

AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JANUARY 28, 2020



Committee of the Whole 6:30 P.M.
Stated Meeting 7:00 P.M.
City Council Chambers

TIME: _____

PRESENT: PRESIDENT OF THE COUNCIL
 MIKE KHADER

DISTRICT:

 2 MAJORITY LEADER CORAZON PINEDA-ISAAC
 5 MINORITY LEADER MICHAEL B. BREEN

COUNCIL MEMBERS:
DISTRICT:

 1 SHANAE V. WILLIAMS
 3 TASHA DIAZ
 4 JOHN RUBBO
 6 ANTHONY MERANTE

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 January 14, 2020 approved on motion of Majority Leader Pineda-Isaac.

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PUBLIC HEARING NOTICE

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, January 28, 2020 at 7:00 P.M. in the City Council Chambers, 40 South Broadway, Yonkers, New York on the following General Ordinance, to wit:

PROPOSED GENERAL ORDINANCE

A PROPOSED A GENERAL ORDINANCE AMENDING CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF YONKERS, AND THE ACCOMPANYING ZONING MAP BY AMENDING SAID MAP BY CHANGING THE ZONE CLASSIFICATION OF CERTAIN PARCELS BOUNDED BY GOLD STREET AND POINT STREET FROM A "B" AND "A" ZONE TO AN "A" AND "MG" ZONE.

VINCENT SPANO
City Clerk

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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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SPECIAL ORDINANCE

1. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

A SPECIAL ORDINANCE AUTHORIZING AN ENCROACHMENT IN THE RIGHT-OF-WAY ON CASSILIS AVENUE, 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 Steven and Stephanie Fiedler, owners of 113 Cassilis Avenue, Yonkers, New York 10708 (the "property owners"), also known as Section 5, Block 5618, Lot 8, on the Official City Tax Map, to construct and maintain an encroachment, to allow for the continued placement of a storage shed, upon the City right-of-way located on Cassilis Avenue in accordance with and as shown on a survey, to be approved by the City Engineer;

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

- (a) The entire cost and expense of obtaining and thereafter maintaining the encroachment on Cassilis Avenue shall be paid by the property owners, their successors and/or assigns without expense to or contribution by the City of Yonkers;
- (b) Neither the approval of the above-referred survey by the appropriate city official, nor the placement of any improvements by the property owners of 113 Cassilis Avenue upon said encroachment area 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. That the granting of this permission shall in no way free or release said property owners or any successors or assigns from the payment of any assessment hereafter imposed;
- (c) Other than the storage shed, no other permanent improvements will be allowed on, above or under the encroachment area;

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SPECIAL ORDINANCE (CONTINUED)

(d) The property owners, or their successors, assigns, and agents, 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 of Yonkers with evidence thereof within thirty (30) days of approval of this permission to encroach;

(e) The City of Yonkers reserves the right to revoke or terminate this permission to encroach 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 property owners, their successors and/or assigns shall immediately remove any improvement placed within said encroachment at the express direction of the City of Yonkers, at the property owners' cost and expense;

(f) The property owners, their 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, demands, losses, damages, causes of action, including personal injury and/or death, including all costs related to the defense thereof.

(g) The City of Yonkers or authorized representatives shall be permitted entry upon the area of encroachment at any time and for any reason.

Section 3. This ordinance shall take effect immediately.

**INTRODUCER'S MEMORANDUM
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

SPONSOR: Paul Summerfield City Engineer.

TITLE OF BILL: A Special Ordinance for an encroachment in the City of Yonkers right of way at 113 Cassilis Avenue.

PURPOSE: To allow for an encroachment to conditionally remain in the right of way by approval of a Special Ordinance.

SUMMARY OF SPECIFIC PROVISIONS: See letter of explanation attached to take effect upon City Council approval of Special Ordinance.

JUSTIFICATION: Separate letter attached.

IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS: None.

CRIMINAL SANCTION IMPACT: None.

LEGISLATIVE HISTORY: Legalization of Encroachments.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This Special Ordinance will take effect upon date of approval by the City Council.

FISCAL IMPACT STATEMENT
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER

SUBJECT: Encroachment 113 Cassilis Avenue NO FISCAL IMPACT PROJECTED

BUDGET IMPACT

(To be completed by operating department and reviewed by Finance Department)

A) General Fund Board of Education Special Revenue fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: 0

Total Current Year Revenue: 0

Source of Funds (Check one): Current Appropriations Additional Appropriations
 Transfer of Existing Appropriations Fee/Fine/Tax/Other (Explain)

Identify Accounts: W/A

Potential Related Operating Budget Expenses: Annual Amount: \$ _____

Describe:

Potential Related Revenues: Annual Amount: \$ _____

Current Year:

Next 5 years:

Anticipated Savings: Annual Amount: \$ _____

Current Year:

Next 5 years:

C) FISCAL IMPACT

Potential for additional personnel: None

Prepared By: Paul Summerfield

Title: City Engineer

Department: Engineering

Signature: 

Reviewed By: _____
FINANCE DEPARTMENT

Signature: _____

Date: _____

If you need more space, attach additional sheets.

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SPECIAL ORDINANCE

2. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

A SPECIAL ORDINANCE AUTHORIZING ACCEPTANCE OF FUNDING FROM THE COUNTY OF WESTCHESTER IN THE AMOUNT OF \$6,200,000 AND AMENDING THE CITY OF YONKERS GRANT BUDGET FOR FISCAL YEAR 2019/2020.

The City of Yonkers hereby ordains and enacts:

Section 1: The County of Westchester has authorized funding of \$6,200,000, to the City of Yonkers, towards improvements to be made to the Hudson River Museum pursuant to that Certain Intermunicipal Agreement between the City and the County.

Section 2: The Mayor of the City or his authorized designee is hereby empowered to execute any and all instruments and take such other actions as may be necessary to effectuate the purposes hereof.

Section 3: The City's Grant Budget for fiscal year 2019/2020 is hereby amended by increasing revenues and appropriations for the Hudson River Museum, as follows:

Increase Estimated Revenues

County of Westchester HRM Funding	\$6,200,000
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Increase Estimated Expenses

County of Westchester HRM Funding	\$6,200,000
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Section 4: The above constitutes a "Type II" action under SEQRA and its implementing regulations, 6 NYCRR Part 617, which constitute an action determined not to have a significant effect on the environment and therefore requiring no further environmental review.

Section 5: This ordinance shall take effect immediately.

**INTRODUCER'S MEMORANDUM
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

SPONSOR: Hudson River Museum

TITLE OF BILL: A SPECIAL ORDINANCE AUTHORIZING ACCEPTANCE OF FUNDING FROM THE COUNTY OF WESTCHESTER IN THE AMOUNT OF \$6,200,000 AND AMENDING THE CITY OF YONKERS GRANT BUDGET FOR FISCAL YEAR 2019/2020.

PURPOSE: Amend the 2019/2020 grant budget to accept the grant funding.

SUMMARY OF SPECIFIC PROVISIONS: Same as above.

JUSTIFICATION: required to receive funding.

IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS: N/A.

CRIMINAL SANCTION IMPACT: N/A.

LEGISLATIVE HISTORY: N/A

FISCAL IMPLICATIONS: Positive

EFFECTIVE DATE: Immediate.

SUBJECT: A SPECIAL ORDINANCE AUTHORIZING ACCEPTANCE OF FUNDING FROM THE COUNTY OF WESTCHESTER IN THE AMOUNT OF \$6,200,000 AND AMENDING THE CITY OF YONKERS GRANT BUDGET FOR FISCAL YEAR 2019/2020.

NO FISCAL IMPACT PROJECTED

BUDGET IMPACT

A) General Fund Board of Education Special Revenue fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: _____

Total Current Year Revenue: _____

Source of Funds (Check one): Current Appropriations Additional Appropriations Transfer of Existing Appropriations Fee/Fine/Tax/Other (Explain)

Identify Accounts:

Potential Related Operating Budget Expenses: Annual Amount:\$0

Describe:

Potential Related Revenues: Annual Amount:\$0

Current Year:

Next 5 years:

Anticipated Savings: Annual

Amount:\$ _____

Current Year:

Next 5 years:

C) FISCAL IMPACT

Potential for additional personnel: _____

Prepared By: R Kravitz

Title: Assoc Corp Counsel

Department: Law

Signature: /s/ R.Kravitz

Reviewed By: John Liszewski
FINANCE DEPARTMENT

Signature: /s/ John Liszewski

Date: ., 2020

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RESOLUTION

3. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of Ninety Thousand Dollars (\$90,000.00) of the action entitled, "A.B. i/b/m Elizabeth Perez, residing at 100 Herriot Street, Yonkers, New York, 10701, plaintiffs against THE CITY OF YONKERS, Defendants", for personal injuries and medical expenses arising out of an alleged accident alleging that on June 6, 2016 the infant Plaintiff sustained injuries while attending the Cedar Place Elementary School in the City of 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 Thirty Thousand Dollars (\$30,000.00) in favor of said plaintiff and their attorneys, Zlotolow & Associates, P.C., 270 West Main Street, Sayville, New York 11782 for attorneys claim for compensation; a second check in the amount of Seven Thousand One Hundred Ninety Dollars (\$7,190.00) to Zlotolow & Associates, P.C. at the aforementioned address for their costs and disbursements; and a third check in the amount of Fifty-Two Thousand Eight Hundred Ten Dollars (\$52,810.00) to Elizabeth Perez as parent and natural guardian of infant A.B. jointly with an officer of Municipal Credit Bank, located at 38 South Broadway, Yonkers, New York 10701.

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4. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

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 "Yamile Nevarez versus City of Yonkers, Defendant," for personal injuries arising from a City of Yonkers Sanitation vehicle crashing into the Yonkers Union Car Service, which caused serious injury to claimant's person, on December 21, 2015, at Nepperhan Avenue, be and the same is hereby approved, and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of Ten Thousand and 00/100, Dollars (\$10,000.00) in favor of said plaintiff Yamile Nevarez, and her attorneys, Yadgarov & Associates, PLLC.

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5. BY COUNCIL PRESIDENT KHADER; MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YONKERS AUTHORIZING THE INITIATION OF THE REVIEW PROCESS TO DETERMINE WHETHER A CERTAIN PUBLIC STREET SHALL BE DISCONTINUED

WHEREAS, the City Council of the City of Yonkers received an inquiry and request to discontinue the portion of Old Saw Mill River Road between the southern boundary of the tax lot designated on the Official Tax Map of the City of Yonkers (the "Official Tax Map") as Section 3, Block 3245, Lot 469 and the northern boundaries of the tax lots designated on the Official Tax Map as Section 3, Block 3245, Lots 475 and 477. The portion of Old Saw Mill River Road at issue is shaded in blue in Appendix A, which is annexed hereto; and

WHEREAS, initiating and undertaking the review process whereby information is gathered by various City departments to determine the proper conclusion of such request is required prior to the introduction of a special ordinance that would discontinue as a public street this portion of Old Saw Mill Road.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby authorizes the City Clerk to initiate the review process to determine if it would be in the best interests of the City of Yonkers to discontinue as a public street Old Saw Mill River Road between the southern boundary of the tax lot designated on the Official Tax Map as Section 3, Block 3245, Lot 469 and the northern boundaries of the tax lots designated on the Official Tax Map as Section 3, Block 3245, Lots 475 and 477 as depicted and shaded in blue in Appendix A, which is annexed hereto; and

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

**INTRODUCER'S MEMORANDUM
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

SPONSOR: Council Member Anthony J. Merante

TITLE OF BILL: Resolution authorizing the initiation of the review process to evaluate the discontinuance as a public street of a certain portion of Old Saw Mill River Road.

PURPOSE: To determine if the proposed street discontinuance is in the City's best interests.

SUMMARY OF SPECIFIC PROVISIONS: None

JUSTIFICATION: Legislation is required to initiate the review process.

IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS: None.

CRIMINAL SANCTION IMPACT: None.

LEGISLATIVE HISTORY: None.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This law will take effect immediately.

BUDGET IMPACT STATEMENT
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER

SUBJECT: A RESOLUTION BY THE CITY COUNCIL OF YONKERS INITIATING THE REVIEW PROCESS FOR THE DISCONTINUANCE OF A PROTION OF OLD SAW MILL RIVER ROAD AS DESCRIBED IN THE RESOLUTION AND SHADED IN BLUE IN APPENDIX A ANNEXED HERETO.

■ NO FISCAL IMPACT PROJECTED

BUDGET IMPACT

(To be completed by operating department and reviewed by Finance Department)

A) General Fund Board of Education Special Revenue fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: _____

Total Current Year Revenue: _____

Source of Funds (Check one): Current Appropriations Additional Appropriations

Transfer of

Existing Appropriations Fee/Fine/Tax/Other (Explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount: \$ _____

Describe:

Potential Related Revenues: Annual Amount: \$ _____

Current Year:

Next 5 years:

Anticipated Savings: Annual Amount: \$ _____

Current Year:

Next 5 years:

C) FISCAL IMPACT

Potential for additional personnel: _____

Prepared By: Hon. Anthony Merante

Title: Councilmember

Department: City Council

Signature: _____

Reviewed By: _____

FINANCE DEPARTMENT

Signature: _____

Date: _____

If you need more space, attach additional sheets.

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RESOLUTION

6. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

RESOLUTION OF THE CITY COUNCIL OF YONKERS CONDEMNING ANTI-SEMITISM, DISCRIMINATION AND BIGOTRY AGAINST ALL MINORITIES.”

WHEREAS, the City of Yonkers is home to many Jewish people and Jewish houses of worship; and

WHEREAS, the United States Department of State uses the "working definition" of anti-Semitism as "a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities"; and

WHEREAS; according to the Anti-Defamation League, the number of anti-Semitic incidents in the United States rose 57% from 2016 to 2017; and

WHEREAS, in 2017, the Federal Bureau of Investigation reported a 37% increase in hate crimes against Jewish people and institutions, and found that attacks against Jewish people and institutions made up 58.1% of all religious-based hate crimes; and

WHEREAS, the New York metropolitan area is home to one of the largest Jewish communities in the United States of America; and

WHEREAS, the health, safety, and welfare of all residents of Yonkers is of the utmost importance to the City of Yonkers; and

WHEREAS, the increase in violent attacks on Jewish people in the United States, including the recent shootings in Pittsburgh, Pennsylvania and Poway, California, Jersey City and the very recent attack in nearby Monsey, New York, are tragic evidence of the anti-Semitism and bigotry that exists in our country; and

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RESOLUTION (CONTINUED)

WHEREAS, the City of Yonkers stands against anti-Semitism in all its forms, and against discrimination and bigotry against all minorities;

NOW IT BE RESOLVED, that this Legislative Body stands against anti-Semitism, bigotry, and discrimination in all its forms and reaffirms our commitment to the health, safety, and welfare of all residents.

**SPONSOR'S MEMORANDUM
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

SPONSOR: MAJORITY LEADER PINEDA-ISAAC

TITLE OF BILL: RESOLUTION OF THE CITY COUNCIL OF YONKERS
CONDEMNING ANTI-SEMITISM, DISCRIMINATION AND BIGOTRY AGAINST ALL
MINORITIES.”

PURPOSE: To condemn anti-Semitism, discrimination and bigotry against all minorities.

SUMMARY OF SPECIFIC PROVISIONS: all re: condemning anti-Semitism, discrimination
and bigotry against all minorities

JUSTIFICATION: condemning anti-Semitism, discrimination and bigotry against all
minorities, in light of recent attacks on communities.

IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS: N/A

CRIMINAL SANCTION IMPACT: None

LEGISLATIVE HISTORY: N/A

FISCAL IMPLICATIONS: Neutral

EFFECTIVE DATE: This resolution shall take effect immediately.

**FISCAL IMPACT STATEMENT
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

SUBJECT: RESOLUTION OF THE CITY COUNCIL OF YONKERS CONDEMNING ANTI-SEMITISM, DISCRIMINATION AND BIGOTRY AGAINST ALL MINORITIES.”
■ NO FISCAL IMPACT PROJECTED

BUDGET IMPACT

(Completed by operating department and reviewed by Finance Department or Council Staff)

A) General Fund Board of Education Special Revenue fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: _____

Total Current Year Revenue: _____

Source of Funds (Check one): Current Appropriations Additional Appropriations

Transfer of Existing Appropriations Fee/Fine/Tax/Other (Explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount: \$ _____

Describe: _____

Potential Related Revenues: Annual Amount: \$ _____

Current Year: _____

Next 5 years: _____

Anticipated Savings: Annual Amount: \$ _____

Current Year: _____

Next 5 years: _____

C) FISCAL IMPACT

Potential for additional personnel: _____

Prepared By: Hon. Pineda Isaac

Title: Majority Leader

Department: City Council

Reviewed By: _____

FINANCE DEPARTMENT

Signature: _____

Signature: _____

Date: _____

If you need more space, attach additional sheets.

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COMMITTEE REPORTS