

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
TUESDAY DECEMBER 8, 2009

TIME: 9:02 PM

PRESENT: PRESIDENT OF THE COUNCIL
 CHUCK LESNICK

DISTRICT
2 MAJORITY LEADER SANDY ANNABI - ABSENT
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, DECEMBER 8, 2009 IN THE CITY COUNCIL CHAMBERS,
FOURTH FLOOR, CITY HALL, YONKERS, NEW YORK AT 8 P.M. FOR THE
FOLLOWING PURPOSE:

TO DISCUSS AND TAKE ACTION ON:

1. A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN
 APPLICATION AND ENTER INTO AN INTERMUNICIPAL AGREEMENT
 FOR A HOUSING IMPLEMENTATION FUND GRANT FROM
 WESTCHESTER COUNTY ON BEHALF OF THE GREYSTON
 FOUNDATION, INC.
2. A RESOLUTION WAIVING THE RIGHT TO PURCHASE OR
 REPURCHASE FROM THE COUNTY OF WESTCHESTER PROPERTY
 ACQUIRED BY THE COUNTY UNDER THE NEW HOMES LAND
 ACQUISITION.
3. ALL OTHER ITEMS PROPERLY COMING BEFORE THE COUNCIL.

CHUCK LESNICK
CITY COUNCIL PRESIDENT

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CITY COUNCIL OF THE CITY OF YONKERS
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TUESDAY DECEMBER 8, 2009

RESOLUTION NO.187-2009

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YONKERS AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND TO ENTER INTO AN INTERMUNICIPAL AGREEMENT FOR A HOUSING IMPLEMENTATION FUND (“HIF”) FINANCING FROM WESTCHESTER COUNTY ON BEHALF OF THE GREYSTON FOUNDATION, INC. IN ORDER TO ASSIST WITH THE DEVELOPMENT OF STREET IMPROVEMENTS AND A PARKING GARAGE TO BE INCORPORATED INTO THE INFRASTRUCTURE OF THE WARBURTON RIVERVIEW WORKFORCE HOUSING DEVELOPMENT LOCATED AT 54 (AKA 56) WARBURTON AVENUE AND 49 NORTH BROADWAY IN THE CITY OF YONKERS.

WHEREAS, Westchester County (the “County”) has established a Housing Implementation Fund to provide infrastructure and other improvements to encourage and support the development or preservation of affordable housing; and

WHEREAS, Warburton Riverview LLC, Greyston Foundation, Inc. and Warburton Riverview 49 LLC, or its successors or assigns proposes to develop approximately 93 affordable rental housing units and related amenities in the development known as Warburton Riverview Workforce Housing (the “Project”) for a period of not less than thirty (30) years ; and

WHEREAS, in order to make the proposed development viable, infrastructure must be constructed, including, but not limited to, excavation, foundation, parking structure and it’s components, utility connections, and other eligible work, the (“Infrastructure Improvements”), as more fully set forth in a schedule of work; and

WHEREAS, the proposed development requires the assistance from the Westchester County Housing Implementation Fund, (“HIF”) to subsidize the costs of the Infrastructure Improvements in order to assure affordability of the units;.

WHEREAS, the City of Yonkers (“The City”) desires the HIF assistance from the County for the Project and will enter into an Intermunicipal Agreement (“IMA”) with the County; and

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RESOLUTION NO.187-2009 (CONTINUED)

WHEREAS, pursuant to the IMA, the County shall be granted necessary easements for the area(s) upon which the Infrastructure Improvements shall be constructed; and

WHEREAS, the Yonkers Industrial Development Agency ("YIDA"), its successors or assigns may be designated by the City of Yonkers as its conduit

WHEREAS, the City may, at its sole discretion, enter into an agreement with the Developer to detail responsibilities related to the Infrastructure Improvements including, but not limited to, the maintenance of the Infrastructure Improvements upon completion, initial and ongoing affordability of the Project, provision of funding for Infrastructure Improvement costs that exceed the HIF amount, coordinating with contractor performing the construction of the Infrastructure Improvements to assure the completion of the Project.

NOW THEREFORE BE IT RESOLVED, that the Mayor is hereby authorized to submit an application to Westchester County for an Housing Implementation Fund financing for the Project in an amount not to exceed \$5 million; and

BE IT FURTHER RESOLVED that the Mayor is authorized to enter into an Intermunicipal Agreement ("IMA") with Westchester County and the developer as appropriate, and take all necessary steps to facilitate and implement the terms of the IMA and the scope of work appended to such agreement including without limitation granting the County any necessary property rights; and

BE IT FURTHER RESOLVED that YIDA shall act on behalf of the City to take all necessary actions under the IMA; 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 DECEMBER, 8 2009 BY A VOTE OF 6-0. MAJORITY LEADER ANNABI ABSENT.

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RESOLUTION NO.188-2009

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

A RESOLUTION WAIVING THE RIGHT TO PURCHASE OR REPURCHASE FROM THE COUNTY OF WESTCHESTER PROPERTY TO BE ACQUIRED AND SUBSEQUESNTLY SOLD BY THE COUNTY UNDER THE NEW HOMES LAND ACQUISITION PROGRAM.

WHEREAS, in connection with the proposed utilization of the County of Westchester's program of financial assistance known as the "New Homes Land Acquisition ("NHLA") program, the County of Westchester desires to purchase from Warburton Riverview LLC (the "Sponsor") AKA 46, 48 and 50 Warburton Avenue, Yonkers, New York, Warburton Riverview 49 LLC AKA 49 North Broadway, Yonkers, New York and the Greyston Foundation, Inc AKA 44 Warburton Avenue and 6-8 Wells Avenue (AKA 54-56 Warburton Avenue), Yonkers, New York, and then convey to the Yonkers Industrial Development Agency (the "YIDA"), its successors or assigns, or to the Sponsor , or to another entity designed by the Sponsor, approximately .515 acres (or over 22,434 square feet) of real property located at 54 (AKA 56) Warburton Avenue and 49 North Broadway, Yonkers (the "Property") for the purpose of providing a certain number of affordable housing units and parking and other infrastructure as required by zoning (the "Project") for a period of not less than thirty (30) years; and

WHEREAS, the City of Yonkers supports the development of the Project as part of a development on the Property, subject to any applicable subdivision and other governmental land use requirements, and hereby waives any rights to purchase the Property under the following terms and conditions:

1. For use in perpetuity for park and municipal recreation purposes for the sum of one dollar (\$1.00);
2. For other municipal purposes, at the current appraised value as determined by the Board of Legislators, or for no more than the same consideration for which it is proposed to be sold to the YIDA or the Sponsor, or the Sponsor's affiliate, whichever is less;

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RESOLUTION NO.188-2009 (CONTINUED)

3. This opportunity to purchase this Property shall not constitute a right to purchase and may be withdrawn by the County at any time;

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

1. The City of Yonkers hereby declares its support for the aforesaid Project; and
2. The City of Yonkers waives and relinquishes any rights that it may have under the aforesaid opportunity to purchase or repurchase the Property; and
3. This resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY DECEMBER, 8 2009 BY A VOTE OF 6-0. MAJORITY LEADER ANNABI ABSENT.