting the sale of any goods for the financial support of any such entity.

Section 2. Section 21-3 of Chapter 21 of the Code of the City of Yonkers entitled "Noncommercial Solicitation" is hereby amended in part to add Subsection B and C as follows:

§ 21-3. Application for license; Fees.

A. Application to engage in noncommercial solicitation, other than collection bins, as provided for in this chapter, shall be addressed to the Director, and such application shall contain the following information:

1. A. The names and addresses of the officers and directors of the organization.
2. B. The name and purpose of the solicitation for which permission is sought.
3. C. The time for which permission to solicit is sought and the localities and places of solicitation.
4. D. Whether or not any commissions, fees, wages or emoluments are to be expended in connection with such noncommercial solicitation.
5. E. Such other information as the Director shall require.

B. Collection Bins. For the placement of collections bins, the Applicant must submit the Application addressed to the Commissioner, and provide following information to obtain a permit for each bin, in addition to the information in Subdivision A:

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GENERAL ORDINANCE NO.3-2015 (CONTINUED)

1. The proposed location/address where the bin is to be placed. No more than a total of 3 bins can be placed at any proposed location.
2. The name and telephone number of the owner of the location at which the bin is to be placed.
3. The name and telephone number of the individual who will be placing the bin.
4. Information as to the manner and schedule for which the bin is to be emptied or removed and the destination of the clothing to be removed from the bin.
5. Written permission of the property owner or designated agent for the placement of the bin.

C. Fees. The fee for the issuance of a permit to place a collection bin within the City of Yonkers shall be \$100 for each bin. The license period for each bin shall be January 1 through December 31 biennially.

Section 3. Chapter 21 of the Code of the City of Yonkers entitled "Noncommercial Solicitation" is hereby amended in part by adding a new Section 21-4 thereof entitled "Collection Bins" and renumbering the remainder of the Chapter to read as follows:

§ 21-4. Collection Bins.

1. Each individual collection bin shall prominently affix on the front and on at least one other side of the bin, a copy of the issued permit, and, the name, address and telephone number of the provider of the bin. This information shall be printed in characters that are plainly visible. In no event shall a post office box be considered an acceptable address for purposes of this paragraph.
2. No collection bin may be placed on any city property or property maintained by the city, or on any public sidewalk or roadway.
3. No collection bin shall be placed on any private property without the approval of the Yonkers Department of Housing and Building without the written permission of the property owner or the property owner's designated agent.

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GENERAL ORDINANCE NO.3-2015 (CONTINUED)

4. Collection Bins shall be placed on the site in a manner that does not impede vehicular or pedestrian traffic flow.

5. Collection Bins shall not be placed in the right - of - way and shall adhere to the set - back standards for the site where they are placed.

6. Collection Bins shall not be placed in a required parking space or reduce the number of parking spaces below the minimum number required by the City's zoning code.

7. Each bin must be regularly emptied of its contents so that it does not overflow, resulting in used clothing or materials being strewn about the surrounding area.

8. In addition to penalties provided for in any other provisions of law, in the event that a collection bin is placed on city property, or property maintained by the city, or on any public sidewalk or roadway, the owner of the collection bin, if the address of such owner is ascertainable, shall be notified by the Commissioner by certified mail, return receipt requested, that such publicly accessible collection bin must be removed within thirty days from the mailing of such notice. A copy of such notice, regardless of whether the address of such owner is ascertainable, shall also be affixed to the collection bin. This notice shall state that if the address of the owner is not ascertainable and notice is not mailed by the Commissioner, such publicly accessible collection bin must be removed within thirty days from the affixation of such notice. This notice shall also state that the failure to remove the collection bin within the designated time period will result in the removal and disposal of the collection bin by the Department of Public Works. This notice shall also state that if the owner objects to removal on the grounds that the bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway, such owner may send written objection to the Commissioner at the address indicated on the notice within twenty days from the mailing of such notice or, if the address of such owner is not ascertainable and notice is not mailed by the Commissioner, within twenty days from the affixation of such notice, with proof that the bin is on private property. Proof that the bin is on private property shall include, but not be limited to, a survey of the property prepared by a licensed surveyor that is certified to the record owner of such property.

§ 21-5. §-21-4. Statement of previous year's collections.

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GENERAL ORDINANCE NO.3-2015 (CONTINUED)

It shall be the duty of the Director, before granting permission to engage in noncommercial solicitation as provided for in this chapter, to require the applicant to file a sworn statement of all moneys collected in the calendar year or the fiscal year of such organization, society, association or corporation previous to the application, the expenditures connected therewith, together with the names and addresses of all persons receiving fees, wages, commissions or emoluments and the amounts so expended.

§ 21-6. ~~§ 21-5.~~ Regulations.

The Director may establish such regulations as are necessary to implement the purposes and objects of this chapter.

§ 21-7. ~~§ 21-6.~~ Labeling of collection boxes.

Licensees engaging in noncommercial solicitation pursuant to this chapter shall label all collection boxes or containers used in the solicitation of funds, either by appeal in person or by the placing of receptacles for the receipt of such public contributions in stores, factories, shops, offices, theaters, hotels, restaurants, railway stations, ferry houses or other public places, with the name of the organization for which the permit is issued and in such conspicuous manner as the Director may direct.

§ 21-8. ~~§ 21-7.~~ Exceptions.

The provisions of this chapter shall not apply to any corporation organized under the Religious Corporations Law nor to solicitation at the regular exercises or services of any lodge, benevolent order or fraternity, or any branch thereof, whenever such solicitation is made at the regularly appointed meetings and regular places of worship or exercises of such lodge, order or fraternity.

§ 21-9. ~~§ 21-8.~~ Penalties for offenses.

A violation of this chapter shall constitute a Class III offense.

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GENERAL ORDINANCE NO.3-2015 (CONTINUED)

Section 4. This Ordinance shall take effect ninety (90) days after its adoption.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 24, 2015 BY A VOTE OF 7-0.

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GENERAL ORDINANCE NO.4-2015

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

A GENERAL ORDINANCE GENERALLY AMENDING CHAPTER 20 OF THE YONKERS CITY CODE IN REGARD TO TRANSIENT BUSINESSES.

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

Section 1. That Chapter 20 of the Code of the City of Yonkers, more commonly known as the Consumer Protection Code of the City of Yonkers is hereby generally amended and revised in part, by amending Article V entitled "Transient Businesses" by deleting Section 20-25, and adding a new Section 20-25 to read as follows:

"Article V: Transient Businesses

§ 20-25. Definitions.

As used in this article, the following terms shall have the meanings indicated:

TRANSIENT RETAIL BUSINESS

A. One conducted in a store, hotel, house, building, structure or open lot for the sale at retail of goods, wares or merchandise, excepting food products, and which is intended to be conducted for a temporary period of time and not permanently. If the place in which a business is conducted is rented or leased for a period of six months or less, such fact shall be presumptive evidence that the business carried on therein is a transient business. If the store hotel, house, building, structure or open lot on which the sale is being held is owned by the same person or persons who has arranged for or is conducting the sale, then the owner of said property must comply with the provisions of §20-29 of this Article to conduct any sale.

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GENERAL ORDINANCE NO.4-2015 (CONTINUED)

If the place in which a business is conducted is rented or leased under a lease or rental agreement granting an option or options to either party thereto to cancel said agreement or lease within a period of six months or less following the inception of said lease or rental agreement,

such fact shall be presumptive evidence that the business carried on therein is a transient business.

B. For the purpose of this definition, all qualified religious, charitable, educational, public interest and political organizations and their supportive committees, ad hoc or constituted, shall be exempt from this definition, but only as to fund-raising or signature solicitation activities that are pursuant to their valid and qualified functions."

Section 2. That Chapter 20 of the Code of the City of Yonkers, more commonly known as the Consumer Protection Code of the City of Yonkers is hereby generally amended and revised in part, by amending Article V entitled "Transient Businesses" by amending Section 20-29, to read as follows:

"20-29 Permit required. [; security deposit.]

No person or corporation shall conduct such transient retail business within the City of Yonkers until a permit to conduct such business has been obtained from the Director and the sum of [\$500 in cash is deposited with the] \$250 is paid to the Commissioner of Finance to last for a period of two months from the date of issuance.[as security for the payment of the tax imposed by this article and as security for the filing of weekly reports as required in § 20-28.] [Upon the filing with the Comptroller of satisfactory proof that the person or corporation so making such deposit has discontinued such transient retail business, the Comptroller shall return the cash deposit or so much thereof as shall remain after deducting all sums due the City under the provisions of this article. The failure of a permittee to file reports as required by § 20-28 shall be grounds for the City to retain the entire cash deposit.] The permit required under this section shall be prominently posted and displayed at the place at which the transient business is being conducted.

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GENERAL ORDINANCE NO.4-2015 (CONTINUED)

Section 3. This Ordinance shall take effect immediately.

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A VOTE OF 7-0.

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RESOLUTION NO.17-2015

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

RESOLUTION OF THE COUNCIL OF THE CITY OF YONKERS
CALLING FOR GOVERNOR COUMO TO REPEAL THE GAP
ELIMINATION ADJUSTMENT

WHEREAS, in 2010 the Gap Elimination Adjustment (GEA) made drastic cuts in state aid to our schools in order to close the enormous financial shortfall in the 2010 New York State Budget Act, and

WHEREAS, since the GEA's inception, New York State school districts have lost more than \$8.5 billion in GEA state aid cuts; and

WHEREAS, the GEA has reduced State aid to the City of Yonkers Board of Education and the school children in excess of \$110 million; and

WHEREAS, the state budget has had a surplus in the 2014-2015 budget and projected surplus for the next three years, and

WHEREAS, a settlement with BNP Bank is to add an additional \$3 billion to the state budget; and

WHEREAS, Governor Cuomo has created an Anti-Poverty Opportunity Agenda and Mayor Spano recognizes, "poverty ultimately affects our school students who are often caught in its vicious cycle, preventing them to graduate and later become successful";

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Yonkers calls for Governor Cuomo to eliminate the Gap Elimination Adjustment and restore the \$110 million it has withheld from the Yonkers Board of Education and ultimately our children's futures.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 24, 2015 BY A VOTE OF 7-0.

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RESOLUTION NO.18-2015

5. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, 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 March 31, 2017

Michael DeFlorio
11 Richard Drive
Mahopac, New York 10541

Plumbing Inspector RENEWAL

Elbert Shamsid-Dean
33 South Broadway
Yonkers, New York 10701

Insurance Broker RENEWAL

Sandra Jakominic
6 Winthrop Avenue
Yonkers, New York 10710

Retired RENEWAL

Mercedes Guina
538 Riverdale Avenue
Yonkers, New York 10705

Paralegal RENEWAL

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

Retired NEW

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RESOLUTION NO.18-2015 (CONTINUED)

Herminia Castro
538 Riverdale Avenue
Yonkers, New York 10705

Legal Assistant

RENEWAL

Jean N. Suarez
3034 Kingsbridge Avenue Apt. 2AA
Bronx, NY 10463

Paralegal

RENEWAL

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RESOLUTION NO.19-2015

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

RESOLUTION OF THE COUNCIL OF THE CITY OF YONKERS PAYING TRIBUTE TO VIETNAM VETERANS AND DESIGNATING A PORTION OF YONKERS AVENUE AS "VIETNAM VETERANS WAY"

WHEREAS, members of the Armed Services from the City of Yonkers, who have so honorably served this State and Nation, deserve a special salute from this Legislative Body; and

WHEREAS, every citizen of this great City is indebted to those brave men and women whose courage, selflessness and great sacrifice symbolize the dedication of a Nation committed to the democratic freedoms enjoyed by the people of our City and Nation; and

WHEREAS, the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975, and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with United States Armed Forces and the Army of the Republic of Vietnam; and

WHEREAS, the United States Armed Forces became involved in Vietnam because the United States Government wanted to provide direct military support to the Government of South Vietnam to defend itself against the growing Communist threat from North Vietnam; and

WHEREAS, members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1961; and

WHEREAS, as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408), on August 7, 1964, which provided the authority to the President of the United States to prosecute the war against North Vietnam; and

WHEREAS, in 1965, United States Armed Forces ground combat units arrived in Vietnam; and

WHEREAS; by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached; and

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RESOLUTION NO.19-2015 (CONTINUED)

WHEREAS, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam; and

WHEREAS, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam; and

WHEREAS, more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded; 30 of these brave men killed in action were from this great City of Yonkers; and

WHEREAS, the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans; and

WHEREAS, members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by four presidential administrations in the United States; and

WHEREAS, in New York State, the observance of Vietnam Veterans Day on March 29, 2015, is an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War; and WHEREAS, the citizens of this great City and Nation, benefactors of the sacrifices and courageous acts of the men and women who defended their freedoms and privileges under a democratic government, remain indebted and are justly proud of our Vietnam Veterans; and

WHEREAS, it is the sense of this Legislative Body to dedicate a portion of Yonkers Avenue as a public and permanent reminder of those who lost their lives in this conflict;

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RESOLUTION NO.19-2015(CONTINUED)

NOW, THEREFORE, BE IT RESOLVED, that this Legislative Body pause in its deliberations to pay tribute to the bravery, patriotism and sacrifice made by the men, women, both those still living and those who died in service of our great country in the United States Armed Forces in Vietnam during war and during peace; and to most proudly commemorate the 42nd Anniversary of the withdrawal of combat units and combat support units from South Vietnam by observing Vietnam Veterans Day on March 29, 2015;

AND BE IT FURTHER RESOLVED, that all the portion of the city road system, beginning at the intersection of Yonkers Avenue and Midland Avenue, and continuing in a generally easterly direction on Yonkers Avenue and terminating at the City of Mount Vernon border shall be designated and known as the "Vietnam Veterans Way";

AND BE IT FURTHER RESOLVED, that the director of veterans affairs shall transmit a list, annexed herein, to the Council of the City of Yonkers, the commissioner of parks and the commissioner of public works, containing the names of those individuals killed in action during the Vietnam War; those names shall further be subdesignated as honorary streets along the intersections of the "Vietnam Veterans Way" upon the route designated by this resolution; and

AND BE IT FURTHER RESOLVED, that the commissioner of public works shall provide for the installation and maintenance of adequate signing of the city road system designated as the "Vietnam Veterans Way"; however, to avoid confusion and to limit any possible disruption of commerce, the designations called for shall be of a ceremonial nature and the official name of Yonkers Avenue shall not be changed as a result of this act;

AND BE IT FURTHER RESOLVED; that the clerk is hereby directed to set a public hearing date for the consideration of the honorary street naming of the "Vietnam Veterans Way", so that barring any unforeseen circumstance, a renaming ceremony may thereafter be scheduled on the 29th of March, 2015; and

AND BE IT FURTHER RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to the commissioner of parks, the commissioner of public works, the director of veterans affairs, and the commander of the central committee of war veterans organization of Yonkers;

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RESOLUTION NO.19-2015 (CONTINUED)

AND BE IT FURTHER RESOLVED, that this resolution shall take effect immediately; the installation of such signage shall be completed on or before the 29th of March, 2015.

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RESOLUTION NO.20-2015

7. 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
2015 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.20-2015 (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;

BE IT FURTHER RESOLVED, that this Legislative Body pause in its deliberations to commemorate the February 2015 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, FEBRUARY 24, 2015 BY A VOTE OF 7-0.

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TUESDAY, FEBRUARY 24, 2015

SPECIAL ORDINANCE NO.5-2015

- 7A. BY MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA AND BREEN:

BOND ORDINANCE OF THE CITY OF YONKERS, NEW YORK AUTHORIZING THE ISSUANCE OF BONDS BY THE CITY FOR THE PURPOSE OF LIQUIDATING CURRENT DEFICITS IN THE YONKERS CITY SCHOOL DISTRICT GENERAL FUND AS OF JUNE 30, 2014; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$41,718,751; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$41,718,751 TO FINANCE SAID APPROPRIATION

Recitals

WHEREAS, pursuant to Chapter 55 of the Laws of the State of New York of 2014 ("Chapter 55"), the City of Yonkers (the "City") is authorized to issue bonds in the principal amount of not to exceed \$45,000,000 for the purposes of liquidating current deficits in the Yonkers City School District General Fund as of June 30, 2014;

WHEREAS, the City cannot issue such bonds unless and until the New York State Comptroller reviews and confirms the existence of the deficits and certifies the amount of the deficits;

WHEREAS, on February 19, 2015, as required by Chapter 55 and Section 10.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), the New York State Comptroller certified the amount of the current deficits in the Yonkers City School District General Fund as of June 30, 2014, to be \$41,718,751; and

WHEREAS, it is necessary for the City Council to adopt this bond ordinance to authorize the issuance of \$41,718,751 serial bonds for the purposes of liquidating the current deficits in the Yonkers City School District General Fund as of June 30, 2014,

Now, therefore THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

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SPECIAL ORDINANCE NO.5-2015 (CONTINUED)

Section 1. The City of Yonkers, in the County of Westchester, New York (herein called the "City"), is hereby authorized to liquidate current deficits in the Yonkers City School District General Fund as of June 30, 2014, pursuant to Chapter 55, Section 10.10 of the Law, and the Act, as hereinafter defined, at the estimated maximum cost, including preliminary costs and costs incidental thereto and the financing thereof, of \$41,718,751 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$41,718,751 principal amount of bonds of the City and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of and interest on said bonds and notes as the same shall become due and payable.

Section 2. (a) Bonds of the City in the principal amount of not to exceed \$41,718,751 are hereby authorized to be issued, pursuant to the provisions of Chapter 55, the Law and the Act, to finance said appropriation. Pursuant to the provisions of the Chapter 55, bonds authorized by this bond ordinance shall be issued on or prior to March 31, 2015, unless otherwise modified or amended by law.

(b) Bond anticipation notes of the City in the principal amount of not to exceed \$41,718,751 are hereby authorized to be issued in anticipation of the issuance of said bonds.

(c) The issuance of any bonds or notes pursuant to this ordinance and Chapter 55 shall be subject to all of the provisions of Section 10.10 of the Law and the Act.

Section 3. The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued pursuant to this ordinance, within the limitations of Chapter 55 and Section 10.10 of the Law, is ten (10) years.

Section 4. Each of the bonds authorized by this ordinance, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for

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SPECIAL ORDINANCE NO.5-2015 (CONTINUED)

(a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 30.00, Section 50.00, Sections 56.00 to 60.00, and Section 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and all other powers or duties pertaining or incidental to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, and the power to enter into agreements for credit enhancement for said bonds and notes, and to execute any arbitrage certification relative thereto, are hereby delegated to the Commissioner of Finance & Management Services of the City, as chief fiscal officer of the City.

Section 6. Pursuant to the provisions of Section 17 of the Special Local Finance and Budget Act of the City of Yonkers, constituting Chapters 488 and 489 of the Laws of 1976 of the State of New York (herein called the "Act"), the City is authorized and directed to include the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 17 of the Act, in this ordinance, and the Act provides that upon payment for the bonds or notes in anticipation of said bonds by the original and all subsequent holders thereof the inclusion of such pledge and agreement shall be deemed conclusive evidence of valuable consideration received by the State and City for such pledge and agreement and of reliance upon such pledge and agreement by any holder and that any action by the State contrary to or inconsistent with the provisions of such pledge and agreement shall be void:
"The state does hereby pledge to and agree with the holders of obligations of the city issued pursuant to the local finance law or this act that the state will not (a) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the power or duty of the city to exercise, perform, carry out and fulfill its responsibilities under this act to the extent that the city incorporates in any bond ordinance or credit agreement covenants and agreements to so exercise, perform, carry out and fulfill such responsibilities, (b) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the rights and remedies of any such holders to fully enforce in a court of law such covenants and agreements so incorporated in the bond ordinance or credit agreement or to enforce the pledge and agreement of the state contained in this section, or (c) otherwise exercise any sovereign power

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SPECIAL ORDINANCE NO.5-2015 (CONTINUED)

contrary to or inconsistent with the provisions of such bond ordinance or credit agreement, it being hereby determined and declared that the provisions of this act and the powers and duties of the city authorized and imposed hereunder are proper, reasonable and appropriate means by which the state can and should exercise and has exercised its duty under section twelve of article eight of the constitution to prevent abuses by the city in taxation and in the contracting of indebtedness and that the provisions hereof are necessary and in the public interest and proper means to improve market reception for the purchase of bonds and other obligations of the city; provided, however, the foregoing pledge and agreement shall be of no further force and effect if at any time (i) there is on deposit in a separate trust account with the fiscal agent sufficient moneys or direct obligations of the United States of America or the state the principal of and/or interest on which will provide moneys to pay punctually when due at maturity or prior to maturity by redemption in accordance with their terms all principal and interest on all such obligations of the city outstanding, (ii) irrevocable instructions from the state and city to the fiscal agent for such payment of such principal and interest with such moneys have been given, and (iii) notice to the holders of such obligation as provided in the bond ordinance or credit agreement has been given, and provided further that such pledge and agreement by the state may be temporarily suspended upon the declaration of martial law in the city in the event of circumstances in the city deriving directly out of a natural disaster (such as an earthquake or major conflagration or flood but not a snowstorm) or civil disturbance (such as military invasion or civil insurrections but not strikes or crises created by financial abuses or economic events).”

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

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SPECIAL ORDINANCE NO.5-2015 (CONTINUED)

Section 8. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized to publish the foregoing ordinance, in full or summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "THE JOURNAL NEWS" and/or "YONKERS RISING", each having a general circulation in the City and designated official newspapers of said City for such publication.

A ROLL CALL VOTE WAS TAKEN TO ADD THIS ITEM TO THE COUNCIL AGENDA. THIS MOTION WAS APPROVED 7-0.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 24, 2015 BY A ROLL CALL VOTE OF 5-2. COUNCIL PRESIDENT MCLAUGHLIN AND COUNCIL MEMBER SHEPHERD VOTED NO.

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 8:47PM