

**ANNOTATED AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, JANUARY 13, 2015**

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

TIME: 8:04PM

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 (ABSENT)  
          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 December 9, 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

SPEAKERS

NONE

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**SPECIAL ORDINANCE NO.1-2015**

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

A SPECIAL ORDINANCE AUTHORIZING THE MODIFICATION OF AN ENCROACHMENT IN THE RIGHT-OF-WAY AT 100 RUTLAND ROAD SUBJECT TO CERTAIN TERMS AND CONDITIONS.

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

Section 1. Permission is hereby granted to Ann McCormack, as owner (hereinafter "owner") of 100 Rutland Road, Yonkers, New York, being designated as Section 5, 5404, Lot 120, on the Official City of Yonkers Tax Map (the "Property"), to modify, construct and maintain an encroachment upon the City right-of-way located on Rutland Road in accordance with and as shown on a survey to be approved by the City Engineer and the Commissioner of the Bureau of Housing and Buildings.

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

(a) That the entire cost and expense of obtaining and thereafter maintaining the encroachment on 100 Rutland Road shall be paid by the owners, its successors and/or assigns without expense to or contribution by the City of Yonkers, for as long as this encroachment shall remain in force. The encroachment will consist of the construction and maintenance of a wall encroachment west of the western property line commencing 135' north of the southwest corner of the property and continuing north for 65.00' in length, protruding 2.90 over the west property line with dimensions of 4.33" in height and 1.59' in. This wall is in accordance with plans submitted to the Engineering Department by Kulhanek & Plan Land Surveyors, NYS License # 049581.

(b) That neither the approval of the above-referred survey by the appropriate City official, nor the placement of any improvements by the owner of 100 Rutland Road upon said encroachment shall be deemed a waiver, or in any way affect the right, of the City of Yonkers to provide for construction or otherwise improve its right-of-way; provided further that the City of Yonkers reserves the right to assess the property benefited in like manner and in like effect as if approval had not been given by the City of Yonkers. The granting of this permission shall in no way free or release



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**SPECIAL ORDINANCE NO.1-2015 (CONTINUED)**

said owner or any successors or assigns from the payment of any assessment hereafter imposed;

(c) That no permanent improvements will be allowed in the encroachment area;

(d) That the owner, its successors and/or assigns, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City of Yonkers as insured, or as an additional named insured in the amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City with evidence thereof within thirty (30) days of approval of this encroachment;

(e) The City of Yonkers reserves the right to revoke or terminate this permission for whatever reason, upon thirty (30) days written notice to the owner, whenever it may deem such revocation necessary; upon revocation or termination of this permission, the owner, successors or assigns shall immediately remove any improvement placed within said encroachment at the express direction of the City, and at the owners cost and expense;

(f) That the owner, its successors and/or assigns shall, for whatever period this permission remains in effect, save harmless and indemnify the City of Yonkers for any and all claims, actions, suits, judgments, etc., including all costs related to the defense thereof.

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 13, 2015 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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**RESOLUTION NO.1-2015**

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 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.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 13, 2015 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.



**ANNOTATED AGENDA**  
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**RESOLUTION NO.2-2015**

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

EXTENSION OF APPROVAL FOR A SPECIAL USE PERMIT AND SITE PLAN APPLICATION FOR A PROPOSED HOME BASED BUSINESS AT BLOCK 4639, LOT 27, ON THE PROPERTY ALSO KNOWN AS 2054 CENTRAL PARK AVENUE PURSUANT TO ARTICLE VII AND ARTICLE IX OF THE YONKERS ZONING CODE

WHEREAS, the owner of the property located at 2054 Central Park Avenue, more properly known as Block 4639, Lot 27 on the Tax Assessment Map of the City of Yonkers submitted an application for a Site Plan Review and a Special Use Permit for the operation of a home business within a two family house 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 believing it to be in the best interest of the City of Yonkers granted said application; and

WHEREAS, the owner of said property has now requested an extension of time for the Site Plan Review and Special Use Permit, pursuant to §43-102 and §43-112 of the Zoning Code, which would be effective November 12, 2014 through and including November 12, 2015 and said request was approved by the Planning Board on November 12, 2014; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled, hereby states that the proposed extension of time for the Site Plan Review 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 original application submitted by Thomas Haynes, architect, for a Site Plan Review and Special Use Permit, for the operation of a home business within a two family home at Block 4639, Lot 27 on the Tax Assessment Map of the City of Yonkers, on the property known as 2054 Central Park Avenue, 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 regarding the extension of time are hereby approved, and that the City Council hereby approves the extension of time of the Site Plan Review and the Special Use Permit which will be effective November 12, 2014

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**RESOLUTION NO.2-2015 (CONTINUED)**

through and including November 12, 2015, and this approval is subject to the conditions as set forth in the decision of the Planning Board of June 12, 2013, which includes but is not limited to;

- (1) There shall be no other business carried out other than the practice of acupuncture as stated in the application. Any occupation or activity carried out for gain by a resident shall be conducted entirely within the dwelling unit and shall be clearly incidental to the use of the structure as a dwelling. No accessory structures or areas outside the principal structure shall be used for or in connection with the home based business; and
- (2) The exterior of the dwelling as well as the site shall maintain a residential appearance with no differentiation from the exterior as to which portion of the dwelling is being used in connection with the home based business; and
- (3) There shall be no storage of equipment, vehicles or supplies associated with the home based business outside the dwelling; and
- (4) There shall be no display of products visible in any manner from the outside the dwelling, except that (1) non- illuminated nameplate not to exceed one (1) square foot in area mounted flat against the dwelling shall be permitted; and
- (5) The home based business shall be limited to the residents of the dwelling unit and not more than two (2) additional persons on the premises; and
- (6) No more than three (3) clients or customers shall be permitted on site at one time; and
- (7) No equipment shall be used or process conducted which creates noise, vibration, glare, fumes or odors detectable to the normal senses at the boundary line of the premises; and
- (8) No home based business shall be conducted between the hours of 9:00 P.M. and 9:00 A.M.

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**RESOLUTION NO.2-2015 (CONTINUED)**

All of the conclusions, findings and conditions of the November 12, 2014, Planning Board resolution are hereby referenced to and made a part hereof; 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, JANUARY 13, 2015 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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**RESOLUTION NO.3-2015**

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

RESOLUTION APPROVING AN INTER-MUNICIPAL AGREEMENT BY AND BETWEEN THE CITY OF YONKERS AND THE COUNTY OF WESTCHESTER TO PROVIDE EMPLOYEE ASSISTANCE PROGRAM SERVICES

WHEREAS, the County of Westchester desires to cooperate with the City of Yonkers (the "City") to provide services and share resources under Mental Hygiene Law Article 25 (Funding for Substances Abuse Services) and Article 41 (Local and Unified Services);

WHEREAS, the City wishes to enter into an inter-municipal agreement (IMA) with the County to accept/implement said cooperation of services and resources; and

WHEREAS, New York State General Municipal Law Article 5-G, Section 119-0, authorizes municipal corporations and districts to enter into agreements for the performance of various functions.

NOW, THEREFORE, BE IT RESOLVED, that the City be and hereby is authorized to enter into an IMA with the County, acting by and through its Department of Community Mental Health, to provide Employee Assistance Program (EAP) services to the City and be it further

RESOLVED, that the IMA is authorized for a five (5) year term commencing January 1, 2015 and expiring December 31, 2019 at a rate of \$40 per City employee per year; and be it further

RESOLVED, that the fee for 2015 is determined to be \$72,000 based on 1,800 City employees as of December 31, 2014 and that said fee shall be paid upon execution of the IMA and be it further

RESOLVED, that the fee for 2016 through and including 2019 shall be based on a head count supplied by City of Yonkers in December of the preceding year and said fee shall be paid in full in January of each of said years and be it further.



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**RESOLUTION NO.3-2015 (CONTINUED)**

RESOLVED, that the above constitutes a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR Part 617, which is an action determined not to have a significant effect on the environment and therefore does not require further environment review; and be it further

RESOLVED, that Mayor or his authorized designee is hereby empowered to execute all instruments and take all actions reasonable and necessary to effectuate the purposes hereof; and be it further

RESOLVED, that this resolution will take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 13, 2015 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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**RESOLUTION NO.4-2015**

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

WHEREAS, the City of Yonkers and the Service Employees International Union, Local 704 ("SEIU") have recently agreed to changes in the collective bargaining agreement that expired on December 31, 2008; and

WHEREAS, the City of Yonkers and SEIU, wish to continue the Agreement, as modified, for the period beginning January 1, 2009 through and inclusive of December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED, that the collective bargaining agreement in effect between the City of Yonkers and AFSCME, that expired on December 31, 2008, shall be continued for the period of January 1, 2009 through and including December 31, 2008, except as modified by the terms of the attached Stipulation of Agreement and related documents, which is hereby approved.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JANUARY 13, 2015 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.



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**RESOLUTION NO.5-2015**

6. 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 January 31, 2017

Maria Ovalles  
131 Scott Avenue Apartment 1F  
Yonkers, New York 10704

Tax Preparer

RENEWAL

Harold S McKoy II  
22 Ridgeview Avenue  
Yonkers, New York 10710

Self Employed

NEW

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**COMMITTEE REPORTS**

THIS MEETING WAS ADJOURNED AT 8:15PM