

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

TIME: 9:55 P.M.

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT
2 MAJORITY LEADER SANDY ANNABI
4 MINORITY LEADER LIAM J. McLAUGHLIN

COUNCIL MEMBERS:
DISTRICT:
1 PATRICIA D. McDOW
3 JOAN GRONOWSKI
5 JOHN M. MURTAGH
6 DEE BARBATO

I, THE UNDERSIGNED PRESIDENT 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 TUESDAY, JUNE 16, 2009 IN THE CITY COUNCIL CHAMBERS, FOURTH FLOOR, CITY HALL, YONKERS, NEW YORK AT 7 P.M. FOR THE FOLLOWING PURPOSE:

TO DISCUSS AND TAKE ACTION ON:

1. SPECIAL ORDINANCE ADOPTING JUSTIFICATION DOCUMENTS.
2. SPECIAL ORDINANCE ADOPTING FISCAL YEAR 2009/2010 TAX BUDGET.
3. SPECIAL ORDINANCE CONFIRMING TAX ROLL. FOR 2009/2010.
4. SPECIAL ORDINANCE ADOPTING FISCAL YEAR 2009/2010 GRANT BUDGET.
- 5.. SPECIAL ORDINANCE ADOPTING THE 2009/2010 CAPITAL BUDGET.
6. SPECIAL ORDINANCE - REVENUE ANTICIPATION NOTE.
7. ALL OTHER ITEMS PROPERLY COMING BEFORE THE COUNCIL.

CHUCK LESNICK
CITY COUNCIL PRESIDENT

THIS SPECIAL COUNCIL MEETING WAS RECESSED AT 10:00 P.M. ON JUNE 16, 2009 TO BE RECALLED AND RECONVENED UPON THE CALL OF THE COUNCIL PRESIDENT.

THIS SPECIAL COUNCIL MEETING WAS RECONVENED ON SATURDAY, JUNE 20, 2009 AT 10:00 A.M. BY COUNCIL PRESIDENT LESNICK

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AT THE JUNE 16, 2009 SPECIAL CITY COUNCIL MEETING, COUNCIL PRESIDENT LESNICK ANNOUNCED THAT HE WAS TAKING ITEM NO. 8 ON THIS AGENDA - A SPECIAL ORDINANCE ADOPTING THE TAX BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2009 AND TERMINATING JUNE 30, 2010 – FIRST. A ROLL CALL VOTE ON THIS SPECIAL ORDINANCE WAS TAKEN AND THE ORDINANCE WAS DEFEATED BY A ROLL CALL VOTE OF 5-2, COUNCIL PRESIDENT LESNICK AND COUNCILMEMBER McDOW VOTING “YEA”.

THIS SPECIAL COUNCIL MEETING WAS RECESSED AT 10:00 P.M. TO BE RECALLED AND RECONVENED UPON THE CALL OF THE COUNCIL PRESIDENT.

JUNE 20, 2009
SPECIAL CITY COUNCIL MEETING
RECONVENED

THE FIRST ORDER OF BUSINESS AT THIS RECONVENED SPECIAL COUNCIL MEETING WAS A MOTION BY MINORITY LEADER McLAUGHLIN, SECONDED BY COUNCILMEMBER BARBATO, TO RECONSIDER ITEM NO 8 ON THIS AGENDA - A SPECIAL ORDINANCE ADOPTING THE TAX BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2009 AND TERMINATING JUNE 30, 2010 – WHICH WAS DEFEATED AT THE JUNE 16, 2009 MEETING. THE MOTION TO RECONSIDER WAS CARRIED UNANIMOUSLY BY A ROLL CALL VOTE OF 7-0.

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COMMITTEE OF THE WHOLE

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LOCAL LAW

1. BY COUNCIL PRESIDENT LESNICK:

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. 9-1991, LOCAL LAW NO. 6- 1994, LOCAL LAW NO. 5-1995, LOCAL LAW NO. 8-1996 AND LOCAL LAW NO. 10-1997 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, [2009] 2011. 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.

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:

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LOCAL LAW (CONTINUED)

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, [2009] 2011.

Section 3. This local law shall take effect as of January 1, 2010.

THIS LOCAL LAW WAS REFERRED TO THE RULES COMMITTEE

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LOCAL LAW

2. BY COUNCIL PRESIDENT LESNICK:

LOCAL LAW AMENDING LOCAL LAW NO. 5-1993 AS AMENDED BY LOCAL LAW NO. 4-1995 AND BY LOCAL LAW NO. 11-1997 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, 2009] September 1, 2011, 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 upon July 1, 2009.

THIS LOCAL LAW WAS REFERRED TO THE RULES COMMITTEE

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LOCAL LAW

3. BY COUNCIL PRESIDENT LESNICK:

A LOCAL LAW AMENDING LOCAL LAW NO. 8-1984, AS AMENDED, 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 AND A CITY OF YONKERS EARNING TAX ON NON-RESIDENTS IN RELATION TO AMENDING SAID LOCAL LAW TO CONFORM WITH THE 2009 AMENDMENTS OF THE NEW YORK STATE TAX LAW.

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

Section 1. Section 15-104 of Article IX of Chapter 15 of the Codes and Ordinances of the City of Yonkers, as amended, is hereby further amended as follows;

“§15-104. Estimated tax.

Every city resident or individual required to make payments of New York State estimated tax under Article 22 of the New York State Tax Law shall make payments of Yonkers estimated tax in an amount equal to [ten] fifteen percent [(10%)] (15%) of his New York State estimated tax payments in the same manner and subject to the same requirements, to the greatest extent possible as provided in § 655 and §656 of the New York State Tax Law. No payment of estimated tax shall be required for taxable years beginning in 1984.”

Section 2. This local law shall take effect as of January 1, 2010.

THIS LOCAL LAW WAS REFERRED TO THE RULES COMMITTEE

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LOCAL LAW NO. 2-2009

4. BY COUNCIL PRESIDENT LESNICK, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, MURTAGH AND BARBATO:

A LOCAL LAW AMENDING ARTICLE IX OF THE CHARTER OF THE CITY OF YONKERS IN RELATION TO SEWER RENTS.

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

Section 1. Paragraph B. of Section 9-20 of the Charter of the City of Yonkers entitled "Sewer Rents", is hereby amended, in part, as follows:

- (2) Rate for users of city-supplied water. For any such real property supplied with water from city water supply, the semiannual sewer rent charge in the City of Yonkers shall be at the rate of [thirty-nine cents (\$0.39)] forty-three cents (\$0.43) per one hundred (100) cubic feet of water supplied to such property from the city water supply system.
- (3) Rate supplied with water by a private water company or other non-city water system, the sewer rent charge shall be at the rate of [thirty-nine cents (\$0.39)] forty-three cents, (\$0.43) per one hundred (100) cubic feet of water supplied to such property from the said private water company or other non-city water system.
- (4) Minimum charge estimate. The minimum semi-annual charge for sewer rents shall be [nine dollars and seventy-five cents (\$9.75)] ten dollars and seventy-five cents(\$10.75), and for the purpose of billing for payment under this section the quantity of water supplied to such property from the City water-supply system, a private water company or other non-city water system may be estimated."

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LOCAL LAW NO. 2-2009 (CONTINUED)

Section 2. This local law shall take effect July 1, 2009.

THIS SPECIAL COUNCIL MEETING WAS RECESSED ON TUESDAY, JUNE 16, 2009 AND RECONVENED BY COUNCIL PRESIDENT LESNICK ON SATURDAY, JUNE 20, 2009.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A RECONVENED CITY COUNCIL MEETING HELD ON SATURDAY, JUNE 20, 2009 BY A ROLL CALL VOTE OF 5-2, MAJORITY LEADER ANNABI AND COUNCILMEMBER GRONOWSKI VOTING "NAY".

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LOCAL LAW NO. 3-2009

4-A. BY COUNCIL PRESIDENT LESNICK, MINORITY LEADER
McLAUGHLIN, COUNCILMEMBERS McDOW, MURTAGH AND
BARBATO:

A LOCAL LAW AMENDING THE FOLLOWING: SECTION 47-4 AND SECTION 47-5 OF CHAPTER 47 OF THE CODE OF CITY OF YONKERS ENTITLED "OUTDOOR SIGNS"; ARTICLE I, ARTICLE III AND ARTICLE VIII OF CHAPTER 56 OF THE CODE OF THE CITY OF YONKERS ENTITLED "BUILDING AND ELECTRICAL CODE"; AND SECTION 66-11 OF CHAPTER 66 OF THE CODE OF THE CITY OF YONKERS ENTITLED "NOISE" REGARDING THE INCREASE OF FEES UNDER THE CODE OF THE CITY OF YONKERS.

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

Section 1. Chapter 47 of the Code of the City of Yonkers entitled "Outdoor Signs", is hereby amended, in part, by amending Section 47-4 entitled "Licenses required; fees" and Section 47-5 entitled, "Permit required; fees" are also amended to read, in part, as follows;

"§ 47-4. Licenses required; fees. [Amended 3-25-1975 by G.O. No. 4-1975; 3-8-1994 by G.O. No. 5-1994; 7-18-1996 by L.L. No. 5-1996; 7-18-1996 by L.L. No. 7-1996; 10-26-2004 by G.O. No. 7-2004;]

A. No person shall engage within the City of Yonkers in the business of outdoor advertising or in the business of sign erection and/or maintenance without having obtained from the Director a license to conduct such business. Such license shall not be issued until after application therefore has been approved by the Director. Application for a license shall be made on forms prescribed and furnished by the Director, who shall examine such applicant at such time and place as he shall designate as to his qualifications and competency to ensure compliance with the terms of this chapter and other applicable law.

B. The examination shall be conducted by the Commissioner or an agent or representative designated by him and shall be practical and elementary in character but sufficient to test the qualifications of the applicant in the most approved methods in connection with said business. Such license shall not be transferable and may be revoked by the Commissioner if the licensee violates any of the provisions of this chapter. When a license is revoked, a new license shall not be granted to the same licensee for at least 90 days.

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LOCAL LAW NO. 3-2009 (CONTINUED)

C. The initial fee for such license shall be [~~\$300~~] \$1,000 to be paid to the Comptroller, and the license shall expire on the last day of March of the calendar year following the date of issuance. The fee for each annual renewal of such license shall be [~~\$300.~~] \$500. If such renewal fee is paid after the expiration date, then a late fee of [~~\$150.~~] \$200 will be assessed for a period of 60 days from the expiration date, after which a licensee must pay the initial fee of [~~\$300.~~] \$500.

§ 47-5. Permit required; fees. [Amended 3-9-1971 by G.O. No. 10-1971; 3-25-1975 by G.O. No. 4-1975; 6-28-1983 by G.O. No. 11-1983; 7-18-1996 by L.L. No. 5-1996; 7-18-1996 by G.O. No. 7-1996; 10-26-2004 by G.O. No. 7-2004]

A. No sign shall be erected or structurally altered, painted, repaired or maintained by any person except as prescribed in this chapter and by a sign erector licensed hereunder and until a permit therefore shall have been issued by the Commissioner. No permit shall be granted until after an application, on forms prescribed and furnished by the Commissioner (showing the plans and specifications thereof, including dimensions, materials and details of construction or structural alterations or repair of the proposed sign), shall have been filed with and approved by the Commissioner, nor until the prescribed fee for each such permit shall have been paid to the Comptroller as follows. All permit fees are fixed and shall be paid on a per-sign basis.

(1) Ground, roof, pole, angle or vertical signs other than billboards:

(a) Installation:

[1] [~~Sixty~~] One Hundred (\$100) dollars plus [~~\$0.50~~] \$0.75 per square foot per face for nonilluminated.

[2] [~~Seventy~~] One Hundred and Twenty (\$120) dollars plus [~~\$0.60~~] \$0.85 per square foot per face for illuminated.

(b) Annual renewal fee:

[1] [~~Thirty-five~~] Fifty (\$50) dollars plus [~~\$0.30~~] \$0.50 per square foot per face for nonilluminated.

[2] [~~Thirty-five~~] Fifty (\$50) dollars plus [~~\$0.40~~] \$0.60 per square foot per face for illuminated.

(c) Structural alterations (per face): [~~\$75.~~] \$150.

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LOCAL LAW NO. 3-2009 (CONTINUED)

(2) Billboards:

(a) Installation:

[1] For wall and ground board: [~~\$175.~~] \$1,000.

[2] For roof board if permitted: [~~\$200.~~] \$1,000.

(b) Annual renewal fee: [~~\$150~~] \$500 for each unit.

(c) Structural alterations: [~~\$175.~~] \$500.

(3) Wall and angle signs:

(a) Installation:

[1] [~~Sixty~~] Seventy (\$70) dollars plus [~~\$0.50~~] \$0.75 per square foot per for nonilluminated.

[2] [~~Seventy~~] Eighty (\$80) dollars plus [~~\$0.60~~] \$0.85 per square foot per face for illuminated.

(b) Annual renewal fee:

[1] [~~Thirty-five~~] Fifty (\$50) dollars plus [~~\$0.30~~] \$0.50 per square foot per face for nonilluminated.

[2] [~~Thirty-five~~] Fifty (\$50) dollars plus [~~\$0.40~~] \$0.60 per square foot per face for illuminated.

(c) Structural alterations: [~~\$75.~~] \$150.

B. When a new permit is issued for part of a year, the fee shall be the full amount of the annual fees fixed by Subsection A of this section. The permits granted by the Commissioner shall all expire on the last day of March of each year. All permits must be renewed annually on or before April 1 and the renewal fee for an entire year paid at the time of such renewal for existing signs subject to the provisions hereof. If such renewal fee is paid after the expiration date, a late fee of [~~\$100~~] \$200 will be imposed for the first 30 days, and a late fee of [~~\$200~~] \$300 will be imposed for payment made after 30 days from the expiration date. In the event that the renewal fee is not paid within 60 days, the sign shall be considered an abandoned sign for the purposes of § 47-16, and the

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LOCAL LAW NO. 3-2009 (CONTINUED)

Commissioner may order the removal of the sign in accordance with the provisions of that section. The Commissioner may refuse to renew any sign permit when, after inspection, the sign is found to be unsafe or dangerous or otherwise maintained in violation of the provisions of this chapter. No refund shall be made in case the sign is taken down, removed or destroyed after payment of the renewal fee and before the expiration of the permit.”

Section 2. Chapter 56 of Code of the City of Yonkers entitled “Building and Electrical Code,” is hereby amended, in part, by amending Section 56-6 entitled “Fees for copies of plans” of Article I entitled “General Provisions”, by deleting subsection A thereof and adding a new subsection A and such other additions, deletions or changes to Section 56-6, and Section 56-18 entitled “Fees for building permits for new buildings, additions and alterations” of Article III entitled “Permits and Plans”, and Section 56-67 entitled “Fees for construction or alteration of elevators and escalators; auto lifts” of Article VIII entitled “Elevators and Escalators”, to read as follows:

“§ 56-6. Fees for copies of plans.

A. The fees payable to the City in advance for reproducing plans shall be as follows:

Any plan that is 8 ½ inches x 11 inches in size shall cost \$0.25 per page. Any plan that is 11 inches x 17 inches in size shall cost \$0.50 per page. Any plan that is greater than 11 inches x 17 inches in size and up to 2 feet x 2 feet in size shall cost \$3.00 per page. Any plan that is greater than 2 feet x 2 feet in size and up to 3 feet x 2 feet in size shall cost \$5.00 per page. Any plan greater than 3 feet by 2 feet in size and up to 3 feet x 3 feet in size shall cost \$6.00 per page. Any plan greater than 3 feet by 3 feet in size and up to 4 feet by 4 feet in size shall cost \$8.00 per page.

B. The total fee for reproducing sheets of varying sizes for the same permit number shall be based on the fee for the largest sheet, [as determined by Column 2 for the first sheet, plus the fee for the balance, as determined by Column 3 of the foregoing schedule] times the number of sheets in each category.

[C. The fee indicated by Column 2 of said schedule shall be applicable to each permit number when two or more permit numbers are included in any request for copies of plans.]

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LOCAL LAW NO. 3-2009 (CONTINUED)

§ 56-18. Fees for building permits for new buildings, additions and alterations. [Amended 6-11-1991 by L.L. No. 5-1991; 7-18-1996 by L.L. No. 6-1996; 5-10-2005 by L.L. No. 3-2005]

A. Fees for building permits for alterations, decks, new structures without enclosing walls and roof, fees authorized in § 56-67 and fees for any other structure or work for which a building permit is required and no permit fee is otherwise established in this chapter, and for new buildings and additions shall be based on estimated cost of construction and shall be as follows:

Estimated Cost of Construction	Fee	
\$0 to \$5,000	[\$80]	<u>\$120</u>
\$5,001 to \$10,000	[\$130]	<u>\$170</u>
\$10,001 to \$15,000	[\$190]	<u>\$220</u>
\$15,001 to \$20,000	[\$260]	<u>\$270</u>
\$20,001 to \$25,000	[\$280]	<u>\$320</u>
\$25,001 to \$30,000	[\$350]	<u>\$370</u>
\$30,001 to \$35,000	[\$380]	<u>\$420</u>
\$35,001 to \$40,000	[\$420]	<u>\$470</u>
\$40,001 to \$45,000	[\$450]	<u>\$520</u>
\$45,001 to \$50,000	[\$510]	<u>\$570</u>
\$50,001 to \$55,000	[\$540]	<u>\$620</u>
\$55,001 to \$60,000	[\$630]	<u>\$670</u>
\$60,001 to \$65,000	[\$660]	<u>\$720</u>
\$65,001 to \$70,000	[\$710]	<u>\$770</u>
\$70,001 to \$75,000	[\$750]	<u>\$820</u>
\$75,001 to \$80,000	[\$810]	<u>\$870</u>
\$80,001 to \$85,000	[\$840]	<u>\$920</u>
\$85,001 to \$90,000	[\$880]	<u>\$970</u>
\$90,001 to \$95,000	[\$910]	<u>\$1,020</u>
\$95,001 to 100,000	[\$940]	<u>\$1,070</u>

Thereafter, \$14 per each additional \$1000 or part above for \$100,000 but less than \$1,000,000 and [\$2] \$6 per \$1000 or part thereof for \$1,000,000 or greater.

B. Apportionments. The fees for filing and a review of apportionments are as follows:

- (1) For the first two lots, the fee shall be [\$120.] \$250.

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LOCAL LAW NO. 3-2009 (CONTINUED)

(2) For each additional lot over two, the fee shall be [\$120.] \$200. for each lot.

(3) For lot combinations, the fee shall be \$250.

C. Amendments/Revisions to building permit or applications. The fee for any amendment or change to the original approval of any plan or application shall be [\$150.] \$200.

§ 56-67. Fees for construction or alteration of elevators and escalators; auto lifts. [Amended 6-11-1991 by L.L. No. 5-1991; 7-18-1996 by L.L. No. 5-1996; 7-18-1996 by L.L. No. 6-1996; 5-10-2005 by L.L. No. 3-2005; 5-22-2007 by L.L. No. 5-2007]

A. Fees for a permit to construct or alter any elevator or escalator shall be based on cost and shall be in the amount specified in § 56-19A.

B. The fee for a certificate of compliance for each elevator or escalator shall be \$150, plus payment of the required fee for permit to operate as described in Subsection C.

C. No elevator or escalator shall be operated unless an annual permit to operate is issued by the Commissioner. The owner, agent or lessee shall make an application for a permit to operate on a form approved by the Commissioner. A permit to operate shall be issued, provided that all applicable requirements are met and an annual fee of \$200 is paid for each elevator and when a 5 year test is performed there shall be an additional fee of \$150 for each elevator or an annual fee of \$350 for each escalator. Said fee(s) shall be paid within 30 days after the billing date. Failure to pay within the required time is a violation of this chapter, and a penalty of \$200 shall be required for any payment received after that time. The permit to operate for a newly constructed or altered elevator or escalator issued in the last quarter of the year shall be applied to the next calendar year. The provisions of this subsection shall not apply to and no fee shall be payable in the case of premises solely and exclusively devoted to charitable, religious or educational purposes which are exempt from real property taxes collected by the City of Yonkers.

D. Auto lifts. The fee for the approval to operate all auto lifts within the City of Yonkers shall be [\$125.] \$150. An application is to be filed in the Department of Housing and Buildings and approved prior to use.”

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LOCAL LAW NO. 3-2009 (CONTINUED)

Section 3. Chapter 66 of Code of the City of Yonkers entitled "Noise" is hereby amended, in part, by amending Section 66-11 entitled "Permit fee, duration of variance", to read as follows:

"§ 66-11. Permit fee; duration of variance. [Amended 3-22-2005 by G.O. No. 4-2005]

A. The Commissioner of the Department of Housing and Buildings [may] shall charge the applicant a fee of [\$100.] \$300. [Amended 3-22-2005 by G.O. No. 4-2005]

B. The duration of the permit of variance shall not exceed one year month but may be [limited] extended by the Commissioner to any period of time up to one year.

C. The permit of variance may be extended for additional times upon filing a written request with an associated fee of \$300 for each extension.

[C.] D. A copy of the permit shall be on file with the City of Yonkers [Bureau] Department of Housing and Buildings."

Section 4. This local law shall take effect as provided by law.

THIS SPECIAL COUNCIL MEETING WAS RECESSED ON TUESDAY, JUNE 16, 2009 AND RECONVENED BY COUNCIL PRESIDENT LESNICK ON SATURDAY, JUNE 20, 2009.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A RE-CONVENED CITY COUNCIL MEETING HELD ON SATURDAY, JUNE 20, 2009 BY A ROLL CALL VOTE OF 5-2, MAJORITY LEADER ANNABI AND COUNCILMEMBER GRONOWSKI VOTING "NAY".

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GENERAL ORDINANCE NO. 5-2009

5. BY COUNCIL PRESIDENT LESNICK, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, MURTAGH AND BARBATO:

A GENERAL ORDINANCE AMENDING GENERAL ORDINANCE NO.15-1967, ENTITLED, "CODE OF ORDINANCES OF THE CITY OF YONKERS, 1967," IN RELATION TO PROVIDING FOR AN INCREASE IN WATER RENTS.

WHEREAS, the Commissioner of Public Works has established a new scale of water rents, has caused notice thereof to be published, and has held a hearing thereon, all as provided by the Charter of the City of Yonkers, now, therefore,

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

Section 1. General Ordinance No. 15-1967, which adopted Chapter 102, entitled Water Rates, Section 102-2, as last amended by General Ordinance No.4 - 2008, is hereby amended to read as follows:

" § 102-2. Water Rates

- A. The following water rates are to be used in computing the water rates in the City of Yonkers for each half of the year:
1. First one million (1,000,000) cubic feet at [one dollar and twenty-seven cents (\$1.27)] one dollar and forty cents (\$1.40) per one hundred (100) cubic feet.
 2. Over one million (1,000,000) cubic feet at [one dollar and twenty seven cents (\$1.27)] one dollar and forty cents (\$1.40) per one hundred (100) cubic feet.
- B. All accounts shall be billed semiannually with a minimum semiannual charge of [thirty-one dollars and seventy five cents (\$31.75)] thirty-five dollars (\$35.00) covering an allowance of two thousand five hundred (2,500) cubic feet. For the purpose of billing for payment of the rates herein, bills for payment for any semiannual period may be prepared based upon estimated quantities."

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

GENERAL ORDINANCE NO. 5-2009 (CONTINUED)

Section 2. This ordinance shall take effect July 1, 2009.

THIS SPECIAL COUNCIL MEETING WAS RECESSED ON TUESDAY, JUNE 16, 2009 AND RECONVENED BY COUNCIL PRESIDENT LESNICK ON SATURDAY, JUNE 20, 2009.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A RE-CONVENED CITY COUNCIL MEETING HELD ON SATURDAY, JUNE 20, 2009 BY A ROLL CALL VOTE OF 5-2, MAJORITY LEADER ANNABI AND COUNCILMEMBER GRONOWSKI VOTING "NAY".

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

GENERAL ORDINANCE NO. 6-2009

6. BY COUNCIL PRESIDENT LESNICK, MINORITY LEADER
McLAUGHLIN, COUNCILMEMBERS McDOW, MURTAGH AND
BARBATO:

A GENERAL ORDINANCE AMENDING CHAPTER 109 OF THE CODE
OF THE CITY OF YONKERS ALSO KNOWN AS "VEHICLE AND
TRAFFIC."REGARDING PENALTIES AND FEES.

Be it ordained 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" is hereby amended in part by amending subsection
B of Section 109-159 thereof entitled "Penalties for offenses; towing and
storage fees", to read as follows:

" § 109-159. Penalties for offenses; towing and storage fees.

- B. Parking, standing, and stopping violations shall be punished as
follows:

Type of Violation	Fee	
Expired meter (on street)	[\$20]	<u>\$30</u>
Overtime parking at meter (on street)	[\$20]	<u>\$30</u>
Expired meter-(off street)	[\$20]	<u>\$30</u>
Failed to activate meter (on street)	[\$20]	<u>\$30</u>
Overtime parking at meter (off street)	[\$20]	<u>\$30</u>
Failed to activate meter (off street)	[\$20]	<u>\$30</u>
Parking in 2 meter spaces (on street)	[\$40]	<u>\$50</u>
Parking rear to meter (on street)	[\$40]	<u>\$50</u>
Parking in 2 meter spaces (off street)	[\$40]	<u>\$50</u>
Parking rear to meter (off street)	[\$40]	<u>\$50</u>

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

No parking	[\$40]	<u>\$50</u>
Type of Violation	Fee	
Overtime parking, no meter	[\$40]	<u>\$50</u>
Parking in driveway, public or private	[\$40]	<u>\$50</u>
Parking within 30 feet of stop sign	[\$40]	<u>\$50</u>
Parking within 10 feet of crosswalk at intersection	[\$50]	<u>\$60</u>
Parking in loading zone	[\$40]	<u>\$50</u>
M/ T 12 inches from curb, 2-way street	[\$40]	<u>\$50</u>
M/T 12 inches from curb, 1-way street	[\$40]	<u>\$50</u>
Parking left side to curb, 2-way street	[\$40]	<u>\$50</u>
Parking wrong direction, 2-way street	[\$40]	<u>\$50</u>
Parking wrong direction, 1-way street	[\$40]	<u>\$50</u>
Parking opposite construction site	[\$40]	<u>\$50</u>
Improper parking	[\$40]	<u>\$50</u>
Parked rear to curb	[\$40]	<u>\$50</u>
Improper angle parking	[\$40]	<u>\$50</u>
Angle parking prohibited, 2-way street	[\$40]	<u>\$50</u>
Angle parking prohibited, 1-way street	[\$40]	<u>\$50</u>
Wheels not turned to curb on hill	[\$40]	<u>\$50</u>
Commercial vehicle/bus parking	[\$40]	<u>\$50</u>
Parked on bridge	[\$40]	<u>\$50</u>
Unattended vehicle	[\$40]	<u>\$70</u>
Parked at theater entrance	[\$40]	<u>\$50</u>
Parked on private property	[\$40]	<u>\$50</u>

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

Parked without lights	[\$40]	<u>\$50</u>
Inspection violations	[\$40]	<u>\$50</u>
Parked on entrance or exit ramps, state highway	[\$40]	<u>\$50</u>
Type of Violation	Fee	
Parked on state highway	[\$40]	<u>\$50</u>
Parked alongside curbcut	[\$40]	<u>\$50</u>
Parked for purpose of vehicle sale	[\$40]	<u>\$50</u>
Parked for vehicle repair, except emergency	[\$40]	<u>\$50</u>
Parked on highway with speed limit over 35 mph for purpose of selling frozen desserts	[\$40]	<u>\$50</u>
Parked within safety island	[\$50]	<u>\$60</u>
Parked within crosswalk	[\$50]	<u>\$60</u>
Parked within Intersection	[\$50]	<u>\$60</u>
Parked on sidewalk	[\$70]	<u>\$80</u>
No standing	[\$50]	<u>\$70</u>
No stopping	[\$50]	<u>\$70</u>
Registration violations	[\$50]	<u>\$70</u>
Unregistered motorcycle	[\$50]	<u>\$70</u>
Tab improperly on plate	[\$50]	<u>\$70</u>
License plate violations	[\$70]	<u>\$90</u>
No current license plate	[\$70]	<u>\$90</u>
Unauthorized license plate	[\$70]	<u>\$90</u>
Parked leaving L/T 10 feet roadway	[\$70]	<u>\$90</u>
Restricted area	[\$60]	<u>\$70</u>
Restricted area, parking lot	[\$60]	<u>\$70</u>
Restricted area, off street	[\$60]	<u>\$70</u>
Restricted, raceway parking	[\$60]	<u>\$70</u>
Obstructing traffic	[\$70]	<u>\$90</u>
Obstructing traffic, L/T 10 feet roadway	[\$70]	<u>\$90</u>
Double-parked	[\$70]	<u>\$90</u>
Double-parked commuting hours	[\$80]	<u>\$100</u>
(Mon-Fri 7:00 a.m. to 10:00 a.m. and 3:00 p.m. to 7:00 p.m., excluding holidays)	[\$70]	<u>\$90</u>

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

Parked in fire zone	[\$70]	<u>\$90</u>
Parked within 20 feet of fire station entrance	[\$70]	<u>\$90</u>
Parked in tow-away zone	[\$70]	<u>\$90</u>
Emergency snow removal	[\$70]	<u>\$90</u>
Parked in handicap space, no permit, on street	[\$100]	<u>\$200</u>

Type of Violations	Fee	
Abandoned vehicle	[\$250]	<u>\$450</u>
Abandoned vehicle in an emergency	[\$300]	<u>\$500</u>
All other parking violations, including violations of Article 32 of the "New York State Vehicle and Traffic Law"	[\$40]	<u>\$50</u>

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL COUNCIL MEETING WAS RECESSED ON TUESDAY, JUNE 16, 2009 AND RECONVENED BY COUNCIL PRESIDENT LESNICK ON SATURDAY, JUNE 20, 2009.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A RE-CONVENED CITY COUNCIL MEETING HELD ON SATURDAY, JUNE 20, 2009 BY A ROLL CALL VOTE OF 5-2, MAJORITY LEADER ANNABI AND COUNCILMEMBER GRONOWSKI VOTING "NAY".

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

SPECIAL ORDINANCE NO. 12-2009

7. BY COUNCIL PRESIDENT LESNICK, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, MURTAGH AND BARBATO:

AN ORDINANCE APPROVING CERTAIN JUSTIFICATION DOCUMENTS OF THE CITY COMPTROLLER, WHICH DOCUMENTS ARE ATTACHED HEREWITH AND MADE A PART HEREOF, IN RELATION TO THE ADOPTION OF THE CITY'S 2010 FISCAL YEAR BUDGET (SUPPORTING DATA FOR THESE DOCUMENTS ARE ON FILE AND MAY BE EXAMINED IN THE OFFICE OF THE CITY CLERK).

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

Section 1: The following justification documents of the City Comptroller are attached hereto and made a part hereof in relation to the City's 2010 Fiscal Year Budget.

1. Utilities Gross Receipt Tax	\$8,132,563
2. Multiple Unit Dwelling Tax	\$147,453
3. OMITTED	
4. Finance Department	\$45,549
5. Parking Violations Bureau	\$10,541,398
6. Public Works	\$332,067
7. Engineering	\$786,665
8. Building Fees	\$3,344,751
9. Cable Television Fees	\$1,745,783
10. Rent on City Property	\$592,815
11. Library Fund - Miscellaneous	\$73,487

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

SPECIAL ORDINANCE NO. 12-2009 (CONTINUED)

12. Water Fund – Meter Water Sales	\$15,498,050
13. Sewer Fund – Sewer Rents	\$4,701,418
14. Board of Education Basic State Aid	\$233,433,773
15. Board of Education – Appropriated Fund Balance	\$8,200,000
16. City Department Appropriations	
a) Executive	
b) Legislative Department	
c) Finance Department	
d) Human Resources	
e) Development	
f) Firefighting	
g) Public Works Department	
h) Engineering Department	
i) Parks Department	
j) Constituent Services	
k) Inspector General	
l) Veteran’s Service Agency	
m) Library	
n) Hudson River Museum	
17. Employee Retirement	\$5,713,443
18. Local Pension Plan	\$156,600
19. Yonkers Historical Society	\$10,000
20. Intern Program	-0-
21. Affordable Housing Subsidiaries	-0-
22. Fiscal Agent Bank Account	\$20,000
23. Cash Flow Statement	-
24. City Department Appropriations – Legislative Adjustments	
a) Legislative Department	
b) Finance Department	
c) Human Resources	
d) Development	
e) Police Department	
f) Fire Department	
g) Public Works Department	
h) Engineering	
i) Constituent services	
j) Corporation counsel	
k) Parks Department	
l) Housing and Building	
m) Inspector General	
n) Library	

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009
o) Museum

SPECIAL ORDINANCE NO. 12-2009 (CONTINUED)

Section 2: This ordinance shall take effect immediately or as otherwise provided by law.

THIS SPECIAL COUNCIL MEETING WAS RECESSED ON TUESDAY, JUNE 16, 2009 AND RECONVENED BY COUNCIL PRESIDENT LESNICK ON SATURDAY, JUNE 20, 2009.

SPECIAL ORDINANCES NOS. 12, 2009 AND 13-2009 WERE TAKEN TOGETHER. THESE SPECIAL ORDINANCES WERE ADOPTED, AS AMENDED, BY THE CITY COUNCIL AT A RE-CONVENED CITY COUNCIL MEETING HELD ON SATURDAY, JUNE 20, 2009 BY A ROLL CALL VOTE OF 5-2, MAJORITY LEADER ANNABI AND COUNCILMEMBER GRONOWSKI VOTING "NAY".

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

SPECIAL ORDINANCE NO. 13-2009

8. BY COUNCIL PRESIDENT LESNICK, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, MURTAGH AND BARBATO:

AN ORDINANCE ADOPTING THE TAX BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2009 AND TERMINATING JUNE 30, 2010.

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

Section 1: The annual estimate of expenditures of \$896,036,775 and revenues for the fiscal year July 1, 2009 to June 30, 2010 submitted by the Mayor and amended, \$297,192,534 the amount deemed necessary by the Mayor to be raised by tax to pay the debts and expenditures of the City of Yonkers for the fiscal year commencing July 1, 2009 and ending June 30, 2010 having been filed in the Office of the City Clerk on April 15, 2009, and public hearings thereon having been held on May 19th, 2009 and May 28th, 2009 and the same is hereby approved and adopted as the Tax Budget of the City of Yonkers for the fiscal year commencing July 1, 2009 and terminating June 30, 2010 consisting of Personnel Services, Contractual Services, Materials/Supplies and expenses are as set forth in the Budget Document for the respective departments and establishing the total number of positions of each organizational unit of the City annexed hereto as Exhibit A.

Section 2. The amount of said tax budget shall be appropriated and extended by the City Comptroller opposite the several valuations of real property appearing on the assessment roll prepared by the Bureau of Assessment and shall be confirmed by the City Council as soon as possible.

Section 3: This Ordinance shall take effect immediately.

COUNCIL PRESIDENT LESNICK ANNOUNCED AT THE BEGINNING OF THIS MEETING ON TUESDAY, JUNE 16, 2009 THAT HE WAS TAKING THIS ITEM FIRST. A ROLL CALL VOTE ON THIS SPECIAL ORDINANCE WAS TAKEN AND THE ORDINANCE WAS DEFEATED BY A ROLL CALL VOTE OF 5-2, COUNCIL PRESIDENT LESNICK AND COUNCILMEMBER McDOW VOTING "YEA".

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

SPECIAL ORDINANCE NO. 13-2009 (CONTINUED)

THIS SPECIAL COUNCIL MEETING WAS RECESSED ON TUESDAY, JUNE 16, 2009 AND RECONVENED BY COUNCIL PRESIDENT LESNICK ON SATURDAY, JUNE 20, 2009.

MOTION BY MINORITY LEADER McLAUGHLIN, SECONDED BY COUNCILMEMBER BARBATO, AT THE BEGINNING OF THIS SPECIAL COUNCIL MEETING ON SATURDAY, JUNE 20, 2009 TO RECONSIDER THE ABOVE SPECIAL ORDINANCE. THE MOTION WAS CARRIED UNANIMOUSLY.

SPECIAL ORDINANCES NOS. 12, 2009 AND 13-2009 WERE TAKEN TOGETHER. THESE SPECIAL ORDINANCES WERE ADOPTED, AS AMENDED, BY THE CITY COUNCIL AT A RE-CONVENED CITY COUNCIL MEETING HELD ON SATURDAY, JUNE 20, 2009 BY A ROLL CALL VOTE OF 5-2, MAJORITY LEADER ANNABI AND COUNCILMEMBER GRONOWSKI VOTING "NAY".

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

SPECIAL ORDINANCE NO. 14-2009

9. BY COUNCIL PRESIDENT LESNICK, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, MURTAGH AND BARBATO:

AN ORDINANCE CONFIRMING THE TAX ROLL OF THE FISCAL YEAR JULY 1, 2009 TO JUNE 30, 2010 AND LEVYING AND ADDRESSING THE TAXES CONTAINED THEREIN.

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

Section 1: The assessment rolls for the fiscal year July 1, 2009 to June 30, 2010 and the apportionment and extension thereon of the tax budget for the fiscal year July 1, 2009 to June 30, 2010 constituting the tax roll of the City, hereby levied and assessed on the real property appearing thereon as therein set forth.

Section 2: The Mayor is hereby directed to sign and attach to such tax rolls a warrant under the corporate seal of the City commanding the Comptroller to collect, in manner provided by law, the taxes set forth therein, and the City Assessor is hereby directed to thereupon deliver the said tax roll to the Commissioner of Finance & Management Services.

Section 3: This Ordinance shall take effect immediately after statutory approvals in accordance with the Special Local Finance and Budget Act of 1976.

THIS SPECIAL COUNCIL MEETING WAS RECESSED ON TUESDAY, JUNE 16, 2009 AND RECONVENED BY COUNCIL PRESIDENT LESNICK ON SATURDAY, JUNE 20, 2009.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A RE-CONVENED CITY COUNCIL MEETING HELD ON SATURDAY, JUNE 20, 2009 BY A ROLL CALL VOTE OF 5-2, MAJORITY LEADER ANNABI AND COUNCILMEMBER GRONOWSKI VOTING "NAY". THIS SPECIAL ORDINANCE WAS ADOPTED AT 10:50 A.M.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

SPECIAL ORDINANCE NO. 15-2009

10. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

AN ORDINANCE ADOPTING THE GRANT BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2009 AND TERMINATING JUNE 30, 2010.

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

Section 1: The annual estimate of expenditures of \$24,609,137 and revenues for the fiscal year July 1, 2009 to June 30, 2010 submitted by the Mayor as amended to pay the debts and expenditures of the City of Yonkers Grant Fund for the fiscal year commencing July 1, 2009 and ending June 30, 2010, having been filed in the Office of the City Clerk on April 15, 2009, and public hearings thereon having been held on May 19th, 2009 and May 28th, 2009 is hereby approved and adopted as the Grant Budget of the City of Yonkers for the fiscal year commencing July 1, 2009 and terminating June 30, 2010 consisting of Personnel Services, Contractual Services, Materials/Supplies and Expenses are as set forth in the Budget Document for the respective grants, attached hereto and a part hereof.

Section 2: This Ordinance shall take effect immediately.

THIS SPECIAL COUNCIL MEETING WAS RECESSED ON TUESDAY, JUNE 16, 2009 AND RECONVENED BY COUNCIL PRESIDENT LESNICK ON SATURDAY, JUNE 20, 2009.

THIS SPECIAL ORDINANCE WAS ADOPTED, AS AMENDED, BY THE CITY COUNCIL AT A RE-CONVENED CITY COUNCIL MEETING HELD ON SATURDAY, JUNE 20, 2009 BY A ROLL CALL VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

SPECIAL ORDINANCE NO. 16-2009

11. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

AN ORDINANCE ADOPTING THE CAPITAL BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2009 AND TERMINATING JUNE 30, 2010.

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

Section 1: The Capital Budget for the fiscal year commencing July 1, 2009 and terminating June 30, 2010, a total estimated cost of \$51,617,500 submitted by the Mayor and amended having been filed in the City Clerk's office on April 15th, 2009, and public hearings thereon having been held on May 19th, 2009 and May 28th, 2009 is hereby approved and adopted as the Capital Budget of the City of Yonkers for the fiscal year commencing July 1, 2009 and terminating June 30, 2010.

Section 2: This ordinance shall take effect immediately.

THIS SPECIAL COUNCIL MEETING WAS RECESSED ON TUESDAY, JUNE 16, 2009 AND RECONVENED BY COUNCIL PRESIDENT LESNICK ON SATURDAY, JUNE 20, 2009.

THIS SPECIAL ORDINANCE WAS ADOPTED, AS AMENDED, BY THE CITY COUNCIL AT A RE-CONVENED CITY COUNCIL MEETING HELD ON SATURDAY, JUNE 20, 2009 BY A ROLL CALL VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

SPECIAL ORDINANCE NO. 17-2009

12. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

REVENUE ANTICIPATION NOTE ORDINANCE DELEGATING TO THE COMMISSIONER OF FINANCE AND MANAGEMENT SERVICES THE POWERS TO AUTHORIZE THE ISSUANCE OF \$120,000,000 REVENUE ANTICIPATION NOTES OF THE CITY OF YONKERS, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE RECEIPT OF CERTAIN REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 2010, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT OF SUCH NOTES.

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 37-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the City of Yonkers, in the State of New York (the "City" and "State", respectively), in the aggregate principal amount of not to exceed \$120,000,000, and any notes in renewal thereof, is hereby delegated to the Commissioner of Finance and Management Services, as chief fiscal officer of the City.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due and payable to the City in the fiscal year ended June 30, 2010 from State Aid and Incentives for Municipalities Program, State Aid to Education, State Funding for host municipality of video lottery terminals, and sales and use taxes imposed by the City; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the City for said fiscal year payable from the revenues in anticipation of which they are issued.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

SPECIAL ORDINANCE NO. 17-2009 (CONTINUED)

Section 3. The Notes shall mature within one year of the date of issuance thereof and may be renewed from time to time, but each renewal shall be for a period of not exceeding one year and in no event shall such Notes, or the renewals thereof, extend beyond June 30, 2012.

Section 4. The Notes shall contain the recital of validity as prescribed by Section 52.00 of the Law and shall be general obligations of the City, and the faith and credit of the City shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the City and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 5. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Sections 50.00, 56.00, 60.00 and 168.00 of the Law, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Commissioner of Finance and Management Services.

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 in this ordinance, and the Act provides that upon payment for the 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:

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

SPECIAL ORDINANCE NO. 17-2009 (CONTINUED)

"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 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 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, (i) 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 (ii) 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)."

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY, JUNE 16, 2009

SPECIAL ORDINANCE NO. 17-2009 (CONTINUED)

Section 7. This ordinance shall take effect immediately.

THIS SPECIAL COUNCIL MEETING WAS RECESSED ON TUESDAY, JUNE 16, 2009 AND RECONVENED BY COUNCIL PRESIDENT LESNICK ON SATURDAY, JUNE 20, 2009.

THIS SPECIAL ORDINANCE WAS ADOPTED, BY THE CITY COUNCIL AT A RE-CONVENED CITY COUNCIL MEETING HELD ON SATURDAY, JUNE 20, 2009 BY A ROLL CALL VOTE OF 7-0.

THIS RECONVENED SPECIAL COUNCIL MEETING WAS ADJOURNED AT 11 A.M. ON SATURDAY, JUNE 20, 2009..