

Yonkers Industrial Development Agency - Board Meeting
August 18, 2015

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1 YONKERS INDUSTRIAL DEVELOPMENT AGENCY

-----X

2 REGULAR MEETING

3 OF THE

4 BOARD

5 -----X

6 470 Nepperhan Avenue
7 Yonkers, New York

8 August 18, 2015
9 9:00 a.m.

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B E F O R E: MAYOR MIKE SPANO,
The Chair

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2 A P P E A R A N C E S :

3 BOARD MEMBERS:

4 Mayor Mike Spano, Chair

5 Deputy Mayor Susan Gerry, Secretary

6 Cecile Singer, Board Member

7 Peter Kischak, Board Member

8 Robert Macciarello, Board Member

9

IDA STAFF:

10

Ken Jenkins, IDA President

11

Jaime McGill, IDA Executive Director

12

Deepika Mehra, IDA/YEDC Chief Fiscal Officer

13

14 OTHER STAFF:

15 David Rothman, Esq., Harris Beach PLLC, and IDA
Counsel

16

Patrick Serenson, IDA Accountant

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Reported by: Kari L. Reed

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2 THE CHAIR: All right, good
3 morning. We'll have the roll call.

4 MS. MEHRA: Cecile Singer?

5 MS. SINGER: Here.

6 MS. MEHRA: Peter Kischak?

7 MR. KISCHAK: Here.

8 MS. MEHRA: Melissa Nacerino is
9 excused.

10 Robert Macciarello?

11 MR. MACCIARELLO: Yes.

12 MS. MEHRA: We have a quorum.

13 THE CHAIR: Okay, good morning.

14 Everyone has a copy of the minutes
15 for the July 22nd, 2015 meeting. Are there any
16 questions on the minutes?

17 (No audible response.)

18 THE CHAIR: If not, somebody will
19 make a motion that we accept the minutes?

20 MS. SINGER: (Raised hand.)

21 MS. GERRY: (Raised hand.)

22 THE CHAIR: Cecile Singer made the
23 motion and Sue Gerry seconded it.

24 All in favor?

25 (Chorus of ayes.)

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2 THE CHAIR: Any negatives?

3 (No audible response.)

4 THE CHAIR: Hearing none, the item
5 is passed.

6 We have item three, the financials
7 for July of 2015. They're on your desk. Are
8 there any questions?

9 (No audible response.)

10 MS. MEHRA: For the month of July
11 we did not have any closings. It's been a slow
12 summer. But we anticipate on closing some
13 projects in the upcoming months. For the month
14 of July we have \$1.2 million cash on hand. We
15 also have our accountant, Pat Serenson, to
16 answer any questions.

17 THE CHAIR: Okay. Are there any
18 questions?

19 (No audible response.)

20 THE CHAIR: Hearing none, does
21 anybody want to make a motion?

22 MR. MACCIARELLO: (Raised hand).

23 MR. KISCHAK: (Raised hand).

24 THE CHAIR: Rob, seconded by Pete
25 Kischak.

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2 All in favor?

3 (Chorus of ayes.)

4 THE CHAIR: Any negatives?

5 (No audible response.)

6 THE CHAIR: Hearing none, the item
7 is passed.

8 We have item four, which is
9 Resolutions for Consideration.

10 MR. JENKINS: Thank you, Mayor.

11 The first resolution for
12 consideration is a Final Resolution for SDC
13 Realty Corp. Acquisition. Robinson & Cole is
14 up for that this morning.

15 MR. FOX: Good morning. I'm Alan
16 Fox for Robinson & Cole.

17 This is the final resolution, the
18 authorizing resolution for SDC Realty
19 Acquisition. This is the Boyce Thompson
20 Institute facility out on North Broadway. It's
21 city owned, it's a city owned property. SDC
22 acquired it from the city. They are ready to
23 close the purchase sometime in the middle of
24 September. And we are here to authorize the
25 IDA benefits for the project.

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2 THE CHAIR: Okay. Do we have any
3 questions?

4 MR. LEIBLER: I'm Guy Leibler here
5 from SDC.

6 THE CHAIR: Robert here, okay.

7 MR. MACCIARELLO: Do you have any
8 further information on the contractors that we
9 are using and how you plan on doing the job?
10 We discussed this a little bit at the last
11 meeting.

12 MR. LEIBLER: We have received all
13 of our final plans as of this past Monday for
14 pricing. We are going out on the street, we
15 are sending the plans to all contractors that
16 are interested. We have had a conversation
17 with the carpenters union, and they suggested,
18 I believe, half a dozen different contractors.
19 And we will certainly include them, we'll have
20 a regular conversation with them. I reported
21 that back, and they will have as much
22 opportunity as any other contractor in pricing
23 and discussing, negotiating with us for the
24 work.

25 MR. MACCIARELLO: But you don't

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2 have any written --

3 MR. LEIBLER: We have --

4 MR. MACCIARELLO: -- finalization,
5 you didn't finalize who they are?

6 MR. LEIBLER: No. As I said, I
7 think, as I reported last time, only because of
8 where we are in the sequencing and the work,
9 the plans have just been received as of last
10 week. Floor pricing will hit the street
11 probably this week. The only contract that we
12 have purchased in the last since I was here for
13 the initial meeting is with the site
14 contractor, which is with the Persico
15 Organization, which is well-known. So I would
16 imagine that the rest of the contractors we
17 have we would now need to start to buy. Part
18 of the reason, or two reasons we really have
19 been holding off is, one was the plans, and the
20 other was we were awaiting the IDA
21 authorization.

22 AUDIENCE MEMBER: There was no
23 response.

24 MR. LEIBLER: Yeah, I believe
25 Persico is a union --

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2 MR. MACCIARELLO: I worked with
3 Persico.

4 MR. LEIBLER: Yeah. So they're
5 very well-known. I know they did a lot of work
6 in southern Westchester. They're a contractor.

7 MR. MACCIARELLO: But you're still
8 basically not willing to sign a PLA or with
9 anything but an open shop?

10 MR. LEIBLER: Correct. We're --

11 MR. MACCIARELLO: And not
12 prevailing wage?

13 MR. LEIBLER: We're an open shop
14 contractor. We have been for all of our
15 existence.

16 MR. MACCIARELLO: Okay.

17 MR. LEIBLER: But everybody will
18 have a fair and equal shot to work on the
19 project.

20 MR. MACCIARELLO: Thank you.

21 THE CHAIR: Well, you have
22 committed to at least meeting and listening to
23 the labor -- listening to these contractors and
24 giving them a fair shot.

25 MR. LEIBLER: We'll do more than

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2 listen. We'll negotiate --

3 THE CHAIR: Okay.

4 MR. LEIBLER: -- and try and make
5 a deal. So we're very open for that.

6 THE CHAIR: Great. Thanks, Guy.

7 Any other questions? Yes.

8 MR. KISCHAK: Will you go to the
9 lowest bidder?

10 MR. LEIBLER: We will always
11 select the best of, not necessarily the lowest
12 bidder, because we are looking at quality as
13 well as price. So the lowest bidder has been
14 many times not the best bidder. Sometimes you
15 have to look at that a little bit and ask why
16 is it so low. So if you were going to bid a
17 job, and let's say there were six bidders.

18 MR. KISCHAK: Right.

19 MR. LEIBLER: And one is very low
20 and one is very high. And the one who is very
21 high has too much work so he or she threw a big
22 number at it. And the one who is very low
23 didn't understand it. So the numbers two,
24 three, four and five are the ones you probably
25 want to go and make a deal with.

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2 MR. KISCHAK: Right.

3 MR. LEIBLER: I mean, that's my
4 experience in the business.

5 MR. KISCHAK: Okay.

6 MR. LEIBLER: So the lowest bid is
7 not usually the best bid.

8 THE CHAIR: Okay. Any other
9 questions? Someone want to make a motion?

10 MR. KISCHAK: Your Honor, I just
11 have one other question, I'm sorry.

12 THE CHAIR: Sure.

13 MR. KISCHAK: I don't want to put
14 you on the spot.

15 MR. LEIBLER: Not at all.

16 MR. KISCHAK: How can you
17 elaborate between a union worker and a nonunion
18 worker as far as skill?

19 MR. LEIBLER: Well, in the -- over
20 the years, as the unions had training programs,
21 and when you came through the apprentice
22 program in the union, you could clearly see the
23 training of a union employee who was hired. I
24 think that's equalled out a little bit over the
25 years as some of the unions have cut back or

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2 not run the training programs that they ran
3 over time. So maybe I would say the gap is
4 lessened. But certainly in the history of the
5 training programs in the unions as you came up
6 as an apprentice were terrific, and you could
7 see a difference. I think, as I said, it's
8 evened out a little bit more as the training
9 programs are not as prevalent today.

10 MR. KISCHAK: Okay.

11 Does that satisfy you, Bob?

12 MR. MACCIARELLO: Like I said, I
13 support everything about this project other
14 than open shop. Because open shop or
15 nonprevailing wage still allows that contractor
16 that comes in, that contractor may have made a
17 lower bid because the extras he hires on the
18 job -- he can hire off the street for any wage
19 he feels necessary, as long as it meets
20 whatever minimum wage standards are. A lot of
21 these contractors don't hire at minimum wage.
22 I'm not accusing anybody of that. But let's
23 just say that a gentleman that's going to work
24 for the carpenters that is going to take the
25 lumber from the delivery area to where the

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2 carpenter is using it, a carpenter apprentice
3 is going to make more than somebody hired from
4 an open shop almost every time, with benefits.
5 If you had a prevailing wage in order, even if
6 you wanted to hire a person off the street or
7 if you wanted to hire a family member or if you
8 wanted to do a favor for somebody, that person
9 would still be required to make what the area's
10 wage calls for. And that's always been my
11 push, more than union. I like unions and I
12 wish every job was union, but I don't push for
13 everything to be union. Like I've always said,
14 the people that work in our area should be able
15 to afford to shop, live and enjoy what is being
16 built in that area. If you take a person and
17 you give him a job, you're helping him. But I
18 think that if you give him a prevailing wage
19 and you make him able to live and shop and
20 enjoy the fruits of his labor, it's better for
21 the city in the long run. That's always been
22 my feeling and always will be.

23 I won't support a project with
24 open shop unless I happen to know that
25 contractor and I've seen that contractor work

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2 and I know that that contractor has been in
3 touch with labor and they're trying to hammer
4 it out. Had this gentleman told me he had
5 meetings planned with the CIC or anything in
6 that area, I would more apt to be leaning
7 towards that project. Right now I just won't
8 support open shop for that particular project
9 for those reasons.

10 THE CHAIR: Obviously, as you
11 know, we generally don't take a position as a
12 committee. But prevailing wages, PLAs, are
13 extremely important to us. I just put that out
14 there. And that we give at least, especially
15 our friends in those trade unions, the
16 opportunity to do this work.

17 Are there any other questions?

18 Pete, anything else?

19 MR. KISCHAK: No.

20 MS. SINGER: The only thing that I
21 would say is, if you look at the history of the
22 company, Simone has an excellent history. They
23 built the old center, you know, along the
24 Hutch. That's an enormous piece for New York
25 state too. The fact that they were given the

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2 opportunity to build it has to speak well for
3 the way they run their business. So that they
4 have done major stuff.

5 MR. MACCIARELLO: I agree with
6 that a hundred percent.

7 MS. SINGER: And so --

8 MR. MACCIARELLO: But I'd like to
9 know how many people worked on that job shop
10 there.

11 MS. SINGER: No, all I'm saying is
12 that they do have an excellent reputation in
13 the whole field. So it's not like you're
14 taking some builder who just goes around and
15 they take the greatest profit, they go away and
16 they don't build anything else. But Simone
17 keeps building all the time.

18 MR. MACCIARELLO: Yes.

19 MS. SINGER: And it's a company
20 that whose reputation has been very good. And
21 they're Westchester people, you know, they're
22 cognizant of a lot of the things. So we have
23 to hope.

24 There's a tremendous problem today
25 between bringing things in at a price where

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2 they can market it. That's in housing. That's
3 why when you build housing, unless there's a
4 subsidy for affordable, everything now, if you
5 look at all the signs, they're all luxury. So
6 everyone is under the gun to bring things in at
7 a price that they can continue to do business
8 with. And that's the tug and the pull. So you
9 have to hope that the IDA does business with
10 people who have a reputation, who have a track
11 record, and that's as far as we can go. But
12 certainly all of us share the same concerns
13 too.

14 THE CHAIR: I concur with Cecile
15 on the reputation. Simone's reputation is
16 impeccable.

17 MS. SINGER: Right.

18 THE CHAIR: But I will tell you
19 this. When the City Council said to us you can
20 market this property, but the property had to
21 be an adaptive reuse, just, you know, Bob is
22 saying no, we got it, one developer said they
23 would keep that building. Most people said it
24 was an old dog that needed to be torn down.
25 And so, you know, that was an extremely

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2 important piece of our history, to try to save
3 that building and to try and come up with
4 something that worked for the community. I
5 think what we have here is a good mix. And I
6 think we'll continue to work with the developer
7 on the issues obviously that matter to both of
8 us and we'll continue to work with that. But I
9 think that this is a very important project for
10 us, but it's also a very positive project for
11 the city.

12 So does anybody want to make a
13 motion?

14 MS. SINGER: (Raised hand.)

15 MR. KISCHAK: (Raised hand.)

16 THE CHAIR: Cecile, Pete.

17 All in favor?

18 (Chorus of ayes.)

19 THE CHAIR: Aye. Any negatives?

20 MR. MACCIARELLO: (Raised hand.)

21 THE CHAIR: That's Robert,
22 negative.

23 The item is passed.

24 MR. JENKINS: Mr. Mayor, the
25 second item up, we have a Final Resolution for

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2 SunCap Property Group, and that is Mr. Rothman.

3 MR. ROTHMAN: Good morning. So
4 the resolution you have in front of you is a
5 final resolution for the SunCap project. It's
6 on Tuckahoe Road and Herman Place. It's
7 approximately 123,000 square feet of space for
8 FedEx to operate out of.

9 The Board approved the inducement
10 resolution at our last meeting. There was a
11 public hearing earlier this month about this
12 project. There were no speakers against the
13 project at that public hearing. So this
14 resolution would authorize a sales tax
15 exemption, mortgage recording tax, and a tax
16 agreement, consistent with IDA policy.

17 THE CHAIR: Any questions by the
18 board members?

19 (No audible response.)

20 THE CHAIR: Hearing no questions,
21 does anyone want to make a motion?

22 MS. GERRY: (Raised hand.)

23 MR. KISCHAK: (Raised hand.)

24 THE CHAIR: The deputy mayor,
25 seconded by Pete.

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2 All in favor?

3 (Chorus of ayes.)

4 THE CHAIR: Any negatives?

5 (No audible response.)

6 THE CHAIR: Hearing no negatives,
7 the item is passed.

8 MR. JENKINS: Thank you,
9 Mr. Mayor. The third item is an Authorizing
10 Resolution to Extend the Sales Tax Benefit
11 Period for The Plant Manor. The current sales
12 tax exemption expires on August 31st, 2015, and
13 the proposal is to extend it to May 31st, 2016.

14 Mr. Rothman.

15 MR. ROTHMAN: I couldn't say it
16 better myself. So if anybody has any
17 questions, I'd be happy to answer them. But
18 there's no additional benefit being provided,
19 it's purely an extension of the existing
20 period.

21 MR. KISCHAK: How long is that?

22 MR. ROTHMAN: The current period?
23 The current period expires at the end of this
24 month.

25 MR. KISCHAK: And how long does it

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2 go to?

3 MR. ROTHMAN: May 31st of next
4 year, as proposed.

5 MS. MCGILL: Just so you know,
6 we're trying to align all the projects so we're
7 not doing extensions every meeting. So we are
8 trying to align them now in May and December of
9 each year so we'll have less of this.

10 THE CHAIR: Okay. Any questions?

11 (No audible response.)

12 THE CHAIR: Anybody want to make a
13 motion?

14 MR. MACCIARELLO: (Raised hand.)

15 MS. SINGER: (Raised hand.)

16 THE CHAIR: Robert, seconded by
17 Cecile Singer.

18 All in favor?

19 (Chorus of ayes.)

20 THE CHAIR: Any negatives?

21 (No audible response.)

22 THE CHAIR: Hearing none, the item
23 is passed.

24 MR. JENKINS: Mr. Mayor, the final
25 resolution under consideration is an

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2 Authorizing Resolution to Extend the Sales Tax
3 Benefit Period to 555 Storage Group, LLC,
4 otherwise known as the Hampton Inn.

5 Mr. Rothman, if you may.

6 MR. ROTHMAN: And again, this
7 project had all the approvals, it was induced
8 in September of last year. The existing, the
9 current sales tax exemption period expires next
10 month. This extension, proposed extension,
11 would go through May 31st of next year as well.
12 And again, like with the last resolution, there
13 is no increasing benefits, it's purely an
14 extension.

15 THE CHAIR: Okay. Any other
16 questions on the extension?

17 (No audible response.)

18 THE CHAIR: Hearing none --

19 MS. GERRY: (Raised hand.)

20 MR. KISCHAK: (Raised hand.)

21 THE CHAIR: The deputy mayor makes
22 a motion, seconded by Pete.

23 All in favor?

24 (Chorus of ayes.)

25 THE CHAIR: Any negatives?

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2 (No audible response.)

3 THE CHAIR: Hearing none, the item
4 is passed.

5 Do we have any legal updates?

6 MR. JENKINS: Mr. Mayor, we do
7 have a legal update, and it is one I believe
8 that requires an executive session for a matter
9 that -- for where the matter is at. I guess we
10 should go. So we need to go into executive
11 session to introduce that.

12 THE CHAIR: All right. We're
13 going to just -- does somebody want to make a
14 motion that we go into executive session?

15 MS. SINGER: (Raised hand.)

16 MR. KISCHAK: (Raised hand.)

17 THE CHAIR: Cecile, seconded by
18 Pete.

19 All in favor?

20 (Chorus of ayes.)

21 THE CHAIR: You guys don't have to
22 leave. We're going to go into the small
23 office.

24 (Whereupon, an executive session
25 ensued at 9:36 a.m.)

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2 (Whereupon, the executive session
3 was concluded and the following proceedings
4 were had at 9:42 a.m.):

5 THE CHAIR: So do we have to vote
6 to come out of executive session?

7 MS. GERRY: Yes.

8 THE CHAIR: I'll take a motion.

9 MS. GERRY: (Raised hand.)

10 MS. SINGER: (Raised hand.)

11 THE CHAIR: The deputy mayor,
12 seconded by Cecile Singer.

13 All in favor?

14 (Chorus of ayes.)

15 THE CHAIR: Okay.

16 Counsel, do you just want to
17 tell --

18 MR. ROTHMAN: In summary, the
19 executive session discussion was addressing
20 Ridge Hill and how the IDA may wish to proceed
21 going forward when it comes to benefits
22 provided in the future as well as in the past.

23 THE CHAIR: Okay.

24 Are there any other legal updates?

25 MR. JENKINS: No, Mr. Mayor, none.

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2 THE CHAIR: All right. Anybody,
3 any other business?

4 (No audible response.)

5 THE CHAIR: No other business, so
6 I'll make a motion to adjourn?

7 MR. MACCIARELLO: (Raised hand.)

8 MS. GERRY: (Raised hand.)

9 Robert, seconded by the deputy
10 mayor.

11 All in favor?

12 (Chorus of ayes.)

13 THE CHAIR: Okay, the meeting is
14 adjourned.

15 (Time noted: 9:44 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Registered
Professional Reporter (Stenotype) and Notary
Public with and for the State of New York, do
hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

I further certify that I am not
related, by blood or marriage, to any of the
parties in this matter and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 2nd day of September,
2015.

KARI L. REED, RPR

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