

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, APRIL 8, 2008

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

TIME: 8:54 P.M.

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT

2	MAJORITY 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

Recitation of the Pledge of Allegiance to the Flag followed by a moment of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on March 25, 2008 approved on motion of Majority Leader Sandy Annabi.

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COMMUNICATIONS

1. TO COUNCIL PRESIDENT LESNICK FROM THE PRESERVATION LEAGUE OF NEW YORK STATE. A LETTER EXPRESSING STRONG SUPPORT FOR THE DESIGNATION OF THE PHILIPSE MANOR HISTORIC DISTRICT.

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COMMITTEE OF THE WHOLE

SPEAKERS

<u>NAME:</u>	<u>ADDRESS</u>	<u>ITEM NO.:</u>
1. Harry Langer	20 East 68 th Street, NYC	No show
2. Hestia de Vries	via e-mail	Purser Place
3. Teresa Pereira Neufeld	via e-mail	No subject

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
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PUBLIC HEARING

A PUBLIC HEARING ON THE APPROVAL OF THE DESIGNATION OF HUDSON VIEW ASSOCIATES, LCC AS A QUALIFIED AND ELIGIBLE SPONSOR FOR THE REDEVELOPMENT OF A PORTION OF VACANT LAND OWNED BY THE YONKERS COMMUNITY DEVELOPMENT AGENCY IN THE I-PARK URBAN RENEWAL AREA

SPEAKERS

NAME

ADDRESS

1. Dr. Judith A. Garan

745 Warburton Ave

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
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LOCAL LAW NO.4-2008

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

A LOCAL LAW AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF YONKERS ENTITLED "TAXES" BY AMENDING SECTION 15-35 (A) THEREOF, ENTITLED "EXCEPTIONS" IN ORDER TO CONFORM WITH THE 2006 AMENDMENTS OF THE NEW YORK STATE REAL PROPERTY TAX LAW.

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

Section 1. Chapter 15 of the Code of the City of Yonkers entitled "Taxes" is hereby amended in part, by deleting Section 15-35 (A) and adding a new Section 15-35 (A) thereof, entitled "Exceptions" to read as follows:

"§ 15-35. Exceptions.

- i. For the period commencing July 1, 2008, and expiring on June 30, 2009:

A. Income Limits.

(1) All the income of the owner or combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$27,000, except as provided in the following schedule:

ANNUAL INCOME EQUAL TO OR GREATER THAN	PERCENTAGE OF ASSESSED VALUE AND LESS THAN	EXEMPT FROM TAXATION
\$0	\$27, 000.00	50
\$27, 000.01	\$27, 999.99	45
\$28, 500.00	\$28, 999.99	40
\$29, 000.00	\$29, 999.99	35
\$30, 000.00	\$30, 899.99	30
\$30, 900.00	\$31, 799.99	25
\$31, 800.00	\$32, 699.99	20
\$32, 700.00	\$33, 599.99	15

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LOCAL LAW NO.4-2008 (CONTINUED)

\$33, 600.00	\$34, 499.99	10
\$34, 500.00	\$35, 399.99	5

ii. For the period commencing July 1, 2009, and expiring on June 30, 2010:

A. Income Limits.

(1) All the income of the owner or combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$28,000, except as provided in the following schedule:

ANNUAL INCOME EQUAL TO OR GREATER THAN	PERCENTAGE OF ASSESSED VALUE AND LESS THAN	EXEMPT FROM TAXATION
\$0	\$28, 000.00	50
\$28, 000.01	\$28, 999.99	45
\$29, 500.00	\$29, 999.99	40
\$30, 000.00	\$30, 999.99	35
\$31, 000.00	\$31, 899.99	30
\$31, 900.00	\$32, 799.99	25
\$32, 800.00	\$33, 699.99	20
\$33, 700.00	\$34, 599.99	15
\$34, 600.00	\$35, 499.99	10
\$35, 500.00	\$36, 399.99	5

iii. For the period commencing July 1, 2011:

A. Income Limits.

(1) All the income of the owner or combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$29,000, except as provided in the following schedule:

ANNUAL INCOME EQUAL TO OR GREATER THAN	PERCENTAGE OF ASSESSED VALUE AND LESS THAN	EXEMPT FROM TAXATION
\$0	\$29, 000.00	50
\$29, 000.01	\$29, 999.99	45
\$30, 500.00	\$30, 999.99	40

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LOCAL LAW NO.4-2008 (CONTINUED)

\$31,000.00	\$31,999.99	35
\$32,000.00	\$32,899.99	30
\$32,900.00	\$33,799.99	25
\$33,800.00	\$34,699.99	20
\$35,600.00	\$36,499.99	10
\$34,700.00	\$35,599.99	15
\$36,500.00	\$37,399.99	5

(2) The term “income tax year” shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.”

Section 2. This local law shall take effect upon adoption as provided by law.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2008 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
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LOCAL LAW NO.5-2008

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

A LOCAL LAW AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF YONKERS ENTITLED "TAX EXEMPTION FOR PHYSICALLY DISABLED ON LIMITED INCOMES" BY AMENDING SECTION 15-92 (A) THEREOF, ENTITLED "GRANT OF EXEMPTIONS" IN ORDER TO CONFORM WITH THE 2006 AMENDMENTS OF THE NEW YORK STATE REAL PROPERTY TAX LAW.

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

Section 1. Chapter 15 of the Code of the City of Yonkers entitled "Taxes" is hereby amended in part, by deleting Section 15-92 (A) and adding a new Section 15-92 (A) thereof, entitled "Grant of Exemption." to read as follows:

“§ 15-92. Grant of Exemption.

i. For the period commencing July 1, 2008, and expiring on June 30, 2009:

Any one, two or three family residence used solely for residential purposes, located in the City of Yonkers, that is the real property of the resident owner of the real property who is physically disabled, shall receive an exemption from taxation from the City of Yonkers on said real property to the extent enumerated herein:

A. No exemptions shall be granted if the income of the owner or combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$27,000, except as provided in the following schedule:

ANNUAL INCOME EQUAL TO OR GREATER THAN	PERCENTAGE OF ASSESSED VALUE AND LESS THAN	EXEMPT FROM TAXATION
\$0	\$27, 000.00	50
\$27, 000.01	\$27, 999.99	45
\$28, 500.00	\$28, 999.99	40

ANNOTATED AGENDA
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LOCAL LAW NO.5-2008 (CONTINUED)

\$31, 800.00	\$32, 699.99	20
\$32, 700.00	\$33, 599.99	15
\$33, 600.00	\$34, 499.99	10
\$34, 500.00	\$35, 399.99	5

ii. For the period commencing July 1, 2009, and expiring on June 30, 2010:

Any one, two or three family residence used solely for residential purposes, located in the City of Yonkers, that is the real property of the resident owner of the real property who is physically disabled, shall receive an exemption from taxation from the City of Yonkers on said real property to the extent enumerated herein:

A. No exemptions shall be granted if the income of the owner or combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$28,000, except as provided in the following schedule:

ANNUAL INCOME EQUAL TO OR GREATER THAN	PERCENTAGE OF ASSESSED VALUE AND LESS THAN	EXEMPT FROM TAXATION
\$0	\$28, 000.00	50
\$28, 000.01	\$28, 999.99	45
\$29, 500.00	\$29, 999.99	40
\$30, 000.00	\$30, 999.99	35
\$31, 000.00	\$31, 899.99	30
\$31, 900.00	\$32, 799.99	25
\$32, 800.00	\$33, 699.99	20
\$33, 700.00	\$34, 599.99	15
\$34, 600.00	\$35, 499.99	10
\$35, 500.00	\$36, 399.99	5

iii. For the period commencing July 1, 2011:

Any one, two or three family residence used solely for residential purposes, located in the City of Yonkers, that is the real property of the resident owner of the real property who is physically disabled, shall receive an exemption from taxation from the City of Yonkers on said real property to the extent enumerated herein:

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LOCAL LAW NO.5-2008 (CONTINUED)

A. No exemptions shall be granted if the income of the owner or combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$29,000, except as provided in the following schedule:

ANNUAL INCOME EQUAL TO OR GREATER THAN	PERCENTAGE OF ASSESSED VALUE AND LESS THAN	EXEMPT FROM TAXATION
\$0	\$29, 000.00	50
\$29, 000.01	\$29, 999.99	45
\$30, 500.00	\$30, 999.99	40
\$31, 000.00	\$31, 999.99	35
\$32, 000.00	\$32, 899.99	30
\$32, 900.00	\$33, 799.99	25
\$33, 800.00	\$34, 699.99	20
\$34, 700.00	\$35, 599.99	15
\$35, 600.00	\$36, 499.99	10
\$36, 500.00	\$37, 399.99	5

(2) The term "income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either, the husband or wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income."

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LOCAL LAW NO.5-2008 (CONTINUED)

Section 2. This local law shall take effect upon adoption as provided by law.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2008 BY A VOTE OF 7-0.

ANNOTATED AGENDA
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SPECIAL ORDINANCE

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

A SPECIAL ORDINANCE AUTHORIZING AND DIRECTING THE ACQUISITION OF THE FOLLOWING PROPERTY REQUIRED IN CONNECTION WITH THE DEVELOPMENT OF A PUBLIC ATHLETIC FIELD AND PLAYGROUND:

SECTION 1, BLOCK 154, LOTS 55.67
(58 PURSER PLACE).

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

Section 1. It is hereby ordered and directed that certain parcel of property, referenced above and as identified on the Official Tax Map of the City of Yonkers, be acquired for public or municipal purposes, more specifically, the establishment of a public athletic field and playground.

Section 2. For the purposes of acquiring said property, the Mayor or the Commissioner of Public Works is hereby authorized to acquire for the City of Yonkers the aforesaid lands by gift or purchase, at a price to be approved by the City Council, or by the procedure set forth in Article XX of the Charter of the City of Yonkers, as amended, or by proceedings as set forth in the Eminent Domain Procedure Law ("EDPL").

Section 3. The whole cost and expense of acquiring the aforesaid property shall be borne by the City-at-large.

Section 4. This Ordinance shall take effect immediately.

MOTION BY COUNCILMEMBER BARBATO SECONDED BY COUNCILMEMBER MURTAGH TO RETURN THIS SPECIAL ORDINANCE TO RULES. THIS MOTION WAS DEFEATED BY A ROLL CALL VOTE OF 4-3. COUNCILMEMBERS McDOW, MURTAGH AND BARBATO VOTING YEA.

THIS SPECIAL ORDINANCE WAS SENT BACK TO RULES WITHOUT A VOTE.

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SPECIAL ORDINANCE NO.12-2008

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

A SPECIAL ORDINANCE AMENDING THE CITY OF YONKERS BUDGET FOR FISCAL YEAR 2007/2008 BY TRANSFERRING \$70,000 FROM CITY CLERKS OFFICE TO THE PLANNING DEPARTMENT AND THE CITY COUNCIL PRESIDENT'S OFFICE FOR THE LANDMARKS BOARD AND GREEN TASK FORCE.

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

Section 1: The Budget for fiscal year 2007/2008 is hereby amended by transferring funds as follows:

FROM:

City Clerk – Professional Fees	020-013-1410-0413	\$70,000
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TO:

Planning Department- Professional Fees	020-005-8030-0413	\$50,000
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City Council President- Professional Fees	020-013-1020-0413	<u>\$20,000</u>
		\$70,000

Section 2: The unencumbered balance of such appropriation remaining after the transfer equals or exceeds the estimated expenditure the City requires for such purpose during the remainder of the Budget Year as per the attached justification document required by the State Comptroller.

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SPECIAL ORDINANCE NO.12-2008 (CONTINUED)

Section 3: This ordinance shall take affect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2008 BY A ROLL CALL VOTE OF 4-3. COUNCILMEMBERS McDOW, MURTAGH AND BARBATO VOTING NAY

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
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RESOLUTION NO.54-2008

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

RESOLUTION OF THE CITY COUNCIL APPROVING THE DESIGNATION OF HUDSON VIEW ASSOCIATES, LLC AS ELIGIBLE SPONSOR AND APPROVING THE TERMS AND CONDITIONS OF PROPOSED LAND DISPOSITION AGREEMENT PROVIDING FOR THE DISPOSITION OF A PORTION OF VACANT LAND DESIGNATED AS SECTION 2, BLOCK 2015, LOT 95 ON THE TAX MAP OF CITY OF YONKERS

WHEREAS, in furtherance of the objectives of Articles XV and XV-A of the General Municipal Law of the State of New York, as amended, the City of Yonkers (the "City") and the Yonkers Community Development Agency (the "Agency") have undertaken a program for clearance and reconstruction of the waterfront area (the previous Otis Elevator property, now known as "I-Park") in accordance with the Urban Renewal Plan for N.P.D. 4 dated May 31, 1972, as amended November 1982 (the "I-Park Urban Renewal Plan"); and

WHEREAS, Hudson View Associates, LLC, having an office at 485 West Putnam Avenue, Greenwich, Connecticut 06830 (the "Company"), submitted to the Agency a Redeveloper's Statement for Public Disclosure and Redeveloper's Statement of Qualifications and Financial Responsibility (Form HUD-6004) pertaining to the redevelopment of a portion of a parcel owned by the Agency in the I-Park Urban Renewal Area and located in Section 2, Block 2015, Lot 95 on the Tax Map of the City of Yonkers, being tentatively described as "a portion of Lot 95 at its intersection with Ashburton Avenue to a point approximately 100 feet south of the existing access driveway to the parking deck of the proposed building (hereinafter referred to as the "Northern Portion of the CDA Parcel)" to be conveyed to the Company in connection with its construction of an approximate 100,000 square-foot office building to be leased on a long-term basis to the County of Westchester for administrative offices (the "Project"); and

WHEREAS, in further consideration for the disposition and redevelopment of the Northern Portion of the CDA Parcel, the company has agreed to convey to the City of Yonkers

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RESOLUTION NO.54-2008 (CONTINUED)

WHEREAS, in accordance with Resolution No. 4-2006 adopted by the Agency on February 14, 2006, the Agency caused to be published in an eighteen-foot right-of-way on Ashburton Avenue owned by the Company, for the purpose of performing a certain road widening project of the City (the "Ashburton Parcel"); and the Journal News on March 8, 2006, a Notice of Public Disclosure stating that the Redeveloper's Statement for Public Disclosure and Redeveloper's Statement of Qualifications and Financial Responsibility (Form HUD-6004) pertaining to the redevelopment of the Project are available for public examination; and

WHEREAS, by Resolution No. 20-2006 adopted by the Agency on June 22, 2006 in accordance with subsections (c) and (d) of Subdivision 2 in Section 507 of the General Municipal Law, the Agency designated the Company, or an entity created, affiliated or related to the Company, as a qualified and eligible sponsor for redevelopment of the Northern Portion of the CDA Parcel and the Project subject to City Council approval, for a period not to exceed six months from the date of City Council approval; and

WHEREAS, on or about March 14, 2006, the Planning Board of the City of Yonkers circulated its notice of intent to serve as lead agency pursuant to the State Environmental Quality Review Act ("SEQRA") together with an EAF Part 1 regarding the "Proposed County Administrative Building and Parking Structure" to be located at 10 Woodworth Avenue, also known as iPark frontage on Warburton Avenue, Block 2015 Lot 100; and

WHEREAS, having received no challenges to its intent to act as SEQRA lead agency, the Planning Board made a negative determination of significance in accordance with SEQRA for the Project, which project includes the Northern Portion of the CDA Parcel; and

WHEREAS, the road widening to affect the Ashburton Parcel was addressed in the April 26, 2006 SEQRA Statement of Findings of the Agency in connection with the Ashburton Avenue Urban Renewal Plan and Master Plan; and

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RESOLUTION NO.54-2008 (CONTINUED)

WHEREAS, in accordance with Resolution No. 2-2007 adopted by the Agency on February 15, 2007, the Agency approved, subject to City Council approval, a proposed land disposition agreement (the "Agreement") between the Agency and the Company which contemplates the disposition of the Northern Portion of the CDA Parcel to the Company in accordance with the provisions of subsection (d) of subdivision 2 in Section 507 of the General Municipal Law of the State of New York, and in accordance with Section 556 of said General Municipal Law; and

WHEREAS, the proposed Agreement, accompanied by a Summary of the Principal Terms thereof, including the purchase price, attached hereto as Exhibit "A" has been reviewed and considered by the Agency and the City Council, and such summary has been published in The Journal News on March 21, 2008, and a public hearing on the disposition of the Northern Portion of the CDA Parcel has been held by the City Council in accordance with the provisions of subsection (d) of subdivision 2 in Section 507 of the General Municipal Law of the State of New York, and in accordance with Section 556 of said General Municipal Law,

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF YONKERS:

Section 1. That the designation of Harbor View Associates, LLC, or an entity created, affiliated or related to the Company, as a qualified and eligible sponsor is hereby approved for redevelopment of lands (or portions thereof) in the I-Park Urban Renewal Area, including the Northern Portion of the CDA Parcel which is located in Section 2, Block 2015, Lot 95 of the Tax Map of the City of Yonkers, and such designation shall terminate upon the expiration of a period of six (6) months following the date of this approval, unless prior to such expiration date, a land disposition agreement and other disposition documents are executed by all necessary parties.

Section 2. That the terms and conditions of the proposed Agreement with the Company, or an entity created by, related to or affiliated with the Company, for the redevelopment of the Northern Portion of the CDA Parcel are hereby approved and the purchase price, the acquisition of the Ashburton Parcel for a road-widening project, and other terms and conditions, all as set forth in Exhibit "A" attached to this Resolution are hereby found satisfactory and are approved.

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RESOLUTION NO.54-2008 (CONTINUED)

Section 3. That the disposition of the Northern Portion of the CDA Parcel to the Company is hereby approved subject to the terms and conditions set forth in the Agreement, together with such changes as the Chairman of the Agency may, on the advice of counsel, deem appropriate and consistent with this resolution.

Section 4. That this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2008 BY A VOTE OF 7-0.

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EXHIBIT A
Hudson View Associates, LLC

**SUMMARY OF PRINCIPAL TERMS
OF LAND DISPOSITION AGREEMENT**

a. Project. The northern portion of certain urban renewal property owned by CDA and located in Section 2, Block 2015, Lot 95 (the "Subject Property") is to be conveyed by deed from the CDA to Hudson View Associates, LLC (the "Company"), or an entity created, affiliated or related to the Company upon the substantial completion of the following project: the Subject Property and properties previously acquired by the Company and located in Section 2, Block 2015, Lot 100 of the Tax Map of the City of Yonkers, to be developed as an 100,000 square foot office building and a parking deck which will be subject to a long-term lease by the Company to the County of Westchester for administrative offices (the "Project").

b. Firm Commitment Letter. Within 90 days after the City Council approves the Planning Board decision for the Project, the Company will provide a firm commitment letter from a lender to finance the Project. Subject to Unavoidable Delays, if the Company fails to obtain the firm commitment letter from a lender, the Agreement will be terminated.

c. Closing Date. The Closing of title to the Subject Property is to occur within 30 days of the Substantial Completion Date but not later than the date of Final Completion of the Project .

d. Purchase Price. The Purchase Price for the Subject Property is \$80,000 together with a deed from the Company for the Ashburton Avenue Parcel. Upon the delivery of the deed for the Subject Property, the Company agrees to convey title to the Ashburton Avenue Parcel (described below) to the City, at no cost.

Ashburton Avenue Parcel. Eighteen-foot right-of- way on Ashburton Avenue for the purpose of performing a certain road widening project of the City.

e. Planning Board/SEQRA. The Company, at its sole cost and expense, will undertake all studies and applications required under SEQRA and the Zoning Ordinance in connection with the requirements for the Project, and will make any changes to the development plans which are consistent with the terms of the Agreement and are reasonably

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required by the Planning Board for the purposes of the approvals of the Planning Board and the City Council. The Company further agrees that no design modifications shall be made to the exterior of the building without prior written approval from the Agency, which approval shall not be unreasonably conditioned, delayed or withheld.

f. Infrastructure. The Company will pay for the infrastructure and environmental remediation. Construction of the Project will commence under the license provisions of Article XV of the Agreement and if the Company is in default under the Agreement, the CDA will not convey title to the Subject Property to the Company.

g. Full Real Estate Taxes. The Company will be required to pay full real estate taxes on the Project and will not utilize any exemption or payment-in-lieu -of-tax benefits.

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RESOLUTION NO.55-2008

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

WHEREAS, HUDSON VIEW ASSOCIATES, the developer for property known as the 10 Woodworth Avenue, more properly known as Block 2011, Lot 1, Block 2015, Lot 100 and Block 2015, Lot 95 on the Tax Assessment Map of the City of Yonkers has submitted an application for a Special Use Permit to the City Council for said property for redevelopment in accordance with Article VII and Article IX of the Zoning Code of the City of Yonkers; and

WHEREAS, said application has previously been submitted to the Planning Board of the City of Yonkers for its approval, and, after several hearings, such approval has been granted; and

WHEREAS, upon review of the application and the record, this City Council believes it to be in the best interest of the City to grant said application.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled that the proposed Special Use Permit should be granted; and be it further;

RESOLVED, that upon the record and findings of the Planning Board with respect to the application submitted by STEVE PUSTOLA and LYNN WARD on behalf of the developer for a Special Use Permit and for Site Plan Review at Block 2011, Lot 1 Block 2015, Lot 100 and Block 2015, Lot 95 on the property known as 10 Woodworth Avenue, pursuant to Article VII and IX of the Zoning Code of the City of Yonkers. The decision and actions of the Planning Board of the City of Yonkers are hereby approved, subject to the conditions set forth in the decision of the Planning Board, such as but not limited to the following conditions, stated in said decision, such as (1) The office building loading zones are to be in the rear of the site, facing the court yard area of the building in iPark and no loading will be allowed from Warburton Avenue. Loading and deliveries of any sort and all trash removal will not be permitted from Warburton Avenue and through the front door of the building due to impacts on Warburton Avenue traffic.

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RESOLUTION NO.55-2008 (CONTINUED)

(2) The applicant will forward for the City of Yonkers plans for the Planning Director's approval indicating the exact location for loading via a common area in the existing fence. (3) The existing fence on Warburton Avenue will be maintained and repaired where necessary.

The existing landscaping on Lot 95 will also be maintained in its current form. (4) The proposed building will be constructed from the rear of the site and no construction access will be permitted via Warburton Avenue without the express permission of the Planning Board after review by the Board. (5) Parking stall sizes and alignments as well as aisle width and alignments may be altered with the approval of the City of Yonkers traffic Engineer and the Planning Director to accommodate the placement of columns. The traffic Engineer has discussed this issue with the Planning Bureau staff and believes that the low turnover nature of the parking structure allows for small deviations from the strict requirements of the zoning ordinance. (6) No signage will be permitted beyond that shown on the submitted plans and approved with the current application without the prior review of the Planning Board. (7) No changes to the façade materials or colors shall be permitted without the prior approval of the Planning Board. (8) All approvals granted by the Planning Board and any conditions attached to their approval shall remain in full force and effect for the life of the use.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2008 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
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TUESDAY, APRIL 8, 2008

RESOLUTION NO.56-2008

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

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

That the settlement by the Corporation Counsel in the amount of Six Hundred Seven Dollars and Thirty-Three cents (\$607.33) of the action entitled, "Manuel A. OBalde, (residing at 456 Marlborough Road, Yonkers, New York, 10701), Plaintiff against THE CITY OF YONKERS, Defendant", for property damage arising out of an incident alleging that on December 16, 2007, at approximately 11:00 am, a City of Yonkers vehicle hit the plaintiff's vehicle at Tuckahoe Road and Mile Square Road in Yonkers, 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 Six Hundred Seven Dollars and Thirty-Three cents (\$607.33) in favor of said plaintiff.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2008 BY A VOTE OF 7-0.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
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TUESDAY, APRIL 8, 2008

RESOLUTION NO.57-2008

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

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

That the settlement by the Corporation Counsel in the amount of SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$75,000.00) of the action entitled "FELIX ROMAN and IRMA ROMAN (residing at 62 Saratoga Avenue, Apt. 3S, Yonkers, NY 10705) Plaintiffs, against the City of Yonkers, Defendant", for personal injury arising out of an occurrence on December 5, 2003 wherein it is alleged that the plaintiff Felix Roman fell on the sidewalk on Saratoga Avenue in front of 52 Saratoga Avenue in the City of Yonkers, 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 SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$75,000.00) in favor of said plaintiffs and their attorneys, Brand Brand Nomberg & Rosenbaum, LLP.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2008 BY A VOTE OF 7-0.

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RESOLUTION NO.58-2008

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

BE IT RESOLVED that the Yonkers City Council hereby gives its advice and consent to the appointment of Harry Singh, to the Zoning Board of Appeals, to fill out an unexpired three -year term, which expires on December 31, 2010.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2008 BY A VOTE OF 7-0.

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RESOLUTION NO.59-2008

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

BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the appointment of SHARON L. EBERT, A.I.A., as Deputy Commissioner of Planning and Development , and be it further

RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2008 BY A VOTE OF 7-0.

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RESOLUTION NO.60-2008

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

BE IT RESOLVED that the Yonkers City Council hereby gives its advice and consent to the appointment of Anthony M. Landi, to the Zoning Board of Appeals, for a three -year term to expire on December 31, 2010.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2008 BY A VOTE OF 7-0.

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RESOLUTION NO.61-2008

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

BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the appointment of CRAIG BERARDO as Deputy Commissioner of Parks, Recreation and Conservation.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2008 BY A VOTE OF 7-0.

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RESOLUTION NO.62-2008

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

WHEREAS, included in the City Council's 2006 State Legislative Priorities packet is a request to amend the Public Authorities Law by adding a new Section, Section 354-a, which will require the New York state Thruway Authority to discontinue and remove the Yonkers toll plaza located on the New York State Thruway either completely or for passenger cars only, and

WHEREAS, in recent years we have seen how the removal of the Spring Valley toll plaza has aided in the flow of passenger car traffic through this area, and

WHEREAS, with approximately the same amount of traffic passing through the Yonkers toll plaza, this area is experiencing the same traffic impediments and delays that were experienced prior to the discontinuation and removal of the Spring Valley toll plaza, and

WHEREAS, by facilitating travel between lower Westchester County and Rockland County, in addition to removing the impediment to the flow of traffic and, thereby, aiding residents in both Counties, the removal of the Yonkers toll plaza will undoubtedly have a positive impact not only on the Austin Avenue shopping complex in Yonkers, but also on the Palisades Mall in West Nyack, and

WHEREAS, to accomplish this, A1555 sponsored by Assemblyman Brodsky and S3181 sponsored by Senator Stewart-Cousins, is supported by the Yonkers City Council.

BE IT FURTHER RESOLVED, that the Council requests the passage of said legislation and, further requests that Governor Spitzer, upon his review, sign the measure into law, and

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RESOLUTION NO.62-2008 (CONTINUED)

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward a duly certified copy of this Home Rule Message to the New York State Legislature to each member of the Yonkers Delegation.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2008 BY A VOTE OF 7-0.

ANNOTATED AGENDA
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RESOLUTION NO.63-2008

- 13A. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

WHEREAS, 23 million innocent Americans become victims of crime each year, and of those, nearly 6 million are victims of violent crime; and

WHEREAS, despite the recent reduction in the rate of crime one in four American families will be touched by crime this year alone, far too many victims and survivors still suffer the physical, psychological, and financial impacts of crime; and

WHEREAS, crime victims play an indispensable role in bringing offenders to justice and victims of crime and their families deserve respect, and have a right to be kept informed of, and involved in criminal processes, and to be afforded protection, restoration, rehabilitation, restitution and justice; and

WHEREAS, the first Crime Victims Bill of Rights was adopted in 1980; and

WHEREAS, victims rights are a critical component of the promise of "justice for all," the foundation for our system of justice in America; and

WHEREAS, significant progress has been made over the past 2 decades by the victims' rights movement in providing services to and improving the rights of crime victims; and

WHEREAS, the Victims Assistance Services of Westchester Community Opportunity Program, The Cynthia Gibbs Foundation and The Victims Justice Center of the Westchester County District Attorney's Office provide counseling, court accompaniment, extensive community education, crime prevention, crisis intervention, advocacy and referrals to other agencies and services, and 24 hour help line for rape survivors, thereby significantly improving the quality of life within our County and State; and

WHEREAS, recognizing the need for services to assist crime victims and their families and realizing the contributions made by the aforementioned organizations and some 10,000 organizations throughout

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RESOLUTION NO. 63-2008

our nation that provide a wide range of services and support to victims of crime every day, of every week, of every year; and

WHEREAS, the 2008 National Victims' Rights Week theme is, "Justice for Victims-Justice for All" and will be observed throughout the nation during the week of April 13, 2008 through April 19, 2008;

NOW, THEREFORE BE IT RESOLVED, that the City Council of Yonkers, hereby declares the week of April 13th of 2008 through April 19th of 2008 to be Victims' Rights Week in the City of Yonkers which is designated as "National Crime Victims' Rights Week" and join all who live and work within our great city in marking this observance and saluting all who devote their capabilities and compassion to victims of crime.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2008 BY A VOTE OF 7-0.

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 9:36 PM