

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, SEPTEMBER 25, 2018**



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:

                  3           MAJORITY LEADER MICHAEL R. SABATINO  
                  5           MINORITY LEADER MICHAEL B. BREEN

COUNCIL MEMBERS:  
DISTRICT:

                  1           SHANAE V. WILLIAMS  
                  2           CORAZON PINEDA - ISAAC  
                  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 September 12, 2018 approved on motion of Majority Leader Sabatino.

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COMMUNICATIONS FROM CITY OFFICIALS

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**COMMUNICATIONS - GENERALLY**

A petition to Amend the Zoning Code of the City of Yonkers  
13 Culver Street, Section 330, Block 129, Lot 26, and a portion of 372  
Riverdale Ave, Section 330, Block 29, Lot 30

**PETITION ON DESK**

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**COMMITTEE OF THE WHOLE**

**AGENDA**  
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**LOCAL LAW**

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

LOCAL LAW AUTHORIZING THE CONVEYANCE OF A PERMANENT ACCESS EASEMENT OVER CITY-OWNED LAND AT CRESCENT PLACE TO 1219 YONKERS AVE, LLC

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

Section 1. General City Law Section 23 and Second Class Cities Law Section 37 are hereby superseded to the extent herein, provided as follows:

1219 Yonkers Ave LLC, c/o Aubrey Capital, 405 Lexington Avenue, New York, New York 10174, has expressed an interest to the City of Yonkers acquire a permanent easement over city-owned land known as Section 6, Block 6383, Lots 200, 201 & 203 on the Official Tax Map of the City of Yonkers, to provide for an access driveway to connect its proposed development (Kimball Residences) located at Yonkers Avenue and Bronx River Road, to Crescent Place, and which land is not currently being used nor has it been designated for specific use in the future nor can it be utilized by the City of Yonkers for its intended municipal purpose and is thereby considered surplus; and

The City Council of the City of Yonkers hereby authorizes the Mayor to execute an access easement agreement containing substantially the same terms and conditions as set forth below with 1219 Yonkers Ave LLC for the grant of the permanent access easement. The terms and conditions as set forth below are hereby approved by the City Council, as the grant of this permanent easement as stated hereinabove would be in the best interest of the City.

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**LOCAL LAW (CONTINUED)**

Section 2. The cost to 1219 Yonkers Ave LLC for the grant of the permanent easement will be One Hundred Sixty Thousand Dollars (\$ 160,000.00), and other good and valuable consideration, subject to the following express terms and conditions:

1. The grant of easement to 1219 Yonkers Ave LLC shall be non-exclusive;
2. City shall not interfere with the right of 1219 Yonkers Ave LLC to utilize said easement nor shall 1219 Yonkers Ave LLC interfere with the City's (or its assigns', licensees' or permittees') use of its property.
3. 1219 Yonkers Ave LLC shall be responsible, at its sole cost and expense, for improving, maintaining and repairing the easement area in a reasonably smooth, drivable condition and for ensuring that the easement area remain generally free from any obstruction, including snow, ice or debris. Any improvements to the easement area shall be subject to City approval. 1219 Yonkers Ave LLC shall be responsible for all costs imposed for the required curb cut at the entrance of the easement area.
4. 1219 Yonkers Ave LLC shall be required to procure and maintain general liability insurance at minimum limits acceptable to Corporation Counsel in addition to providing a general indemnity to the City.
5. Closing to take place shortly after approval by City Council at which time, the \$160,000.00 consideration to the City will be due.
6. The Mayor or his authorized designee shall negotiate such other terms and conditions which are in the best interest of the City of Yonkers.

Section 3. This local law shall take effect as provided by law.

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

**SPONSOR:** City of Yonkers Department of Planning & Development

**TITLE OF BILL:** A LOCAL LAW AUTHORIZING THE CONVEYANCE OF A PERMANENT ACCESS EASEMENT OVER CITY-OWNED LAND AT CRESCENT PLACE TO 1219 YONKERS AVE LLC.

**PURPOSE:** TO PROVIDE FOR VEHICULAR ACCESS TO/FROM PURCHASER'S PROPOSED DEVELOPMENT (KIMBALL RESIDENCES) TO CRESCENT PLACE

**SUMMARY OF SPECIFIC PROVISIONS:** The City will convey a permanent access easement to 1219 Yonkers Ave LLC. to allow for secondary access to Purchaser's proposed development (Kimball Residences).

In exchange, the City will receive consideration in the amount of \$160,000.00.

**JUSTIFICATION:** This transaction will benefit the City in several ways, including by generating revenue, alleviating potential traffic, increasing the City's housing stock, generating economic growth, improving community health and offsetting blight.

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** Positive

**CRIMINAL SANCTION IMPACT:** N/A

**LEGISLATIVE HISTORY:** N/A

**FISCAL IMPLICATIONS:** Positive

**EFFECTIVE DATE:** Immediate.



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**GENERAL ORDINANCE**

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

A GENERAL ORDINANCE AMENDING CHAPTER 109 OF THE CODE OF THE CITY OF YONKERS ENTITLED "VEHICLES AND TRAFFIC" IN RELATION TO STORAGE OF VEHICLES.

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

Section 1. Chapter 109 of the Code of the City of Yonkers, more commonly known as "Vehicles and Traffic" is hereby amended and revised in part by amending Section 109-87 entitled "Parking for sale or maintenance of a vehicle" to read as follows:

§109-87      Parking for sale or maintenance of a vehicle.

(1) No person shall stand or park a vehicle upon any roadway for the principal purpose of:

A. Displaying it for sale.

B. Washing, greasing or repairing a vehicle, except for repairs necessitated by an emergency.

(2) A secondhand dealer, auto maintenance facility, automobile sales establishment, and/or automobile dealer shall not park, store, display, leave standing, or allow any vehicle it owns or has in its possession or offers for sale to occupy or encroach on any public park, plaza, roadway, right-of-way, shoulder, or on-street parking space.

Section 2. This General Ordinance shall take effect on October 1, 2018.

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

**SPONSOR:** Council President Khader

**TITLE OF BILL:** A General Ordinance Amending Chapter 109 Of The Code Of The City Of Yonkers Entitled "Vehicles And Traffic".

**PURPOSE:** To clarify city law regarding the service, display for sale, and maintenance of cars conducted by businesses and individuals.

**SUMMARY OF SPECIFIC PROVISIONS:** This GO amends standing law of the City clarifying the legalities of displaying, repairing, and storing cars.

**JUSTIFICATION:** The Office of the City Council President has received a variety of complaints regarding traffic conditions and dangerous situations caused by cars being parked improperly around dealerships and repair shops.

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** Adds new laws regarding the display, storage, and repair of vehicles for both businesses and individuals.

**CRIMINAL SANCTION IMPACT:** None

**LEGISLATIVE HISTORY:** None

**FISCAL IMPLICATIONS:** n/a

**EFFECTIVE DATE:** This General Ordinance shall take effect immediately.

**SUBJECT:** A General Ordinance Amending Chapter 109 Of The Code Of The City Of Yonkers Entitled "Vehicles And Traffic".

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: David Broadway  
Title: Aide to the City Council President  
Department: Office of the Council President

Signature: /s/ David Broadway

Reviewed By: \_\_\_\_\_  
\_\_\_\_\_ DEPARTMENT

Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

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**GENERAL ORDINANCE**

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

A GENERAL ORDINANCE AMENDING CHAPTER 31 OF THE YONKERS CITY CODE ENTITLED "CONSUMER PROTECTION CODE"

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

Section 1. Chapter 31 Article XXVI of the Code of the City of Yonkers, more commonly known as "Second Hand Dealers," is hereby amended and revised in part by amending Article XXVI Section 31-204 entitled "Exemptions" as follows:

**§ 31-204 Exemptions.**

A. Garages sales and nonprofit organizations are exempt from this license requirement. (Not-for-profit organizations must keep proof of nonprofit and books and records on their premises.)

B. This section shall not apply to the retail operations of any business providing an electronic communication service, which shall include any service which provides its users with the ability to send or receive wire or electronic communications over mobile phone devices.

**SPONSOR:** Law Department

**TITLE OF BILL:** A GENERAL ORDINANCE AMENDING CHAPTER  
31 OF THE YONKERS CITY CODE ENTITLED "CONSUMER PROTECTION CODE

**PURPOSE:** To amend the Second Hand Dealer law in order to exclude certain  
electronic communications providers from the license requirement

**SUMMARY OF SPECIFIC PROVISIONS:** n/a

**JUSTIFICATION:** Major national mobile phone retailers are subject to our current  
second hand license law because they offer trade in programs for phones. However,  
these "electronic telecommunications providers" are subject to extensive Federal law,  
including Federal privacy laws, which do not allow them to provide the information which  
our Second Hand Dealer law requires licensed second hand dealers to make available.

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** None

**CRIMINAL SANCTION IMPACT:** None

**LEGISLATIVE HISTORY:** N/A

**FISCAL IMPLICATIONS:** none

**EFFECTIVE DATE:** Immediately

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**RESOLUTION**

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

RESOLUTION IN SUPPORT OF THE MARTIN McGUINNESS PRINCIPLES

WHEREAS, the City of Yonkers has long been the home of a large, proud and thriving Irish-American community that enhances and enriches the economic, cultural and social status of our City; and

WHEREAS, while the members of the Irish-American community have made the City of Yonkers and the USA their home, they have always remained connected with and concerned about their ancestral home in Ireland; and

WHEREAS, the 1998 Good Friday Agreement between the Irish Government and the British Government provides that the British Government should enact legislation defining rights supplementary to those in the European Convention on Human Rights which, together with the ECHR, are to constitute "a Bill of Rights for Northern Ireland"; and

WHEREAS, the Good Friday Agreement provides that the British Government will "take resolute action to promote...facilitate and encourage the use of" the Irish language; and

WHEREAS, the 2006 St. Andrews Agreement between the Irish Government and the British Government provides that "The [British] Government will introduce an Irish Language Act reflecting on the experience of Wales and Ireland and work with the incoming Executive to enhance and protect the development of the Irish language"; and

WHEREAS, the British Government agreed in the 2014 Stormont House Agreement between the Irish Government and the British Government to provide up to £150M to fund inquests on legacy killings; and

WHEREAS, the commitment in the Stormont House Agreement to fund inquests on legacy killings was reaffirmed in the 2015 Fresh Start Agreement between the Irish Government and the British Government; and

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**RESOLUTION (CONTINUED)**

WHEREAS, the Good Friday Agreement provides that it is for a majority of people from Northern Ireland to determine whether they should cease to be part of the United Kingdom and form part of a united Ireland; and

WHEREAS, the British Government has not enacted a Bill of Rights for the North of Ireland in the twenty-year period since the Good Friday Agreement was agreed; and

WHEREAS, the British Government has not enacted an Irish Language Act to ensure full statutory equality for the Irish language nor taken resolute action to promote, facilitate, or encourage the use of the Irish Language; and

WHEREAS, the British Government has not funded or held inquests into the killings of hundreds of civilians during the conflict; and

WHEREAS, the British Government has not held a poll or referendum on a united Ireland at any time during the twenty-year period since the Good Friday Agreement was agreed;

NOW THEREFORE BE IT RESOLVED, that the Yonkers City Council strongly supports and endorses the Martin McGuinness Principles calling for Equality, Respect, Truth, and Self-Determination for the North of Ireland;

BE IT FURTHER RESOLVED, that the four principles of the Martin McGuinness Principles should be met without further delay by the enactment of a Bill of Rights for the North of Ireland, the enactment of an Irish Language Act, the release of funds to undertake inquests regarding legacy killings, and the holding of a referendum to determine if a majority of voters desire the North of Ireland to become a united Ireland; and

BE IT FURTHER RESOLVED, it is for the people of the island of Ireland alone, by agreement between North and South and without external impediment, to exercise their right of self-determination on the basis of consent; and

BE IT FURTHER RESOLVED, that the Yonkers City Council calls on the United States Congress and the United Nations to adopt a Resolution endorsing the Martin McGuinness Principles; and

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**RESOLUTION (CONTINUED)**

BE IT FURTHER RESOLVED, that this Resolution be distributed to the United States Congress, the Federal Delegation and the United Nations and the Yonkers City Council and its members shall publicize and promote the Martin McGuinness Principles to the extent deemed appropriate.



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

**SPONSOR:** Councilmember Rubbo

**TITLE OF BILL:** A Resolution of the Yonkers City Council strongly supporting and endorsing the Martin McGuinness Principles calling for Equality, Respect, Truth, and Self-Determination for the North of Ireland

**PURPOSE:** To raise awareness and increase support for the Martin McGuinness Principles calling for Equality, Respect, Truth, and Self-Determination for the North of Ireland.

**SUMMARY OF SPECIFIC PROVISIONS:** None

**JUSTIFICATION:** The Yonkers City Council has consistently promoted Equality, Respect, Truth, and Self-Determination for the residents of the City of Yonkers and for their family members, friends and loved ones living in other countries. The Martin McGuinness Principles are designed to impart those fundamental benefits to the people of Northern Ireland.

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** None.

**CRIMINAL SANCTION IMPACT:** None.

**LEGISLATIVE HISTORY:** None.

**FISCAL IMPLICATIONS:** None.

**EFFECTIVE DATE:** This resolution will take effect immediately.

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

**SUBJECT: : NO FISCAL IMPACT PROJECTED**

Resolution to To raise awareness and increase support for the Martin McGuinness Principles calling for Equality, Respect, Truth, and Self-Determination for the North of Ireland

**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: Positive.

Prepared By: Mark Constantine

Title: Counsel to the Minority

Department: City Council

Signature: /s/ Mark Constantine

Reviewed By:

Signature:

Date:

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**RESOLUTION**

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

A RESOLUTION BY THE CITY COUNCIL OF YONKERS PLEDGING ACTION TO CONTINUE TO STOP HUMAN TRAFFICKING

WHEREAS, human trafficking is an ancient global scourge that afflicts the world to this very day; and

WHEREAS, a century and a half since the Emancipation Proclamation freed all Americans, some remain un-free; and

WHEREAS, that the United States Senate has spoken with a nearly unified voice in the 97-2 vote in favor of the "Stop Enabling Online Sex Trafficking Act"; and

WHEREAS, the Stop Enabling Online Sex Trafficking Act was signed into law on April 11, 2018; and

WHEREAS, the City of Yonkers pledges to use all means at its disposal to stop human trafficking; and

WHEREAS, the City of Yonkers shall use the following laws as guidelines in its fight against human trafficking:

- 05/28/15 Survivors of Human Trafficking Empowerment Act (Section 115 of the Justice for Victims of Trafficking Act of 2015)
- 03/07/13 Trafficking Victims Protection Reauthorization Act of 2013 (Title XII of the Violence Against Women Reauthorization Act of 2013)
- 01/01/08 William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008
- 01/10/06 Trafficking Victims Protection Reauthorization Act of 2005
- 01/07/03 Prosecutorial Remedies and Other Tools To End the Exploitation of Children Today Act of 2003 (PROTECT Act)

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**RESOLUTION (CONTINUED)**

- 01/07/03 Trafficking Victims Protection Reauthorization Act of 2003
- 01/07/03 U.S. Leadership on HIV/AIDS, Tuberculosis, and Malaria Act of 2003
- 10/28/00 Victims of Trafficking and Violence Protection Act of 2000

NOW, THEREFORE BE IT RESOLVED THAT, in order to reduce the risk of human trafficking, the City Council of Yonkers will immediately begin reviewing its zoning laws and amend them if necessary to further the goal of preventing human trafficking; and

BE IT FURTHER RESOLVED THAT the City Council of Yonkers pledges its full support to ending the scourge of human trafficking and will take all appropriate steps to prevent it.

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

**SPONSOR:** Majority Leader Sabatino

**TITLE OF BILL:** A RESOLUTION BY THE CITY COUNCIL OF YONKERS PLEDGING ACTION TO CONTINUE TO STOP HUMAN TRAFFICKING

**PURPOSE:** To confirm Yonkers' commitment to ending human trafficking

**SUMMARY OF SPECIFIC PROVISIONS:** All provisions are re: commitment to ending human trafficking.

**JUSTIFICATION:** Human trafficking is a problem that plagues the world to this day and all efforts to prevent it must be taken.

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** None

**CRIMINAL SANCTION IMPACT:** None

**LEGISLATIVE HISTORY:** New Resolution

**FISCAL IMPLICATIONS:** n/a

**EFFECTIVE DATE:** This Resolution shall take effect immediately.

**SUBJECT: A RESOLUTION BY THE CITY COUNCIL OF YONKERS PLEDGING ACTION TO CONTINUE TO STOP HUMAN TRAFFICKING**

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. Sabatino

Title: Maj Leader

Department: City Council

Signature: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

FINANCE DEPARTMENT

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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COMMITTEE REPORTS