

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 27, 2014**

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

TIME: 8:55PM

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- ABSENT  
          2            CORAZON PINEDA absent  
          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 May 13, 2014 and a special meeting held on May 19, 2014 approved on motion of Majority Leader Larkin.

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**COMMUNICATIONS FROM CITY OFFICIALS**

1. A letter dated May 15, 2014 from the Yonkers Planning Board in regards to;

A Resolution to issue a favorable recommendation to the Yonkers City Council regarding a proposed amendment to the Yonkers Zoning map at block 2299, Lots 7 & 50; block 5485, Lot 1 and block 5488, Lots 30,32,34,36,38, & 40 to change from the current CM zone to an S-50 Zone.

This resolution was adopted by the Planning Board by a vote of 6-0 (1 absent)

2. A letter dated May 15, 2014 from the Yonkers Planning Board in regards to;

A resolution to forward favorable recommendation to the City Council on the proposed amendment to the South Westchester Executive Park Comprehensive Development Plan at Block 3415, Lots; 46,50,52,54,56 & 94 and Block 3455 Lots; 1-4,10-13,20,21,25,30,35,40,50,66,70,75,80, & 10 and a proposed amendment to the Yonkers Zoning Ordinance to increase the maximum floor area for business and commercial uses in the PEP District from 10% to 25%.

This resolution was adopted by the Planning Board by a vote of 6-0 (1 absent)

3. A letter dated May 15, 2014 from the Yonkers Planning Board in regards to;

A Planning Board Resolution to issue a favorable recommendation to the Yonkers City Council on May 14, 2014 regarding a request to discontinue a paper street known as Falcon Road pursuant to §29 of the General City Law.

This resolution was adopted by the Planning Board by a vote of 6-0 (1 absent)

All of the above communications were sent via email to the City Council on May 15, 2014.

ALL OF THE ITEMS LISTED ABOVE WERE REFERRED TO THE REAL ESTATE COMMITTEE BY THE CIY COUNCIL.

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**COMMUNICATIONS - GENERALLY**

**NONE**

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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. MEREDITH BARBER	LEAKE & WATTS	3

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**LOCAL LAW NO.4-2014**

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

A LOCAL LAW AMENDING ARTICLE I OF THE CHARTER OF THE CITY OF YONKERS IN RELATION TO THE DUTIES OF THE COMMISSIONER AND PUBLISHING FINANCIAL REPORTS ONLINE

The City Council of the City of Yonkers, in City Council convened, does hereby enact as follows:

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

“§ C6-4 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.

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

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

**F.** No fund shall be overdrawn nor shall any check or draft be drawn against one fund to pay a claim chargeable to another.

**G.** **ON OR BEFORE THE FIRST OF JANUARY, APRIL, JULY AND OCTOBER, AND AT SUCH OTHER TIMES AS THE MAYOR OR THE CITY COUNCIL MAY DIRECT,** The Commissioner shall render [quarterly, and at such other times as the Mayor or the City Council may direct], a detailed report to the **PUBLIC, THE** Mayor and City Council of the funds and financial condition of the city.

**H.** **THE COMMISSIONER OF FINANCE SHALL PRODUCE AND ISSUE TO THE PUBLIC, THE MAYOR AND THE CITY COUNCIL A FOUR YEAR FINANCIAL PLAN FOR THE CITY ON OR BEFORE THE FIFTEENTH OF APRIL OF EACH YEAR. THE FINANCIAL PLAN SHALL BE COMPRISED OF REASONABLE REVENUE ESTIMATES AND ALL EXPENDITURES THE CITY MAY REASONABLY EXPERIENCE DURING SAID PERIOD. ALL ASSUMPTIONS AND FORECASTS SHALL BE CLEARLY PRESENTED WITHIN THE FINANCIAL PLAN.**

**I.** **ALL INFORMATION REQUIRED TO BE MADE AVAILABLE TO THE PUBLIC PURSUANT TO PARAGRAPHS (G) AND (H) OF THIS SECTION SHALL BE POSTED AND MADE AVAILABLE ON THE INTERNET WEBSITE OF THE CITY OF YONKERS WITHIN THIRTY DAYS OF THE ISSUANCE OF SUCH INFORMATION.**

**J.** The Commissioner shall perform such other and further duties, as may from time to time be prescribed by law, or by ordinance of the City Council, not inconsistent with the provision of this Charter or the other laws of the state.

Section 2. Seperability. If any provision, clause, sentence or paragraph or the application therefore to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this local law.

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

Section 3. This local law shall take effect immediately and shall expire and be deemed repealed on January 1, 2019, except for the provisions of section 1 of this local law, which the Commissioner of Finance shall produce and issue within fourteen days of the effective date of this local law.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MAY 27, 2014 BY A VOTE OF 6-0. COUNCILMEMBER JOHNSON WAS ABSENT.



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**SPECIAL ORDINANCE NO.9-2014**

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

A SPECIAL ORDINANCE AUTHORIZING THE COMMISSIONER OF FINANCE TO ENTER INTO AGREEMENTS REMOVING CERTAIN TAX LIENS FROM THE 2014 TAX LIEN SALE, AND ESTABLISHING A PAYMENT SCHEDULE TO PERMIT TAXPAYERS TO PAY TAX ARREARS IN INSTALLMENTS.

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

Section 1. The Commissioner of Finance is hereby authorized to enter into the annexed agreements removing liens affecting the following listed tax parcels from the City's 2014 Tax Lien Sale, and establishing a payment schedule to allow taxpayers to pay tax arrears in installments due thereon:

Section 5, Block 5648, Lot 60 (67 Merriam Avenue)  
Section 5, Block 5625, Lot 68 (150 Chatfield Road)

Section 2. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MAY 27, 2014 BY A VOTE OF 6-0. COUNCILMEMBER JOHNSON WAS ABSENT.

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**RESOLUTION NO.55-2014**

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YONKERS AUTHORIZING THE YONKERS ECONOMIC DEVELOPMENT CORPORATION TO PROVIDE FINANCIAL ASSISTANCE TO THE LEAKE AND WATTS SERVICES, INC. PROJECT

WHEREAS, the City of Yonkers (the "City") is tasked with the responsibility and burden to promote the health, safety and general welfare of the residents of the City by and among other things preventing unemployment and economic deterioration including by increasing and maintaining employment opportunities and attracting and sustaining economically sound commerce; and

WHEREAS, in furtherance of its public purposes, the City has supported the provision of taxable and tax-exempt financing by the City of Yonkers Industrial Development Agency (the "Agency") and of certain other financial incentives to for-profit entities and not-for-profit corporations to promote the creation and preservation of employment opportunities for residents of the City and development of economically sound commerce consistent with the City's burdens and responsibilities as expressed above; and

WHEREAS, there are occasions where financial assistance cannot be provided by the Agency and/or will be delivered in a more cost-effective form through a not-for-profit corporation recognized by the City; and

WHEREAS, the Yonkers Economic Development Corporation (the "Corporation"), was formed on May 30, 2007 as a not-for-profit, local development corporation ("LDC") pursuant to Section 1411 of the Not-for-Profit Corporation Law (the "N-PCL") of the State of New York and its Certificate of Incorporation, as filed by the Department of State May 31, 2007 (the "Certificate of Incorporation"), for the purposes described in N-PCL Section 1411; and

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**RESOLUTION NO.55-2014 (CONTINUED)**

WHEREAS, Leake and Watts Services, Inc. originally had (i) Dormitory Authority of the State of New York issue \$33,105,000 Leake and Watts Services, Inc. Insured Revenue Bonds, Series 2004; (ii) the New York City Industrial Development Agency issue \$15,420,000 Civic Facility Revenue Bonds (Special Needs Facilities Pooled Program), Series 2007A-1 and Series 2007 A-2; and (iii) The Bank of New York Mellon taxable term note, of \$4,600,000; and now desires to refund said bonds and refinance said debts (the "Leake and Watts Project") through a bond issuance by the Corporation such that the Leake and Watts Project has access to this form of financial assistance in the most cost-effective manner; and

WHEREAS, to accomplish its job creation and other economic development responsibilities and to relieve the governmental burdens related to same, and to facilitate the ability of not-for-profit corporations to access capital for projects that enhance, create and preserve employment opportunities for residents of the City, the City desires to task the Corporation with such burdens and responsibilities and authorize the Corporation to issue bonds on behalf of the City for such purposes; PROVIDED IN NO EVENT SHALL THE DEBTS OF THE CORPORATION BE A DEBT OF THE CITY or CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY; and

NOW, THEREFORE, BE IT RESOLVED, that the City hereby designates the Corporation as an on behalf of issuer of the City for the purposes of issuing bonds to assist the Leake and Watts Project with the authority to exercise on the City's behalf any lawful powers as may be deemed necessary to accomplish its public purposes including to enhance, create and preserve employment opportunities for residents of the City, which such powers shall include, but not be limited to, those powers described in N-PCL Section 1411 and the Corporation's Certificate of Incorporation, with the power to issue tax-exempt and taxable bonds, notes or other obligations in furtherance of the Corporation's purposes, provided however that any obligations issued by the Corporation shall never be a debt of the State of New York, the City or any political subdivision thereof and neither the State of New York, the City or any political subdivision thereof shall be liable thereon; and be it

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**RESOLUTION NO.55-2014 (CONTINUED)**

FURTHER RESOLVED, that this resolution shall take effect immediately.

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**RESOLUTION NO.56-2014**

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

A RESOLUTION APPROVING THE CONVEYANCE OF CERTAIN CITY-OWNED PROPERTY TO THE YONKERS COMMUNITY DEVELOPMENT AGENCY

WHEREAS, the City Council of the City of Yonkers, pursuant to Resolution No. 148-2009, approved the principal terms and conditions of an Urban Renewal Land Disposition Agreement ("LDA") between the City of Yonkers, the Yonkers Community Development Agency ("YCDA"), the Yonkers Industrial Development Agency ("YIDA"), the Yonkers Economic Development Corporation ("YCDA Affiliate"), New Main Street Development Corporation ("NMSDC"), and Struever, Fidelco, Cappelli, LLC ("SFC"), to allow, *inter alia*, for the conveyance of certain properties (the "development parcels") for urban renewal purposes; and

WHEREAS, one such development parcel is identified as the old Yonkers Public Library ( the "Old Library property"), known by the street address 5-7 Main St. and identified as Section 2, Block 2003, Lots 24 and 37 on the Official Tax Map of the City of Yonkers; and

WHEREAS, pursuant to the LDA, SFC held an option, since exercised through its affiliate, Fleet Mill Street LLC, to acquire the Old Library property for urban renewal purposes, pursuant to a proposal approved by the YCDA by Resolution No. 8-2010; and

WHEREAS, a portion of the Old Library property known as Lot 24 at Section 2, Block 2003, has been discovered to be in title to the City of Yonkers, having been acquired via 1986 In Rem tax foreclosure; and

WHEREAS,, the transfer of Lot 24 at Block 2003 to YCDA is required to complete the proposed redevelopment of the Old Library property, as previously authorized by the City Council, pursuant to Resolution No. 148-2009.

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

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**RESOLUTION NO.56-2014 (CONTINUED)**

Section 1. The Mayor is hereby authorized to transfer and otherwise convey to the YCDA the real property identified as Section 2, Block 2003, Lot 24 on the Official Tax Map of the City of Yonkers.

Section 2. This resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MAY 27, 2014 BY A VOTE OF 6-0. COUNCILMEMBER JOHNSON WAS ABSENT.

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**RESOLUTION NO.57-2014**

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

RESOLUTION DIRECTING THE PREPARATION OF AN INTERVENOR APPLICATION ON BEHALF OF THE PLAINTIFFS IN NEW YORKERS FOR STUDENTS' EDUCATIONAL RIGHTS (NYSER) V. STATE OF NEW YORK

WHEREAS, the Council of the City of Yonkers has previously transmitted resolutions in 2011, 2009 and 2006 to the State of New York requesting that the inequities in the State education funding formula which affect the City of Yonkers be addressed that have gone unheeded; and

WHEREAS, the State Education aid formula continues to shortchange the City of Yonkers and the Yonkers Public School System vis-à-vis the other three big second-class cities, Buffalo, Rochester and Syracuse by providing school funding for each student from Yonkers at a rate that is at least \$3,000 per year less than that provided to each student from Buffalo, Rochester and Syracuse; the State funding formula is clearly systematically unfair, detrimental, and disparate; and

WHEREAS, for the past four years, the State has starved the school systems through the Gap Elimination Adjustment in order to create a two billion dollar surplus further compounding the funding shortfall; and

WHEREAS, the situation has become so egregious, that according to the Buffalo News, property taxpayers in Yonkers, fund 41 percent of the school system's budget, while, Buffalo taxpayers, by contrast, now fund only about 8 percent of the city school district budget; and

WHEREAS, we owe it to our children to correct these inequities; and

WHEREAS, New Yorkers for Students' Educational Rights represents the interests of students and their families; it is a coalition comprised of major statewide organizations, parent groups, and advocacy groups, including the New York State Parent Teachers Association, the New York State School Boards Association, the New York State Council of School Superintendents, the New York State Association of School Business Officials and others; and

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**RESOLUTION NO.57-2014 (CONTINUED)**

WHEREAS, an action titled *New Yorkers for Students' Educational Rights (NYSER) v. the State of New York* has recently been commenced to compel the State of New York to provide all students in the state's public schools the opportunity for a sound basic education that is guaranteed to them by Article XI, § 1 of the New York State Constitution and the decisions of the Court of Appeals in *Campaign for Fiscal Equity Inc. v. State of New York*, 86 N.Y.2d 307 (1995), *Campaign for Fiscal Equity Inc. v. State of New York*, 100 N.Y.2d 893 (2003), and *Campaign for Fiscal Equity Inc. v. State of New York*, 8 N.Y.3d 14 (2006); and

WHEREAS, the issue of helping to ensure equal access to a sound education and the proper funding of our schools is an issue of compelling interest to the people of the City of Yonkers and their duly elected City Council;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby determines that it is in the public interest of the citizens of the City of Yonkers to authorize and approve participation by the City of Yonkers by filing an intervenor application on behalf of the plaintiffs in *New Yorkers for Students' Educational Rights (NYSER) v. the State of New York*;

AND BE IT FURTHER RESOLVED, that the City Council does hereby authorize the Corporation Counsel or his designee to draft an appropriate application to intervene to be filed in the appropriate courts on behalf of the Corporation of the City of Yonkers, to communicate the City Council's position as set forth herein, in connection with *New Yorkers for Students' Educational Rights (NYSER) v. the State of New York*;

AND BE IT FURTHER RESOLVED, that the Corporation Counsel or his designee shall complete or cause to be completed any and all such further documents and papers in the name and on behalf of the City of Yonkers as is deemed necessary or appropriate to carry into effect the foregoing section;



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**RESOLUTION NO.57-2014 (CONTINUED)**

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

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**RESOLUTION NO.58-2014**

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

RESOLUTION OF THE COUNCIL OF THE CITY OF YONKERS ISSUING A HOME RULE REQUEST MESSAGE FOR SENATE BILL S4707-A AND ASSEMBLY BILL A7134

WHEREAS, Senate Bill S4707-A and Assembly Bill A7134 have been introduced by the New York State Legislature for the purposes of imposing an occupancy tax in the City of Yonkers; and

WHEREAS, a home rule message is required in order to pass these bills, which will then allow the City to adopt local laws providing for their implementation pursuant to the New York State Tax law; and

WHEREAS, the cities of Rye, New Rochelle and White Plains within Westchester County, as well as other Cities throughout the State, have been granted authority to impose this tax as a means of raising additional revenue and the City of Yonkers deserves parity and would benefit greatly from such an increase in revenue;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Yonkers hereby issues this Home Rule Request message for Senate Bill S4707-A and Assembly bill A7134, an act to amend the tax law, in relation to the imposition of an occupancy tax in the city of Yonkers; and providing for the repeal of such provisions upon expiration thereof;

AND BE IT FURTHER RESOLVED, that the copies of this resolution, suitably engrossed, along with all necessary forms, including the Home Rule Request (request by a local government for enactment of a special law) form, be certified and transmitted by the City Clerk to the Legislature of the State of New York requesting the passage of the aforesaid bills to the Home Rule Counsel of the State Senate and the Home Rule Counsel State Assembly pursuant to the rules of the State Senate and the State Assembly.

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COUNCIL PRESIDENT

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**RESOLUTION NO.59-2014**

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

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, 2016

Joseph N. Parente  
37 Deshon Avenue  
Yonkers, New York 10708

AdminAide

RENEWAL

Renee Milligan  
81 Saratoga Avenue 1B  
Yonkers, New York 10705

Account Clerk 2

RENEWAL

Equilla Marie Anderton  
412 North Broadway #3  
Yonkers, New York 10701

Retired

RENEWAL

Laurine Porter  
43 Pier Street  
Yonkers, New York 10705

Office Assistant

RENEWAL

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**RESOLUTION NO.59.-2014 (CONTINUED)**

Lameyci Madison  
9 Lake Avenue 1<sup>st</sup> fl.  
Yonkers, New York 10703

HR Associate

RENEWAL

Jared Scott Newman  
251 Pembroke Drive  
Yonkers, New York 10701

Legislative Aide

NEW

John Livingston Tomlin  
502 Chappaqua Road  
Briarcliff, New York 10510

State Senate Deputy Chief of Staff

NEW

Spencer Anderton  
65 Runyon Avenue  
Yonkers, New York 10710

Custodian

RENEWAL

Rachel Estroff  
7 Davenport Street  
Harrison, New York 10528

State Assembly Member Chief of Staff

RENEWAL

StamatiaThectokatos  
75 Hart Avenue  
Yonkers, New York 10704

Program Coordinator

NEW

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**RESOLUTION NO.59.-2014 (CONTINUED)**

Marcello Humberto Figueroa  
153 Voss Avenue Apartment #1  
Yonkers, New York 10703

Community Liaison

RENEWAL

Corolina Rojas  
231 Stone Avenue  
Yonkers, New York 10701

Lab Tech

NEW

Robert James Voorheis  
10 Belmont Place  
Yonkers , New York 10701

State Assembly District Office Director

RENEWAL

Christine Anita Peters  
55 Bennett Avenue  
Yonkers, New York 10701

ABA Therapist

NEW

Lee O. Smith  
9 Inverness Road  
Yonkers, New York

Renewable Energy

NEW

Lamont OyewaleBadru  
480 Warburton Avenue Apt. AA  
Yonkers, New York 10701

Community Development

NEW

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**RESOLUTION NO.59-2014 (CONTINUED)**

DusanLakic  
4 Sador Lane  
Yonkers, New York 10710

Attorney

NEW

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**COMMITTEE REPORTS**

THIS MEETING WAS ADJOURNED AT 9:10PM