

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 23, 2013**

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

TIME: 8:11PM

PRESENT:           PRESIDENT OF THE COUNCIL  
                          CHUCK LESNICK

DISTRICT:

                  2           MAJORITY LEADER WILSON A. TERRERO  
                  6           MINORITY LEADER JOHN J. LARKIN

COUNCIL MEMBERS:  
DISTRICT:

                  1           CHRISTOPHER A. JOHNSON  
                  3           MICHAEL R. SABATINO  
                  4           DENNIS E. SHEPHERD  
                  5           MICHAEL B. BREEN

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

Minutes of the stated meeting held on April 9, 2013 approved on motion of Majority Leader Wilson Terrero.

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**COMMUNICATIONS FROM CITY OFFICIALS**

1. FROM MAYOR MIKE SPANO RECEIVED APRIL 15, 2013 RE; 2013-14  
PROPOSED OPERATING BUDGET

**REFERRED TO BUDGET**

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**COMMUNICATIONS - GENERALLY**

**NONE**

1. LETTER FROM FORMER COUNCILMEMBER JOAN GRONOWSKI TO THE CITY COUNCIL DATED APRIL 23, 2013. RE: ITEM NUMBER 2.

**THIS LETTER WAS READ INTO THE RECORD BY THE COUNCIL PRESIDENT**

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**COMMITTEE OF THE WHOLE**

**SPEAKERS**

	<b><u>NAME</u></b>	<b><u>ADDRESS</u></b>	<b><u>ITEM NO</u></b>
1.	TERRY JOSHI	ROCKLAND AVENUE	2

**ANNOTATED AGENDA**  
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**SPECIAL ORDINANCE NO.25-2013**

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

A SPECIAL ORDINANCE AUTHORIZING THE EXECUTION OF A BYRNE JUSTICE ASSISTANCE GRANT AND AMENDING THE CITY OF YONKERS GRANT BUDGET FOR FISCAL YEAR 2012/2013.

The City of Yonkers hereby ordains and enacts:

Section 1: The United States Department of Justice, Bureau of Justice Assistance has selected the City of Yonkers to participate in the Byrne Justice Assistance Grant (JAG) Program (BJ10632705) in order to pay for patrol officer overtime expenditures for foot posts, bike patrol, plain clothes patrol, and other high saturation law enforcement patrols in small, specific areas to be determined throughout the grant period.

Section 2. This JAG, in the amount of \$50,000, will be received by the City of Yonkers, and the Grant Number is BJ12-1120-D00.

Section 3. The Mayor of the City of Yonkers, or his designee, is hereby authorized to execute such agreement, for a term of October 1, 2012 to September 30, 2013, in order to provide such funds to the Police Department of the City of Yonkers, with no matching funds to be provided by the City of Yonkers.

Section 4. The City's Grant Budget for fiscal year 2012/2013 is hereby amended by increasing revenues and appropriations for the Police Department Aid to Crime Lab Grant;

**Increase Estimated Revenues**

NYS Division of Criminal Justice Services	Award CGA0492013-1352	\$50,000
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**Increase Estimated Expenses**

Overtime	Project CNG0799-10486, Expense 0198	\$50,000
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**SPECIAL ORDINANCE NO.25-2013 (CONTINUED)**

Section 5: The unencumbered balance of such appropriation equals or exceeds the estimated expenditures the City requires for such purpose during the remainder of the budget year.

Section 3: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, APRIL 23, 2013 BY A VOTE OF 7-0.

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**RESOLUTION NO.61-2013**

2. BY COUNCIL PRESIDENT LESNICK, MINORITY LEADER LARKIN,  
COUNCILMEMBERS SHEPHERD AND BREEN:

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

That the settlement by the Corporation Counsel in the amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000) is the action entitled, SELIM ZHERKA v. PHILIP AMICONE, 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 \$100,000 in settlement of the above referenced matter.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 23 2013 BY A ROLL CALL VOTE OF 4-3. MAJORITY LEADER TERRERO, COUNCILMEMBERS SABATINO & JOHNSON VOTING "NAY."



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**RESOLUTION NO.62-2013**

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

WHEREAS, the City of Yonkers currently imposes an Income Tax Surcharge and a Non-resident Earnings tax authorized pursuant to Article 30A of the Tax Law of the State of New York; and

WHEREAS, said authorization is scheduled to terminate on September 30, 2013 unless said date is extended; and

WHEREAS, a necessity continues to exist for the revenues generated by the Income Tax Surcharge and the Non-resident Earnings tax in order to balance the budget in future fiscal years; and

WHEREAS, Senate Bill No. S.4298 and Assembly Bill No. A.6549 have been introduced into the New York State Legislature for the purpose of extending the Income Tax Surcharge and the Non-resident Earnings tax for a period of two years.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Yonkers hereby issues this Home Rule Request Message for passage of Senate Bill No. S.4298 and Assembly Bill No. A.6549 to amend Article 30A of the New York State Tax Law to extend the termination date of the Income Tax Surcharge and the Non-resident Earnings tax until September 30, 2015 to allow the continuation of these necessary revenues; and

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to the Legislature of the State of New York requesting the passage of the aforesaid bills.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, APRIL 23, 2013 BY A VOTE OF 7-0.

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**RESOLUTION NO.63-2013**

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

RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE TO AUTHORIZE THE DISCONTINUANCE AND ALIENATION OF CERTAIN PARKLAND IN CONNECTION WITH THE REDEVELOPMENT OF THE GLENWOOD POWER PLANT

WHEREAS, the Glenwood Power Plant Site is located in southwestern portion of the City of Yonkers and along the Hudson River in southern Westchester County to the north of Alexander Street on a parcel without access to a public road with an address of 45-45-a Water Grant Way, Tax Block and Lots, Section 2, Block 2635 Lots 1, 15 and 19 adjacent to John F. Kennedy Marina and Trevor Park and is only accessible via the existing road network that runs through these parks to the Site and onto a Metro North easement; and

WHEREAS, the project developer, Glenwood POH, LLC, intends to renovate the iconic power plant buildings into a new hotel and convention center unique destination facility, however, the Power Plant Site has no land area that can accommodate parking for the project ("Redevelopment Project"); and

WHEREAS the City of Yonkers seeks authorization to enter into contracts, leases or rental agreements with Glenwood POH LLC and/or other entities for a term not to exceed 99 years and to allow for the granting of easements, licenses, permits and concessions in order to construct a parking facility, foot bridge for pedestrian access, ramp into the new complex, loading dock and associated roadways and other park amenities; and

WHEREAS, said authorization would include alienation of specifically described parkland for the construction of new facilities and amenities associated with the development of the abandoned power plant in and in the vicinity of Trevor Park in the City of Yonkers and to enhance parkland improvements (see legal description of proposed alienated land annexed hereto); and

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**RESOLUTION NO.63-2013 (CONTINUED)**

WHEREAS, such authorizations are subject to the requirement that the City of Yonkers arrange for the development of capital improvements to park and recreational facilities on the same site such that the parkland being alienated is not only replaced in kind but improved from current conditions and additional property of equal or greater acreage in the area of New Main Street in the City of Yonkers is being dedicated as parkland to offset the permanent alienation impact.

NOW, THEREFORE, BE IT RESOLVED, that the Yonkers City Council respectfully requests the introduction of State Legislation in substantially the same form as the draft annexed hereto and made part hereof; and be it

FURTHER RESOLVED, that the City Council is authorized and directed to forward clearly certified copies of this Resolution to the New York State legislation; and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, APRIL 23, 2013 BY A VOTE OF 7-0.

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**RESOLUTION NO.64-2013**

5. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A RESOLUTION SUPPORTING THE DESIGNATION OF JUNE AS "GUN AWARENESS MONTH."

WHEREAS, due to the increasing number of incidents of gun violence across the country, in schools, shopping centers, theaters and other settings where such matters were once unimaginable, Assemblymember Karim Camara and State Senator Ruth Hassell Thompson will introduce a resolution into the New York State legislature to designate June as "Gun Violence Awareness Month" in New York; and

WHEREAS, this historic measure, if passed, will be the first resolution in the nation designed to promote annual attention to, and discussion of, gun violence statewide for a month long period; and

WHEREAS, the goal of the resolution is simply to encourage New York's citizens, communities, businesses and educators to raise awareness and develop dialogue around the issue of gun violence throughout New York State and how to reduce such incidents; and

WHEREAS, amidst recent predictions by the Center for Disease Control of gun-related deaths surpassing auto fatalities in 2015, public discourse and public action surrounding the issue of gun violence is essential: and

WHEREAS, it is desired that our city and our state be free of gun violence; and

WHEREAS, it is important to promote the awareness among our citizenry of gun violence and to promote discussion on how it can be eliminated.

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**RESOLUTION NO.64-2013 (CONTINUED)**

NOW, THEREFORE, BE IT RESOLVED, that the City Council and the Mayor of the City Yonkers hereby lend their support to the State legislative sponsors of the Resolution designating June as "Gun Violence Awareness Month" and urges the State Legislature to adopt the Resolution.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, APRIL 23, 2013 BY A VOTE OF 7-0.

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**RESOLUTION NO.65-2013**

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

**RESOLUTION OF SUPPORT FOR THE ROAD IMPROVEMENTS ON JACKSON AVENUE CONTEMPLATED BY THE COUNTY OF WESTCHESTER AND THE TOWN OF GREENBURGH**

Whereas, tens of thousands of residents of the City of Yonkers regularly travel on the portion of Jackson Avenue located in the Town of Greenburgh, particularly the portion extending from the intersection with North Sprain Road on the east, to the entrance to Sprain Ridge Park on the west; and

Whereas, the portion of Jackson Avenue extending from the intersection with North Sprain Road on the east, to the entrance to Sprain Ridge Park on the west, is unusually dangerous to motorists, with 65 major accidents and two fatalities in the 2012 calendar year; and

Whereas, two interconnected road improvement projects -- the straightening of the S-curve extending from the entrance to Sprain Ridge Park on the west, to the intersection with North Sprain Road on the east; and the reconfiguration of the Y-intersection at the corner of North Sprain Road and Jackson Avenue, to a traditional T-intersection with a traffic light -- will make Jackson Avenue much safer for those traveling on it; and

Whereas, the City of Yonkers recognizes that it has an interest in the safety of its residents who travel the portion of Jackson Avenue in the Town of Greenburgh, including the portion extending from the intersection with North Sprain Road on the east, to the entrance to Sprain Ridge Park on the west; and

Whereas, the Town of Greenburgh and the County of Westchester are currently in negotiations to request and approve a home rule message alienating a strip of parkland along the northern border of Sprain Ridge Park, to enable the straightening of the S-curve extending from the entrance to Sprain Ridge Park on the west, to the intersection with North Sprain Road on the east; and the reconfiguration of the Y-intersection at the corner of North Sprain Road and Jackson Avenue to a traditional T-intersection with a traffic light, to take place; and therefore,

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**RESOLUTION NO.65-2013 (CONTINUED)**

Be it resolved, that the City of Yonkers supports the completion of the straightening of the S-curve extending from the entrance to Sprain Ridge Park on the west, to the intersection with North Sprain Road on the east; and the reconfiguration of the Y-intersection at the corner of North Sprain Road and Jackson Avenue to a traditional T-intersection with a traffic light; and

Be it further resolved, that the City of Yonkers supports the efforts of the County of Westchester and the Town of Greenburgh to acquire the parkland at Sprain Ridge Park needed to complete the completion of the aforementioned road improvement projects; and

Be it further resolved, that copies of this resolution will be transmitted to State Senator Andrea Stewart-Cousins; Assemblyman Tom Abinanti; Westchester County Executive Rob Astorino; Chair of the Westchester County Board of Legislators Ken Jenkins; and Greenburgh Town Supervisor Paul Feiner.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, APRIL 23, 2013 BY A VOTE OF 7-0.

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**RESOLUTION NO.66-2013**

7. BY COUNCILMEMBER BREEN, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO AND SHEPHERD:

WHEREAS, St. John's Episcopal Church, located at 100 Underhill Street in Yonkers, will hold its "Spring Plant Sale" on Sunday May 5<sup>th</sup> until Wednesday May 8<sup>th</sup>, 2013, and has requested permission from the City Council to place a banner in the area promoting this event, and

WHEREAS, St. John's Episcopal Church has ask that they be permitted to place one banner at the following location: (1) Sadore Lane Bridge on Central Park Ave. (northbound), on or around April 19<sup>th</sup> and to be removed as soon after May 8<sup>th</sup> as is possible.

WHEREAS, said locations are subject to the scheduling and availability of the banner sites as administered by the Department of Public Works.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby grants permission to St. John's Episcopal Church to place one banner in the aforementioned location, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

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**ANNOTATED AGENDA**  
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**RESOLUTION NO.67-2013**

7A BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO,  
MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON,  
SABATINO, SHEPHERD AND BREEN:

BE IT RESOLVED, that the following applicant(s) are hereby  
appointed and/or reappointed to the office of Commissioner of Deeds for a  
period of two years to expire on May 31, 2015

Ikhlas Arefieg  
71 Brewster Avenue  
Yonkers, New York 10701

Social Worker

RENEWAL

Zuhain Ageel  
56 King Cross Road  
Scarsdale, New York 10583

Civil Engineer

RENEWAL

Jacqueline V. Rivera  
39 Hudson Terrace, 205  
Yonkers, New York 10701

Law Firm

RENEWAL

Rachelle Richard  
575 Bronx River Road, 6K  
Yonkers, New York 10704

Council President's Office

NEW

**ANNOTATED AGENDA**  
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**RESOLUTION NO.67-2013 (CONTINUED)**

Kimberly Bianca  
1945 Bogart Avenue  
Bronx, New York 10462

Council Aide

NEW

Michael Rotanelli  
139 Windsor Terrace  
Yonkers, New York 10701

Transit Auto

RENEWAL

Delfim Heusler  
35 Chase Avenue, 1A  
Yonkers, New York 10703

Editor

RENEWAL

Brianna Mecca  
53 Briggs Avenue  
Yonkers, New York 10704

Sales

NEW

Margaret Belado  
8 Hughes Terrace  
Yonkers, New York

Music

NEW

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A  
STATED COUNCIL MEETING HELD ON TUESDAY, APRIL 23, 2013 BY  
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**RESOLUTION NO.68-2013**

7B BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YONKERS AUTHORIZING THE MAYOR TO ENTER INTO NEGOTIATIONS WITH HB LONGFELLOW REALTY, LLC FOR THE CONVEYANCE AND RE-DEVELOPMENT OF CITY OWNED PROPERTY.

WHEREAS, HB Longfellow Realty, LLC (hereafter "Developer") has expressed interest to the City of Yonkers in redeveloping City-owned property on the west side of the City of Yonkers; and

WHEREAS, the Developer, under the terms of its proposal annexed hereto, has offered to redevelop the old Longfellow School for affordable residential housing; and

WHEREAS, the purpose of the sale and redevelopment of this property would be the environmental remediation and cleanup of same and the return of the property to the tax roll of the City of Yonkers, thereby generating property and sales tax revenues to the City as well as promoting economic revitalization to the surrounding neighborhood; and

WHEREAS, subject to such terms and conditions as may hereafter be imposed, the sale and re-development of these properties would be in the best interest of the City and the Developer is hereby preliminarily named as Designated Developer for this project for a twelve (12) month period, upon the condition that an agreement for the final disposition of these property is submitted to this City Council for final approval within such time, except that for good cause shown, the Mayor, in the reasonable exercise of his discretion, is authorized to extend such time for an additional period not to exceed six (6) months:

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The City Council of the City of Yonkers hereby authorizes the Mayor to enter into negotiations with the Developer, for the sale of the following property, subject to the terms and conditions as imposed herein:

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**RESOLUTION NO.68-2013 (CONTINUED)**

Section 2, Block 2062, Lot 25, 23 Mulberry Street, (Former Longfellow School)

2. The negotiations with the Developer are subject to the receipt of title reports by the City and the timely submission by the Developer of all required petitions and/or applications for all governmental approvals needed for the proposed project, within one-hundred eighty (180) days of the approval of this resolution. The Mayor is authorized to execute an agency agreement in furtherance of any required submissions by the Developer.

3. The negotiations with the Developer are subject to the following conditions:

- (1) That the properties to be conveyed are appropriate for the proposed use;
- (2) The property will be developed substantially pursuant to the proposal submitted;
- (3) All development or redevelopment will be appropriate as to design, scale site plan and character of the area;
- (4) All required governmental approvals must be issued within twelve (12) months of the effective date of this Resolution, otherwise the approval of the Developer, as Designated Developer, shall terminate and be of no further force and effect;
- (5) The consideration for the parcel to be conveyed is satisfactory to this City Council;
- (6) If the property is affected by a court order prohibiting its conveyance, any stay as to that property must be lifted prior to conveyance;
- (7) The Mayor is not precluded from negotiating any other terms deemed necessary in order to insure fair and adequate consideration to the City;
- (8) Such other terms and conditions as in the determination of the Mayor are necessary and in the best interest of the City.

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**RESOLUTION NO.68-2013 (CONTINUED)**

4. The Mayor, for good cause shown, is authorized in the reasonable exercise of his discretion to extend the twelve (12) month period to allow for the Designated Developer to obtain all required governmental approvals for an additional period not to exceed six (6) months. The City Council is to be notified of any extension and the basis for the extension.

5. Any Agreement that is developed out of these negotiations for the final disposition of this property is subject to the final approval of this City Council. This approval may be in the form of a resolution, ordinance or local law, whichever, in the opinion of the Corporation Counsel, is necessary to approve the sale.

6. This resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED COUNCIL MEETING HELD ON TUESDAY, APRIL 23, 2013 BY A VOTE OF 7-0.

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**COMMITTEE REPORTS**

THIS MEETING WAS ADJORNED AT 8:28PM.