

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 8, 2014**

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

TIME: 8:05PM

PRESENT:           PRESIDENT OF THE COUNCIL  
LIAM J. MCLAUGHLIN

DISTRICT:

6           MAJORITY LEADER JOHN J. LARKIN  
3           MINORITY LEADER MICHAEL R. SABATINO

COUNCIL MEMBERS:  
DISTRICT:

1           CHRISTOPHER A. JOHNSON  
2           CORAZON PINEDA  
4           DENNIS E. SHEPHERD  
5           MICHAEL B. BREEN

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

Minutes of the stated meeting held on March 25, 2014 approved on motion of Majority Leader Larkin.

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**COMMUNICATIONS FROM CITY OFFICIALS**

**NONE**

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**COMMUNICATIONS - GENERALLY**

1. IN A LETTER DATED MARCH 28, 2014 FROM THE TOWN CLERK OF GREENBURGH. NOTICE OF A PUBLIC HEARING TO BE HELD AT GREENBURGH TOWN HALL, 177 HILLSIDE AVENUE, GREENBURGH, NY, ON WEDNESDAY, APRIL 9, 2014 AT 7:30PM RE; TO CONSIDER THE ADOPTION OF A LOCAL LAW TO ALLOW FOR MOTOR VEHICLE SALES AS A SPECIAL USE PERMIT USE IN THE CA CENTRAL AVENUE MIXED USE IMPACT DISTRICT.

**FILED**

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**COMMITTEE OF THE WHOLE**

**SPEAKERS**

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
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**LOCAL LAW NO.4-2014**

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

A LOCAL LAW AMENDING SECTION C6-4 OF ARTICLE VI OF THE CHARTER OF THE CITY OF YONKERS IN RELATION TO DUTIES OF THE COMMISSIONER

Be it enacted by the City Council of Yonkers as follows:

Section 1. Section C6-4 of the Yonkers City Charter is amended to read as follows:

§ C6-4. Duties of Commissioner.

A. The Commissioner shall, acting for and in the place of the Mayor, superintend the fiscal affairs of the city, manage the same pursuant to law and ordinance of the City Council, and perform the duties enumerated herein. The Commissioner shall demand, collect, receive and deposit daily in such banks or trust companies as shall be designated by the City Council for such purpose all taxes and other moneys belong to or due the city from every source except as otherwise provided by law. The Commissioner shall have custody of all city funds and no money shall be drawn from a city depository except on checks or drafts signed by the Commissioner or one of his or her deputies. Whenever in this Charter, or in any other statute, local law or ordinance applicable to the City of Yonkers, the Commissioner is authorized and directed to issue a warrant or warrants drawn upon the Treasurer or upon the treasury, the Commissioner shall, instead, be deemed to be authorized or directed to issue a check or checks or a draft or drafts. The Commissioner shall keep a daily account of all moneys received and disbursed on behalf of the city and shall keep a separate account with every department and for each improvement for which funds are appropriated or raised by tax or assessment. No check or draft shall be drawn by the Commissioner for the payment of any claim against or obligation of the city unless it states particularly against which of such funds it is drawn. No fund shall be overdrawn nor shall any check or draft be drawn against one fund to pay a claim chargeable to another. The Commissioner shall render quarterly, and at such other times as the Mayor or the City Council may direct, a detailed report to the Mayor and City Council of the funds and financial condition of the city. The Commissioner shall perform such other and further duties, as may from time to time be prescribed by law, or by

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**LOCAL LAW NO.4-2014 (CONTINUED)**

ordinance of the City Council, not inconsistent with the provision of this Charter or the other laws of the state.

B. Notwithstanding any provision of the Yonkers City Code or any resolution to the contrary, the Commissioner of Finance is authorized to administratively write-off or otherwise discharge any account receivable in any amount not exceeding Twenty-Five Dollars and Zero Cents (\$25.00) which is held by the City of Yonkers against any person, organization, or entity, either public or private, however created or arising, be it by contract, open account, judgment, lien or otherwise, that is in arrears for two (2) years or more, which is determined by the Commissioner of Finance and the Corporation Counsel to be legally uncollectible or not cost effective to collect.

Section 2. This local law shall take effect pursuant to requirements of law.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2014 BY A VOTE OF 7-0.

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**SPECIAL ORDINANCE NO.5-2014**

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

A SPECIAL ORDINANCE AUTHORIZING THE EXECUTION OF A NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES GRANT AND AMENDING THE CITY OF YONKERS GRANT BUDGET FOR FISCAL YEAR 2013/2014.

The City of Yonkers hereby ordains and enacts:

Section 1: The New York State Division of Homeland Security and Emergency Services has selected the City of Yonkers under the Urban Areas Security Initiative (UASI) to receive a grant in an amount not to exceed \$2,584,010.00 for Project No. UN13 – 1005 –D00, in order to finance: training for officers to prevent, detect, deter intervene, respond to, mitigate and recover from acts of terrorism; training and equipment necessary to fulfill the Police Department purpose of protecting the citizens of Yonkers and Yonkers' mutual aid partners; and to support the Police in law enforcement and public safety.

Section 2: The Mayor of the City of Yonkers, or his designee, is hereby authorized to execute such agreement, for a term of September 1, 2013 to August 31, 2015, 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 3: The City's Grant Budget for fiscal year 2013/2014 is hereby amended by increasing revenues and appropriations for the Police Department.

**Increase Estimated Revenues: Award**

NYS Division of Homeland Security and Emergency Services	\$2,584,010
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**Increase Estimated Expenses: Project UN13-1005-D000**

Salaries	\$68,000
Overtime	\$1,224,005
Equipment	\$1,245,005
Miscellaneous Supplies	\$39,000
Fuel Gasoline	\$3,000
Travel Reimbursement	\$5,000



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**SPECIAL ORDINANCE NO.5-2014 (CONTINUED)**

Section 4: This special ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL  
AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2014 BY A  
VOTE OF 7-0.

**ANNOTATED AGENDA**  
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**RESOLUTION NO.32-2014**

BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, 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 SIX THOUSAND DOLLARS (\$6,000.00) of the action entitled, "Blas Fabre, p.n.g. of Blas Fabre (residing at 114 Central Park Avenue, Yonkers, NY 10704), plaintiffs against THE CITY OF YONKERS, Defendant", for personal injuries arising out of an alleged accident alleging that injury was sustained while playing touch football in the gymnasium during gym class at the Montessori Academy, located at 160 Woodlawn Avenue in Yonkers, NY. The City of Yonkers is directed to draw his warrant in the amount of SIXTHOUSAND DOLLARS (\$6,000.00) in favor of said plaintiffs and their attorneys Law Offices of Michael S. Lamonsoff, PLLC, 80 Maiden Lane, 12th Floor, New York,, NY 10038.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2014 BY A VOTE OF 7-0.

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**RESOLUTION NO.33-2014**

BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, 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 EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00) of the action entitled, "BLANCA SANTIAGO, Plaintiff against THE CITY OF YONKERS, Defendant", for personal injuries arising out of an alleged accident alleging that injury was sustained by Plaintiff when a Department of Public Works vehicle owned by the City and operated by Michael J. McDermott struck her vehicle in the rear, 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 EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00) in favor of said plaintiff and her attorney William A. Gallina, PLLC, 1250 Waters Place, Suite 708, Bronx, New York 10461.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2014 BY A VOTE OF 7-0.

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**RESOLUTION NO.34-2014**

BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, 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 TWENTY THOUSAND DOLLARS (\$20,000.00) of the action entitled, "JOSE CABRERA, p.n.g. of ALANIS CABRERA (residing at 29 Chelsea Place, Yonkers, New York), plaintiffs against THE CITY OF YONKERS, Defendant", for personal injuries arising out of an alleged accident alleging that injury was sustained on playground apparatus 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 TWENTY THOUSAND DOLLARS (\$20,000.00) in favor of said plaintiffs and their attorneys Marcus, Ollman & Kemmer, LLP, 145 Huguenot Street, New Rochelle, New York.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2014 BY A VOTE OF 7-0.

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**RESOLUTION NO.35-2014**

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

RESOLUTION OF THE CITY COUNCIL DECLARING LEAD AGENCY STATUS  
FOR THE AMENDMENT OF THE ZONING CODE REGARDING SECTION 43-  
74 OF THE CODE PERTAINING TO PLANNED EXECUTIVE PARKS

WHEREAS, the City of Yonkers is proposing to amend the Zoning Code of the  
City of Yonkers, specifically Section 43-74 D (5) (j) (2) of the Code pertaining to  
special use permits for Planned Executive Parks, as such amendment would  
better serve the residents of this City as well as have greater potential future  
development; and

WHEREAS, the State Environmental Quality Review Act ("SEQRA")  
requires the City to consider all environmental factors associated with the  
proposed amendment prior to further action being taken; and

WHEREAS, the City Council desires to establish itself as Lead Agency in  
order to initiate a review process for the proposed amendment of the Zoning  
Code of the City of Yonkers in accordance with Part 617 (6NYCRR Part 617), the  
Statewide implementing regulations pertaining to SEQRA.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City  
of Yonkers hereby designates its intention to serve as Lead Agency for the  
SEQRA Coordinated Review of this action, and will circulate the Lead Agency  
Notice to all involved and interested agencies; and

BE IT FURTHER RESOLVED, that this resolution take effect  
immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED  
MEETING HELD ON TUESDAY, APRIL 08, 2014 BY A VOTE OF 7-0.

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**RESOLUTION NO.36-2014**

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

A RESOLUTION TO ISSUE A DETERMINATION OF SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") RELATING TO THE AUTHORIZATION AND APPROVAL OF A LICENSE AGREEMENT WITH RIVER CLUB, LLC AND/OR GDC PROPERTIES, LLC.

WHEREAS, there is pending before the City Council, a Local Law granting permission to River Club LLC, an affiliate of GDC Properties, LLC, as owner of 1125 Warburton Avenue, Yonkers, New York, Section 3, Block 3570, Lot 48, to utilize city-owned property located at 1155 Warburton Ave. Rear, also known as Section 3, Block 3570, Lot 148, pursuant to a License Agreement.

WHEREAS, the City Council has determined that the proposed encroachment has been reviewed as an Unlisted Action under the State Environmental Quality Review Act ("SEQRA") requiring the City Council to comply with the Regulations promulgated pursuant to SEQRA, and

WHEREAS, the City Council has carefully considered the proposed action and has reviewed the attached Environmental Assessment Form and supplemental attachments and the criteria set forth in Section 617.7 of 6 NYCRR Part 617 of the SEQRA regulations and has identified and carefully considered the relevant areas of environmental concern as are fully set forth in said Environmental Assessment Form to determine if these proposed actions will have a significant impact upon the environment.

NOW, THEREFORE, BE IT RESOLVED, by the Yonkers City Council that, based upon the City Council's review of the Environmental Assessment Form and supplemental attachments, and for the reasons set forth therein, the City Council hereby adopts a Negative Declaration, under SEQRA, that there will be no adverse impact on the environment from the proposed License Agreement.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 08, 2014 BY A VOTE OF 7-0.

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**RESOLUTION NO.37-2014**

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

RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH RIVER CLUB LLC AND/OR GDC PROPERTIES, LLC, FOR THE USE OF PROPERTY AT 1155 WARBURTON AVENUE REAR (SECTION 3, BLOCK 3570, LOT 148), SUBJECT TO CERTAIN TERMS AND CONDITIONS.

WHEREAS, River Club, LLC and/or GDC Properties, LLC, having an office at 100 Summit Lake drive, Valhalla, NY 10595, and as owner of property located at 1105-1135 Warburton Avenue ("Owner"), has requested permission to utilize vacant City property located at 1155 Warburton Avenue Rear, also known as Section 3, Block 3570, Lot 148 on the Official Tax Map of the City of Yonkers to accommodate a refuse collection facility; and

WHEREAS, the City has prepared a License Agreement in connection with the Owner's request setting forth certain terms and conditions regarding the use of the above-cited City property; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Yonkers, New York that the Mayor or his designee be and he/she is hereby authorized to execute a License Agreement with River Club, LLC and/or GDC Properties, LLC for permission to use vacant city property at 1155 Warburton Ave. Rear, also known as Section 3, Block 3570, Lot 148 on the Official Tax Map of the City of Yonkers in substantially the same form and on the terms and conditions contained in the attached license agreement, including such other terms and conditions as may be deemed appropriate and necessary by the Mayor, or his designee, and/or the Corporation Counsel in order to carry out the subject transaction; and be it further

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**RESOLUTION NO.37-2014 (CONTINUED)**

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, 2014 BY A VOTE OF 7-0.



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**RESOLUTION NO.38-2014**

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

BE IT RESOLVED, that the following applicant(s) are hereby appointed  
and/or reappointed to the office of Commissioner of Deeds for a period of two  
years to expire on April 30, 2016

Nancy Pagan  
16 Tower Place  
Yonkers, New York 10703

Assistant

RENEWAL

Paula M. Antenucci  
216 Chase Avenue  
Yonkers, New York 10703

Retired

RENEWAL

Kelly Ann O'Brien  
80 Grassy Sprain Road  
Yonkers, New York

Clerk/Secretary

RENEWAL

Kimberly Ann Galinski  
175 Douglas Avenue  
Yonkers, New York 10703

Secretary

NEW

Lawrence A. Scerno  
57 Saratoga Avenue  
Yonkers, NY 10705

Retired

RENEWAL

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED  
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**COMMITTEE REPORTS**

THIS MEETING WAS ADJOURNED AT 8:20PM