

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, SEPTEMBER 23, 2014

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

TIME: 8:18PM

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 September 10, 2014 approved on motion of Majority Leader Larkin.

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COMMUNICATIONS FROM CITY OFFICIALS

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
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COMMUNICATIONS - GENERALLY

ANNOTATED AGENDA
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COMMITTEE OF THE WHOLE

<u>NAME</u>	<u>ADDRESS</u>	<u>ITEM</u>
JOAN ROBERTSON	YONKERS, NY	9B

ANNOTATED AGENDA
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GENERAL ORDINANCE NO.10-2014

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

A GENERAL ORDINANCE AMENDING CHAPTER 95 OF THE CODE OF THE CITY OF YONKERS ALSO KNOWN AS "WATER SUPPLY" REGARDING PENALTIES.

Be it ordained by the City Council of the City of Yonkers, as follows:

Section 1. Chapter 95 of the Code of the City of Yonkers entitled "Water Supply" is hereby amended, in part by amending § 95-18 thereof entitled "Penalties for offenses.", to read as follows:

"§ 95-18. Penalties for offenses.

Any violation of this chapter shall constitute a Class II offense. A violation of §95-5 shall constitute a Class I offense."

Section 2. This ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 23, 2014 BY A VOTE OF 7-0.

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RESOLUTION NO.97-2014

2. 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 Seventy-Five Thousand Dollars (\$75,000.00) of the action entitled, "Dionisio Collazo, residing at 22 Park Hill Avenue, Yonkers, New York, 10701, plaintiff against THE CITY OF YONKERS, Defendants", for personal injuries and medical expenses arising out of an incident wherein it is alleged that plaintiff's constitutional rights were violated during the course of his arrest on August 5, 2010, 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 Seventy-Five Thousand Dollars (\$75,000.00) in favor of said plaintiff and his attorneys, Emdin & Russell, LLP, 499 Seventh Avenue, Floor 12N, New York, New York 10018.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 23, 2014 BY A VOTE OF 7-0.

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RESOLUTION NO.98-2014

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

WHEREAS, the owner of the property located at 555 Tuckahoe Road, more properly known as Block 4038, Lot 201 on the Tax Assessment Map of the City of Yonkers has submitted an application for a Site Plan Review and a Special Use Permit for the construction and operation of a hotel to the Planning Board which was approved by the Planning Board in accordance with Article VII and Article IX of the Zoning Code of the City of Yonkers; and

WHEREAS, upon review of the application and the record, this City Council believes it to be in the best interest of the City to grant said application.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled, that the proposed Site Plan and Special Use Permit should be granted and;

BE IT FURTHER RESOLVED, that upon the record and findings of the Planning Board, with respect to the application submitted by the property owner, for a Site Plan Review and Special Use Permit, for the construction and operation of a hotel at Block 4038, Lot 201 on the Tax Assessment Map of the City of Yonkers, on the property known as 555 Tuckahoe Road, Yonkers, New York, pursuant to Article VII and Article IX of the Zoning Code of the City of Yonkers, the decision and actions of the Planning Board of the City of Yonkers are hereby approved, and this approval is subject to any conditions set forth in the decision of the Planning Board and;

BE IT FURTHER RESOLVED, that all of the conclusions, findings and conditions of the August 13, 2014, Public Hearings and the Planning Board Resolution of August 13, 2014, are hereby referenced to and made a part hereof; and;

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RESOLUTION NO.98-2014 (CONTINUED)

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, SEPTEMBER 23, 2014 BY A VOTE OF 7-0.

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RESOLUTION NO.99-2014

4. 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 PROPOSED SALE OF CITY OWNED PROPERTY, LOCATED AT 171-173 WARBURTON AVENUE.

WHEREAS, there is pending before the City Council, the proposed Offer to Purchase agreement with Spears Development Corp. for the sale of City owned property located at 171-173 Warburton Avenue, and as further described as Lots 4 & 5 at Block 2099 of Section 2 on the Official Tax Map of the City of Yonkers and,

WHEREAS, the City Council has determined that the proposed lease and sale of property 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.

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RESOLUTION NO.99-2014 (CONTINUED)

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 sale of the property described as Section 2, Block 2099, Lots 4 & 5 on the Official Tax Map of the City of Yonkers and also known as 171-173 Warburton Avenue.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 23, 2014 BY A VOTE OF 7-0.

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RESOLUTION NO.100-2014

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

The Mayor is hereby authorized to sell real property located at 171- 173 Warburton Avenue, and as identified on the Official Tax Map of the City of Yonkers as Section 2, Block 2099, Lots 4 & 5 upon the terms and conditions set forth below and as further contained in the annexed Offer to Purchase Agreement:

Description: Section 2, Block 2099, Lots 4 & 5

Assessed Valuation: \$ 3,800.00

Purchaser: Spears Development Corp.
 175 Warburton Ave.
 Yonkers, New York 10701

Purchase Price: \$ 85,000.00

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 23, 2014 BY A VOTE OF 7-0.

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RESOLUTION NO.101-2014

6. 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 PROPOSED SALE OF CITY OWNED PROPERTY, LOCATED AT 161 WOODWORTH AVENUE.

WHEREAS, there is pending before the City Council, the proposed Offer to Purchase agreement with TCP REALTY LLC for the sale of City owned property located at 161Woodworth Avenue, and as further described as Lot 4 at Block 2102 of Section 2 on the Official Tax Map of the City of Yonkers, and

WHEREAS, the City Council has determined that the proposed lease and sale of property 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.

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RESOLUTION NO.101-2014(CONTINUED)

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 sale of the property described as Section 2, Block 2102, Lot 4 on the Official Tax Map of the City of Yonkers and also known as 161 Woodworth Avenue.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 23, 2014 BY A VOTE OF 7-0.

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RESOLUTION NO.102-2014

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

The Mayor is hereby authorized to sell real property located at 161 Woodworth Avenue, and as identified on the Official Tax Map of the City of Yonkers as Section 2, Block 2102, Lot 4 upon the terms and conditions set forth below and as further contained in the annexed Offer to Purchase Agreement:

Description: Section 2, Block 2102, Lot 4

Assessed Valuation: \$ 3,300.00

Purchaser: TCP Realty LLC
 143 Woodworth Ave.
 Yonkers, New York 10701

Purchase Price: \$ 24,000.00

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 23, 2014 BY A VOTE OF 7-0.

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RESOLUTION NO.103-2014

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

WHEREAS, Mayor Mike Spano has appointed Karen A. Ramos to be the City of Yonkers First Deputy Corporation Counsel; and

WHEREAS, most recently, the First Deputy Corporation Counsel designee has served as an Associate Corporation Counsel for the County of Westchester for five years and prior to that served for nine years as an Assistant County Attorney and then a Senior Assistant County and has extensive experience in drafting commercial, real estate and municipal contracts as well as experience in real estate matters, drafting legislation and supervising in-house and outside counsel; and

WHEREAS, the First Deputy Corporation Counsel designee possesses the necessary education, training, qualifications and experience in governmental administration, and parliamentary practices which will enable her to be successful in this endeavor; and

WHEREAS, the City Charter requires for this appointment a waiver of Section C2-8 be granted; and

WHEREAS, pursuant to Section C3-2(7) of the Charter of the City of Yonkers, the appointment of the First Deputy Corporation Counsel 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 give advice and consent to the appointment of Karen A. Ramos as First Deputy Corporation Counsel and in doing so, the waiver required by Section C2-8 of the Yonkers City Charter be granted; and

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RESOLUTION NO.103-2014 (CONTINUED)

NOW, THEREFORE BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the appointment of Karen A. Ramos as First Deputy Corporation Counsel; and be it

FURTHER RESOLVED, that this Resolution shall effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 23, 2014 BY A VOTE OF 7-0.

ANNOTATED AGENDA
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RESOLUTION NO.104-2014

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

WHEREAS, Mayor Mike Spano has appointed Shannon S. Brady to be the City of Yonkers Second Deputy Corporation Counsel; and

WHEREAS, most recently, the Second Deputy Corporation Counsel designee has served as an Associate County Attorney for the County of Westchester for four years and prior to that served for eight years as an Assistant County Attorney and then a Senior Assistant County Attorney and has extensive federal and state municipal litigation experience as well as experience in handling labor and employment issues and supervising in-house and outside counsel; and

WHEREAS, the Second Deputy Corporation Counsel designee possesses the necessary education, training, qualifications and experience in governmental administration which will enable her to be successful in this endeavor; and

WHEREAS, the City Charter requires for this appointment a waiver of Section C2-8 be granted; and

WHEREAS, pursuant to Section C3-2(7) of the Charter of the City of Yonkers, the appointment of the Second Deputy Corporation Counsel 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 give advice and consent to the appointment of Shannon S. Brady as Second Deputy Corporation Counsel and in doing so, the waiver required by Section C2-8 of the Yonkers City Charter be granted; and

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RESOLUTION NO.104-2014 (CONTINUED)

NOW, THEREFORE BE IT RESOLVED, that that Yonkers City Council hereby gives its advice and consent to the appointment of Shannon S. Brady as Second Deputy Corporation Counsel; and be it

FURTHER RESOLVED, that this Resolution shall effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 23, 2014 BY A VOTE OF 7-0.

ANNOTATED AGENDA
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RESOLUTION NO.105-2014

- 9A. 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 OUTSTANDING DOWNTOWN/WATERFRONT BUSINESS IMPROVEMENT DISTRICT, INC. ("DOWNTOWN BID") FEES RELATED TO COLLINS YONKERS II, LLC, ("COLLINS") ON BEHALF OF THE PROPERTY KNOWN AS HUDSON PARK NORTH.

WHEREAS, the Downtown BID was formed in 2002 and has a current Mission Statement that includes in part the desire to "...to formulate, promote and implement the economic revitalization and general welfare of the District and the City..."; and

WHEREAS, in 2008, Collins developed Hudson Park North and, presently owes the Downtown BID \$318,000.00 in BID fees; and

WHEREAS, Collins through Hudson Park North and its other affiliated properties is otherwise current on BID fees and assessments for all affiliated properties; and

WHEREAS, Collins hereby agrees to pay, and the City hereby agrees to accept, in full settlement of all Downtown BID fees with respect to Hudson Park North through the 2012/2013 tax year the amount of \$318,000 payable as follows: \$18,000 upon execution of a settlement agreement and \$30,000 on each of the next ten anniversary dates of the date of a fully executed settlement agreement (the "Settlement"); and

WHEREAS, the payments Collins shall make as a result of the Settlement shall be made through the City on behalf of the Downtown BID and shall be personally guaranteed by the principal(s) of Collins; and

WHEREAS, Collins and the City wish to enter into the Settlement to avoid the cost and expense of litigation and the delays associated therewith; 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.105-2014 (CONTINUED)

SECTION 2. The City Council hereby approves the Settlement. The City Council hereby authorizes and directs the Mayor or his designee to execute a settlement agreement, with such modifications as the Corporation Counsel may determine necessary to effectuate the purpose and intent of the Settlement, 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 by the Settlement.

SECTION 4. This resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 23, 2014 BY A VOTE OF 7-0.

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RESOLUTION NO.106-2014

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF YONKERS TO
PROCLAIM SEPTEMBER 21ST, 2014 AS THE INTERNATIONAL DAY OF
PEACE IN THE CITY OF YONKERS

WHEREAS, it is quite appropriate, with the current state of the
world, for the City of Yonkers in its infinite wisdom and concern for
humanity to recognize the International Day of Peace, September 21st and
extend it throughout the month of September; and

WHEREAS, the International Day of Peace, also known as World
Peace Day was declared by the United Nations in 1984; and

WHEREAS, the day is dedicated to peace and specifically the
absence of war; and

WHEREAS, hundreds of peace celebrations have taken place
throughout the world by civil society, political and religious organizations;
and

WHEREAS, peace is a state of harmony characterized by the lack
of violent conflict, commonly understood as the absence of hostility; and

WHEREAS, peace also suggests the existence of healthy and
newly healed interpersonal or international relationships, prosperity in the
matters of social or economic welfare, the establishment of equality and
working towards a political environment that serves the true interest of all;
and

WHEREAS, in international relations, peacetime is not only the
absence of war and conflict, but also the presence of cultural and
economic understanding and unity; and

WHEREAS, as the late Statesman Nelson Mandela stated, "Peace
is not just the absence of conflict, peace is the creation of an environment
where all can flourish, regardless of race, color, religion, creed, gender,
class, caste or any other social markers of difference"; and

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RESOLUTION NO.106-2014 (CONTINUED)

WHEREAS, the City Council of Yonkers believes it's important to create an environment of awareness that emphasizes the importance of peace in our City, nation and world; and

NOW IT BE RESOLVED, that that the City Council of Yonkers declares September 21st as International Peace Day in the City of Yonkers and that the intent and purpose of the day be celebrated throughout the month of September.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 23, 2014 BY A VOTE OF 7-0.

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 8:37PM