

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, APRIL 28, 2015

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

TIME: 8:17PM

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 14, 2015 approved on motion of Majority Leader Larkin.

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COMMUNICATIONS FROM CITY OFFICIALS

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COMMUNICATIONS - GENERALLY

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COMMITTEE OF THE WHOLE

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RESOLUTION NO.40-2015

1. 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 Fourteen Thousand Dollars (\$14,000.00) of the action entitled, "DARLENE MOORE (residing at 31 Runyon Avenue, Unit 1, Yonkers, New York 10701), plaintiff, against THE CITY OF YONKERS, Defendant", for personal injuries and medical expenses arising when claimant alleged a City of Yonkers Police vehicle rear-ended her vehicle on Central Park Avenue on December 27, 2013, 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 Fourteen Thousand Dollars (\$14,000.00) in favor of said plaintiff and her attorneys Getz & Braverman, P.C., as Attorneys for Darlene Moore, 172 East 161st Street, Bronx, New York 10451.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 28, 2015 BY A VOTE OF 7-0.

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RESOLUTION NO.41-2015

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

WHEREAS, the CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY (hereinafter IDA) administers certain funds made available by Yonkers Racing Corporation under Memorandum of Agreement for 2013 Refinancing dated August 14, 2013 and the YIDA Board has determined that the following uses qualify for expenditure of these funds:

- (a) STRIVE/\$225,000 to the City to support anchor entity costs;
- (b) Saunders Robotics Team, National Championships/\$15,000 to the City to fund competitors going to this national event;

WHEREAS, the aforementioned amounts shall be paid to the City for administration by City officials with evidence of disbursement being provided to YIDA for its records; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the CITY OF YONKERS hereby acknowledges and accepts the above described funds to be administered for the above described purposes; and be it further; and

RESOLVED, that this resolution shall take effect immediately.

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RESOLUTION

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

WHEREAS, the YONKERS INDUSTRIAL AGENCY (hereinafter IDA) has generously agreed to donate two hundred and twenty five thousand dollars (\$225,000.00) to the City of Yonkers, for the use of STRIVE to assist anchor entities; and,

WHEREAS, the aforementioned donation is to be used by STRIVE, an empowerment movement working with Yonkers Employment and Training at 164 Ashburton Avenue, Yonkers, N.Y., is to assist the unemployed, not only to develop self-respect but to find and keep a job, through attitudinal and job readiness, skills and training , support services, job placement and follow up with each individual placed in a position.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the CITY OF YONKERS hereby acknowledges and accepts this generous donation from the YONKERS INDUSTRIAL DEVELOPMENT AGENCY; and be it further.

RESOLVED, that this resolution shall take effect immediately.

THE ABOVE LEGISLATION WAS WITHDRAWN BY THE CITY COUNCIL

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RESOLUTION NO.42-2015

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

RESOLUTION APPROVING ACCEPTANCE OF A GIFT MADE TO THE CITY OF YONKERS, ACTING BY AND THROUGH ITS DEPARTMENT OF PARKS, RECREATION AND CONSERVATION

RESOLVED, that the City Council authorizes acceptance of a gift of \$50,000 from Empire City Casino at Yonkers Raceway to the City of Yonkers, acting by and through its Department of Parks, Recreation and Conservation, to fund a July 4th fireworks display; 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.

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RESOLUTION NO.43-2015

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

RESOLUTION AUTHORIZING THE CITY OF YONKERS TO PARTICIPATE IN THE HUD PUBLIC OFFERING AS PART OF THE SECTION 108 LOAN GUARANTEE ASSISTANCE PROGRAM TO REFINANCE THE EXISTING NOTES IN THE ORIGINAL PRINCIPAL AMOUNTS OF \$1,670,000 AND \$1,850,000, FOR THE N-VALLEY TECHNOLOGY CENTER AND THE HFAH STATION PLAZA, INC. PROJECTS, RESPECTIVELY.

WHEREAS, the City of Yonkers, by Resolution authorized an application seeking loan guarantee assistance under Section 108 of the Housing and Community Development Act of 1974, as amended, from the United States Department of Housing and Urban Development ("HUD"), and did authorize the Commissioner of the Department of Planning and Development to execute the documents necessary to accomplish the transaction, and did accept HUD's guarantee of Section 108 Series 2002-A note numbers B-01-MC-36-0112 and B-02-MC-36-0112 for the N-Valley Technology Center project and the HFAH Station Plaza, Inc. project under Section 108 Contracts for Loan Guarantee Assistance dated 2002; and

WHEREAS, the assistance provided by HUD was the guarantee of two notes in the original principal amounts of \$1,670,000 and \$1,850,000, respectively, plus interest thereon; and

WHEREAS, HUD has notified the City of Yonkers that a public offering will occur in May 2015, and to participate, the City of Yonkers must immediately notify HUD of its intention to refinance all or a portion of its existing Section 108 commitment through the public offering; and

WHEREAS, HUD may require, as a condition of participation in the public offering, that the City of Yonkers execute documents related to the transaction, and whereas the City of Yonkers has previously agreed to pay the City of Yonkers share, as determined by HUD, of the customary and usual issuance, underwriting, and other costs related to the public offering and future administration of the Note and the trust certificates; and

WHEREAS, it is economically sound and in the best interest of the City of Yonkers to accept more favorable fixed rates of interest under the

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Section 108 Loan Guarantee program offered by HUD under the public offering;

RESOLUTION NO.43-2015 (CONTINUED)

NOW THEREFORE BE IT RESOLVED BY the City Council of the City of Yonkers, the Commissioner of the Department of Planning and Development, or her duly authorized agent, shall notify HUD of the City of Yonkers's desire to participate in the May 2015 public offering by HUD through the loan guarantee assistance program under Section 108 of the Housing and Community Development Act of 1974, as amended, for the existing obligations B-01-MC-36-0112 and B-02-MC-36-0112 in the original principal amounts of \$1,670,000 and \$1,850,000, respectively, and to refinance the original principal amounts of \$1,670,000 and \$1,850,000, respectively, at such rates of interest that will be determined by HUD at the time of the public offering.

BE IT FURTHER RESOLVED HEREBY, the Commissioner of the Department of Planning and Development is authorized to execute the necessary documents as required by HUD to refinance the existing guaranteed Section 108 Notes, and to execute such other documents, contracts, amendments and agreements with HUD, and to authorize payment of any required fees, as may be necessary to effectuate this refinancing transaction.

This resolution shall be effective from and after the date of its adoption, this 28th day of April, 2015.

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RESOLUTION NO.44-2015

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

RESOLUTION OF THE COUNCIL OF THE CITY OF YONKERS
MEMORIALIZING THE YONKERS STATE LEGISLATIVE DELEGATION
TO INTRODUCE LEGISLATION IN RELATION TO TIME
REQUIREMENTS FOR DISABILITY RETIREMENTS

WHEREAS, for many years our brave first responders including police and fire officers have been allowed to languish during their hour of need; and

WHEREAS, these are men and women who have placed themselves in harm's way to protect our health safety and welfare; and

WHEREAS, these individuals have suffered serious physical injuries in the line of duty; and

WHEREAS, the suffering of these individuals and their families has been exacerbated by lengthy proceedings under section 207 the general municipal law; and

WHEREAS, these proceedings are in effect an unfunded mandate that overburdens municipalities and harms our first responders by forcing them to wait years for a decision on claims; and

WHEREAS, the damage is twofold as the City bears the cost of paying overtime to cover the disabled officer's shift and the officer and their family bears the cost of financial uncertainty; and

WHEREAS, these proceedings regularly take two (2) full years to resolve; and

WHEREAS, section 363 of the retirement & social security law, governing the procedure for these determinations, lacks any statutory time limit for a determination to be made after the date an application was filed; and

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WHEREAS, this system is unfair and detrimental to both municipalities and workers who have been injured in the line of duty; and

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RESOLUTION NO.44-2015 (CONTINUED)

WHEREAS, the Comptroller should decide more quickly whether injured first responders are entitled to disability retirement, which would save taxpayers millions of dollars by trimming bureaucratic delays;

NOW, THEREFORE, BE IT RESOLVED, that this Legislative Body pause in its deliberations to memorialize the Yonkers State Legislative Delegation to introduce legislation imposing a requirement that the comptroller make a determination within one hundred eighty days from the date an application was filed in an accidental disability or performance of duty disability retirement proceeding;

AND BE IT FURTHER RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to State Senator George Latimer, State Senator Andrea Stewart-Cousins, Assemblywoman Shelley Mayer and Assemblyman J. Gary Pretlow.

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RESOLUTION NO.45-2015

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

RESOLUTION APPROVING AN INTER-MUNICIPAL AGREEMENT BETWEEN THE CITY OF YONKERS, BY AND THROUGH ITS POLICE DEPARTMENT AND THE New York State Attorney General's Office relating to Language Access Services for Persons of Limited English Proficiency.

WHEREAS, the City of Yonkers, by and through its Police Department ("YPD") and the New York State Attorney General's Office desire to memorialize their commitment to implementing and maintain policies, procedures and training protocols to help ensure that individuals of Limited English Proficiency (LEP) are provided meaningful access to YPD services regardless of the individual's LEP status;

NOW, THEREFORE, BE IT RESOLVED, that the Letter Agreement, dated June 2014 between the New York State Attorney General's Office and the YPD is approved and that the City of Yonkers Commissioner of Police be and the same is hereby authorized to execute said Inter-Municipal Agreement; and be it further

RESOLVED, that this resolution will take effect immediately.

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RESOLUTION NO.46-2015

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

RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE TO AUTHORIZE THE DISCONTINUANCE OF CERTAIN PARKLAND LOCATED AT 1703 CENTRAL PARK AVENUE (REAR) (SECTION 4, BLOCK 4450, LOT 60) ("PROPERTY")

WHEREAS, the Property is a landlocked park situated southwest of the apartment buildings located on Balint Drive; and

WHEREAS, the City came into title by virtue of a deed dated May 24, 1945 in which Theodore Murin, the Referee in an action between the City of Yonkers and Lawyer's Westchester Mortgage & Title Company et. al.

WHEREAS, the deed was recorded in the office of the Clerk of the County of Westchester, Division of Land Records, on June 8, 1945 in Liber 4261 of deeds at page 355; and

WHEREAS, on September 13, 2004, the City's Parks, Recreation and Conservation Board, among other things, voted to recommend the divestment of the Property as a park as it was unusable for meaningful recreation purposes; and

WHEREAS, the Carriage House Owners Corporation ("Carriage House"), a cooperative located in the near vicinity of the Property, has indicated an interest to purchase the Property for use as a parking lot for the residents of the cooperative; and

WHEREAS, it the intention of the City to dedicate new parkland and/or dedicate the difference of the fair market value of the sale of the Property to the acquisition of additional parkland and/or capital improvements to existing parkland; and

NOW, THEREFORE, BE IT RESOLVED, that the Yonkers City Council respectfully requests the introduction of State Legislation to authorize the alienation of the Property so that it may be sold to the Carriage House for the stated use; and be it further

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RESOLUTION NO.46-2015 (CONTINUED)

RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to the City's state legislative delegation; 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 28, 2015 BY A VOTE OF 7-0.

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RESOLUTION NO.47-2015

9. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, COUNCILMEMBERS SHEPHERD AND BREEN:

WHEREAS, the City of New York is the owner of real property (the "Land") and improvements (the "Improvements") thereon located at 59 Babcock Place, Yonkers, New York, comprising Section 2, Block 2620, Lot 50 (the Land and Improvements are together the "Property"); and

WHEREAS, the Improvements include a bus depot, consisting of parking facilities, an operations building and a maintenance building, and other facilities to house, maintain and operate a fleet of passenger buses for public transportation; and

WHEREAS, prior to the City of New York acquiring the Property, Liberty Lines Express, Inc. operated from the Property a passenger bus service business; and

WHEREAS, the City of New York leases the Property to the MTA Bus Company ("MTA Bus"), a subsidiary of the Metropolitan Transportation Authority, for the purpose of MTA Bus operating omnibus routes from the property (the "MTA Bus Service"); and

WHEREAS, the City of New York has leased the Property to MTA Bus and MTA Bus does operate the MTA Bus Service from the Property; and

WHEREAS, the Property is part of a former industrial area, located adjacent to the Hudson River, and is in desperate need of redevelopment for our City; and

WHEREAS, the City of New York's current ownership of the Property prevents a roadway from being built that would otherwise serve the redevelopment of that area of the City; and

WHEREAS, the City desires to acquire a portion of the Property for the purpose of transferring it to the City of Yonkers Industrial Development Agency or the Yonkers Community Development Agency as part of a redevelopment plan for the surrounding area; and

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RESOLUTION NO.47-2015 (CONTINUED)

WHEREAS, the City of New York refuses to transfer the Property, unless an exorbitant purchase price is borne by either the City of Yonkers or the site developer; and

WHEREAS, the City may acquire real property by eminent domain, for any public or municipal use or purpose or for the promotion of public utility, comfort, health, enjoyment, or adornment; and

WHEREAS, the City of Yonkers is left with no other alternative but to acquire, by eminent domain, a portion of the Property which does not materially interfere with the existing use of the Property by MTA Bus; and now therefore be it

RESOLVED, that the Council of the City of Yonkers calls upon the Mayor of the City of Yonkers to acquire through eminent domain, so much of the Property as may necessary to ensure the unobstructed access necessary for the completion of the Alexander Street roadway and access.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 28, 2015 BY A VOTE OF 4-3. MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON & PINEDA VOTING "NAY"

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 8:50PM