

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, APRIL 22, 2014**

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

TIME: 8:03PM

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 April 8, 2014 and a special meeting held on April 8, 2014 approved on motion of Majority Leader Larkin.

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**COMMUNICATIONS FROM CITY OFFICIALS**

**NONE**

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**COMMUNICATIONS - GENERALLY**

**NONE**

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**COMMITTEE OF THE WHOLE**

**NO SPEAKERS**

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**PUBLIC HEARING**

Notice is hereby given, pursuant to law, that the City Council of the City of Yonkers, New York will hold a Public Hearing on Tuesday, April 22, 2014 at 8:00 P.M. in the City Council Chambers, 40 South Broadway, Yonkers, New York on the following resolution, to wit:

**PROPOSED RESOLUTION**

A PROPOSED RESOLUTION FOR A HONORARY STREET RENAMING AT 50 GATEWAY ROAD, BETWEEN NORTH BROADWAY AND ENDS AT DE HAVEN DRIVE AS " CPL.SEYMOUR LEHMAN WAY"

**ANNOTATED AGENDA**  
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**SPECIAL ORDINANCE NO.6-2014**

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

AN ORDINANCE AUTHORIZING AND PERMITTING THE PROPERTY OF 146 VALENTINE STREET BLOCK 6061 LOT (S) 20-24 TO MAKE A LONG HOUSE CONNECTION TO THE CITY'S SANITARY SYSTEM IN 146 VALENTINE STREET (NO EXPENSE TO THE CITY OF YONKERS).

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

Section 1. Permission is hereby granted to the property owner of 146 VALENTINE STREET , Block 6061 Lot(s) 20-24 to make a long house sanitary sewer connection from said lot to a city sanitary sewer in Curtis Lane at his own cost and expense and in accordance with the plan submitted by MICHAEL MASTROGIACOMO P.E #083853 dated MARCH 19, 2014 filed in the Plumbing Division, subject to the conditions of a Plumbing Permit to be secured from the Plumbing Division and a street opening permit to be secured from the City Engineer.

Section 2. This permission is granted under the following terms and conditions, to wit:

The granting of this permission shall, in no way, free or release the said owner, or his successors, from the payment of any assessments or benefits accruing to said lot by reason of the construction of any sanitary sewer already built, or that hereafter shall be built, to serve the area within which the lot herein referred to is located.

The cost of construction, maintenance and repairs of said long house connection shall be the responsibility of the owner of the building served by the long house connection.

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 22, 2014 BY A VOTE OF 7-0.

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**RESOLUTION NO.40-2014**

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

WHEREAS, the authorization for the City of Yonkers to negotiate the private sale of its bonds and notes is vital to improving the City's financial stability and independence; and

WHEREAS, the continuance of this power will allow more cost-effective financing of the City's debt; and

WHEREAS, the City's bonding authority will expire on June 30, 2014 unless it is extended for one (1) year; and

WHEREAS, Senate Bill No. S 6313 and its companion bill, Assembly Bill No. A 8450 have been introduced into the New York State legislature; and

WHEREAS, these bills will permit the private sale of bonds or notes by the City of Yonkers, subject to the approval of the State Comptroller; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby declares that the enactment of S 6313 and A 8450 are in the best interests of the City of Yonkers to extend until June 30, 2015, the City's authorization to negotiate the private sale of bonds and notes and is essential to improving the city's financial stability and independence; 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 MEETING HELD ON TUESDAY, APRIL 22, 2014 BY A VOTE OF 7-0.

**ANNOTATED AGENDA**  
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**RESOLUTION**

3. 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 Ten Thousand Dollars (\$10,000.00) of the action entitled, "Robert Ellison, (residing at 441 Central Park Avenue, Yonkers, New York 10704, plaintiff against THE CITY OF YONKERS, Defendant", for personal injuries and medical expenses arising out of an alleged incident on November 27, 2007 during which plaintiff allegedly sustained injuries during the course of his arrest at 35 Pier Street 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 Ten Thousand Dollars (\$10,000.00) in favor of said plaintiff and his attorneys Rosenbaum & Rosenbaum, P.C., 110 Wall Street, 21<sup>st</sup> Floor, New York, New York 10005.

THE ABOVE RESOLUTION WAS WITHDRAWN BY THE CITY COUNCIL

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**RESOLUTION NO.41-2014**

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

WHEREAS, the City of Yonkers ("City") has commenced foreclosure proceedings against property owners who are delinquent in the payment of real property taxes; and

WHEREAS, the City has commenced one such action titled City of Yonkers v. Peacock Realty Corporation a/k/a Peacock Realty Group, et al, bearing Index Numbers 8596/2010 and Index Numbers 8597/2010 involving property located at 150 School Street and 150 School Street Rear, as further described as Section 1, Block 191, lots 7 & 61 on the Official Tax Map of the City of Yonkers; and

WHEREAS, the City has litigated the matter to judgment which is currently subject, however, to several pending appeals; and

WHEREAS, in view of the pending appeals, the parties have been engaged in discussions to settle this matter; and

WHEREAS, it is in the best interest of the City of Yonkers to settle this matter in order to recoup tax arrears which are substantially in excess of the property's current market value.

NOW, THEREFORE BE IT RESOLVED, that the Corporation Counsel is hereby authorized to settle this matter in the total sum of \$650,000.00, and upon such other conditions as are in the best interest of the City of Yonkers; and be it

FURTHER RESOLVED, that the Corporation Counsel, be and the same is hereby authorized to execute and file a Stipulation of Settlement, Notices of Discontinuance and any other document on behalf of the City of Yonkers necessary to conclude this matter; 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 22, 2014 BY A VOTE OF 7-0.

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**RESOLUTION NO.42-2014**

5. 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:

In accordance with the authority set forth in Sections 9-14 and 18-5 of the City Charter, the Mayor is authorized to execute that certain First Amendment to the Memorandum of Agreement by and between the City of Yonkers and the Municipal Housing Authority of the City of Yonkers, resolving certain future payments relating to above baseline police services for the fiscal year beginning July 1, 2014 through June 30, 2015.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 22, 2014 BY A VOTE OF 7-0.

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**RESOLUTION NO.43-2014**

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF YONKERS SETTling THE LITIGATION KNOWN AS CITY OF YONKERS V. I. PARK N-VALLEY LLC, NEW YORK STATE URBAN DEVELOPMENT CORPORATION, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE AND JOHN DOE #1 THROUGH JOHN DOE #12 UNDER INDEX NO. 66298/2012 (SUPREME COURT, WESTCHESTER COUNTY AND (II) CITY OF YONKERS V. PARK N-VALLEY LLC, NEW YORK STATE URBAN DEVELOPMENT CORPORATION, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE AND JOHN DOE UNDER INDEX NO. 51440/2014 (SUPREME COURT, WESTCHESTER COUNTY).

WHEREAS, i.park n-valley LLC (hereinafter "i.park") owns fee simple title to the real estate and the improvements thereon commonly known as "I.Park N-Valley" located at 470 Nepperhan Avenue, Yonkers, New York 10701 (hereinafter the "Real Estate"); and

WHEREAS, City and i.park are parties to those actions captioned (i) City of Yonkers v. I. Park N-Valley LLC, New York State Urban Development Corporation, New York State Department of Taxation and Finance and John Doe #1 through John Doe #12 under Index No. 66298/2012 (Supreme Court, Westchester County and (ii) City of Yonkers v. Park N-Valley LLC, New York State Urban Development Corporation, New York State Department of Taxation and Finance and John Doe under Index No. 51440/2014(Supreme Court, Westchester County); and

WHEREAS, i.park and the City wish to enter into a settlement agreement, to avoid the cost and expense of litigation and the delays associated therewith, whereby i.park agrees to convey the Real Estate to the City in lieu of foreclosure; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Yonkers that:

SECTION 1. The foregoing recitals are true and correct and incorporated herein as if set forth in full.

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**RESOLUTION NO.43-2014 (CONTINUED)**

SECTION 2. The City Council hereby approves the Settlement Agreement, in the form as described in Exhibit "A" attached herewith, with such modifications as the Corporation Counsel may determine necessary to effectuate the purpose and intent of the Settlement Agreement. The City Council hereby authorizes and directs the Mayor or his designee to execute the final form of the Settlement Agreement for and on behalf of the City.

SECTION 3. The City Council hereby authorizes and directs the Mayor, or his designee, to execute any and all documents necessary to complete the transactions contemplated in the Settlement Agreement.

SECTION 4. This resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 22, 2014 BY A VOTE OF 7-0.

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**RESOLUTION NO.44-2014**

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

WHEREAS, Mayor Mike Spano has appointed Mary Hoar to the Landmarks Preservation Board for a three -year term to expire on December 31, 2016; and

WHEREAS, Mary Hoar, is a longtime Yonkers resident and has spent many years in service to the City of Yonkers as a teacher and community leader; and

WHEREAS, pursuant to the Charter of the City of Yonkers, the appointment of a member of the Landmarks Preservation Board is subject to the advice and consent of the City Council; and

WHEREAS, it is in the best interest of the City of Yonkers that the City Council approve the appointment of Mary Hoar to the Landmarks Preservation Board; and

NOW, THEREFORE, BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the appointment of Mary Hoar; 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 22, 2014 BY A VOTE OF 7-0.

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**RESOLUTION NO.45-2014**

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

WHEREAS, Mayor Mike Spano has appointed Taylor James Pierce to the Landmarks Preservation Board for a three -year term to expire on December 31, 2016; and

WHEREAS, Taylor James Pierce, is a longtime Yonkers resident and has over ten years of experience as a licensed architect; and

WHEREAS, pursuant to the Charter of the City of Yonkers, the appointment of a member of the Landmarks Preservation Board is subject to the advice and consent of the City Council; and

WHEREAS, it is in the best interest of the City of Yonkers that the City Council approve the appointment of Taylor James Pierce to the Landmarks Preservation Board; and

NOW, THEREFORE, BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the appointment of Taylor James Pierce; 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 22, 2014 BY A VOTE OF 7-0.

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**RESOLUTION NO.46-2014**

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

WHEREAS, Mayor Mike Spano has appointed Dennis M. Robertson to the Yonkers Board of Parks, Recreation and Conservation for a term ending on December 31, 2014; and

WHEREAS, Dennis M. Robertson is a longtime Yonkers resident and homeowner has many years of experience in serving the citizens of this City; and

WHEREAS, pursuant to the Charter of the City of Yonkers, the appointment of a member of the Yonkers Board of Parks, Recreation and Conservation is subject to the advice and consent of the City Council; and

WHEREAS, it is in the best interest of the City of Yonkers that the City Council approve the appointment of Dennis M. Robertson to the Yonkers Board of Parks, Recreation and Conservation; and

NOW, THEREFORE, BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the appointment of Dennis M. Robertson; and be it further

RESOLVED, that this resolution shall take effect immediately.

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**RESOLUTION NO.47-2014**

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

WHEREAS, the late SEYMOUR LEHMAN was born in 1932 and attended Peter Stuyvesant High School in Manhattan. Drafted into the Army in 1952 and returned in 1954 to continue with his life. Seymour worked for his father who owned several supermarkets and attended the New York Universities' evening program, earning a Bachelor of Science Degree in Finance. In 1967-68 Seymour served as President of the Pioneer Food Merchants Association. During this period he administered a special program to help senior citizens, through the Pioneer stores; and

WHEREAS, SEYMOUR served in the Korean War whereby he earned the distinction of being a combat War Veteran. Seymour was awarded the Korean Service Medal with two Bronze Stars; Combat Infantry Badge; United Nations Korean Service Medal; Korean Presidential Unit Citation; National Defense Service Medal; Army Good Conduct Medal; Conspicuous Service Cross; ROK Korean Service Medal; New York State Korean Defense Medal; 50th Anniversary Korean War Medal; Korean Defense Commemorative Medal; New York State Conspicuous Overseas Medal Korean Defense Anniversary Medal; New York State Conspicuous Service Medal; Westchester County Overseas Medal; and the Presidential Unit Citation; and

WHEREAS, SEYMOUR LEHMAN upon his return continued his service in the form of fighting for Veterans' needs and rights. His exceptional service as an active member and officer providing his leadership skills in numerous Veterans Organizations, including but not limited to the Empire VFW Post 375, Disabled American Veterans, Yonkers Jewish War Veterans Post 68, Hudson Valley Veterans Coalition (seeking mandatory funding for health care); and

WHEREAS, SEYMOUR continued with his relentless energies to help those who defended our freedoms. In 1994 he attended the first meeting of local Korean War Veterans group whereby he left the meeting as the first President of the Korean War Veterans chapter 91; and

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**RESOLUTION NO.47-2014 (CONTINUED)**

WHEREAS, SEYMOUR LEHMAN has served the Central Committee of Veterans Organizations as Treasure for ten years. During this period his accomplishments have been outstanding. Rosalind, the love of his life for the past 45 years, along with their children, Ilene and Elliot who blessed them with five grandchildren, have rounded out their lives.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby directs the City Clerk to set a public hearing date for the consideration of adding the honorary street naming of "CPL.SEYMOUR LEHMAN WAY" on 50 Gateway Road, between North Broadway and ends at De Haven Drive ; and

BE IT FURTHER RESOLVED, that the City Council requests that the Administration have the Traffic Engineering Department make and affix signs at the appropriate street corners designating the honorary naming; 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 22, 2014 BY A VOTE OF 7-0.

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**COMMITTEE REPORTS**

THIS MEETING WAS ADJOURNED AT 8:27PM