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3 Regular Meeting

4 of the

5 Yonkers Industrial Development Agency

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6

40 South Broadway
Yonkers, New York

7

8 September 25, 2017
9:09 a.m.

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10 TRANSCRIPT OF PROCEEDINGS

11 EXECUTIVE AGENDA

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13 1. Roll Call

14 2. Minutes for the May 31, 2017, and June

15 9, 2017, Meetings

16 3. Financials for May, June, July and

17 August 2017

18 4. Resolutions for Consideration:

19 I. Final Resolution - 380 Saw Mill

20 Suerte, LLC

21 II. Ratification Resolution -

22 Authorizing Execution of Amended

23 Documents for Main Street Lofts

24 Yonkers, LLC

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2 III. Authorizing Resolution - Tacos El

3 Poblano Mexicano No. 2, Inc.

4 IV. Authorizing Resolution - Mortgage

5 Refinance, Sales Tax Increase and

6 Extension for 555 Storage Group,

7 LLC

8 V. Authorizing Resolution - Mortgage

9 Refinance for L&A RE Acquisitions

10 LLC (Adira at Riverside)

11 VI. Authorizing Resolution - Sales Tax

12 Exemption Extension for Rising

13 Development Yonkers, LLC

14 5. Legal Updates

15 6. Other Business

16 7. Adjournment

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19 Reported By:

20 Pauline Deane

21 15 Ogden Place

22 Dobbs Ferry, New York 10522

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2 APPEARANCES

3 BOARD MEMBERS

4 Mayor Mike Spano - Chairman

5 Deputy Mayor Susan Gerry - Secretary

6 Melissa Nacerino - Treasurer

7 Cecile Singer - Board Member

8 Peter Kischak - Board Member

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10 IDA STAFF

11 Jaime McGill - IDA Executive Director

12 Mary Lyras - IDA/YEDC Chief Fiscal

13 Officer

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15 OTHER

16 Gregory P. Young, Esq. - IDA Counsel

17 David Rothman, Esq. - Harris Beach,

18 PLLC/Transaction Counsel

19 Patrick Serenson - IDA Accountant

20 Wilson Kimball - COY Planning & Developmemt

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2 MR. SPANO: Good morning,
3 everybody. Before we begin, before we
4 begin our order of business, you all
5 know that Sue is going to be leaving
6 us and so she is going to be on --
7 today is probably her last meeting.

8 Wilson Kimball, who is our planning
9 commissioner, will be replacing her on
10 the board, so for the moment we will
11 have both on the board since we have a
12 vacancy.

13 So I will just ask that Wilson
14 stand up and raise your right hand and
15 repeat after me: I do solemnly swear
16 that I will support the Constitution
17 of the United States, the Constitution
18 of the State of New York and the
19 Charter of the City of Yonkers. I
20 will faithfully discharge the duties
21 of the office of the member of the
22 Yonkers Industrial Development Agency
23 to the best of my ability.

24 (Wilson Kimball, repeating the

25 oath, was sworn.)

5

1 - PROCEEDINGS -

2 MR. SPANO: Congratulations.

3 MS. KIMBALL: Thank you.

4 MR. SPANO: We will talk more

5 about Sue before we leave.

6 Congratulations, Sue.

7 Okay. Mary, let's go.

8 MS. LYRAS: Mayor Spano?

9 MR. SPANO: Here.

10 MS. LYRAS: Deputy Mayor Gerry?

11 MS. GERRY: Here.

12 MS. LYRAS: Cecile Singer?

13 MS. SINGER: Here.

14 MS. LYRAS: Peter Kischak?

15 MR. KISCHAK: Here.

16 MS. LYRAS: Wilson Kimball?

17 MS. KIMBALL: Here.

18 MS. LYRAS: And Melissa

19 Nacerino?

20 MS. NACERINO: Here.

21 MS. LYRAS: We have a quorum.

22 MR. SPANO: I record a quorum.

23 Okay. Let's take the minutes

24 for the May 31, 2017, and June 9,
25 2017, meetings, they are all in front

6

1 - PROCEEDINGS -

2 of you.

3 Does anybody have any questions?

4 We have a motion by the Deputy

5 Mayor, seconded by Cecile, to accept

6 the minutes.

7 All in favor?

8 (Chorus of ayes.)

9 MR. SPANO: Any negatives?

10 No negatives. The item is

11 passed.

12 Let's go to Number 4. Jaime

13 McGill.

14 MS. MCGILL: This is Mary. The

15 financials --

16 MR. SPANO: I'm sorry. Lets go

17 to Number 3. I jumped ahead of

18 myself.

19 MS. LYRAS: For the month of May

20 we had no closings. For the month of

21 June we received 500,000 on Raceway's

22 refinance. For the month of

23 July we had no closings. And in
24 August we received 335,000 on Avalon
25 Phase 1 close.

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1 - PROCEEDINGS -

2 As of August our cash on hand is
3 a healthy \$3.5 million.

4 MR. SPANO: Congratulations.

5 Great work.

6 Everyone has a copy of those
7 financials in of them. Are there any
8 questions?

9 MS. SINGER: I make a motion to
10 accept.

11 MR. SPANO: Cecile made a
12 motion, seconded by Melissa.

13 All in favor?

14 (Chorus of ayes.)

15 MR. SPANO: Any negatives?

16 The item is passed.

17 Number 4, Jaime.

18 MS. MCGILL: The first
19 resolution for consideration is a
20 final resolution for 380 Saw Mill
21 Suerte, LLC. Alan Fox is here.

22 MR. FOX: Good morning,
23 everyone. I'm Alan Fox with Robinson
24 & Cole.

25 This is a final authorizing

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1 - PROCEEDINGS -
2 resolution for 380 Saw Mill Suerte.
3 They are an affiliate of Saw Mill
4 Auto. They are building a 4,000-foot
5 sales facility at 380 Saw Mill River
6 Road, which will allow them to expand
7 their sales operations in the city and
8 expand their workforce here by several
9 people.

10 What you are authorizing today
11 is \$79,875 sales tax exemption on
12 \$900,000 of sales taxable purchases,
13 and there will be a pilot within the
14 parameters of the Yonkers IDA unit.
15 This project has taken a little longer
16 than I thought but it was
17 authorized -- it was produced last
18 year, they received their site plan
19 approval -- they received their site
20 plan approval in July and they are

21 ready to start construction.

22 Did I just hear that you are not
23 authorizing a pilot at this point?

24 MS. MCGILL: We just don't have
25 a plan to negotiate yet. They're not

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1 - PROCEEDINGS -

2 looking to come off the tax rolls
3 until next year.

4 MR. SPANO: That's why I was a
5 little confused. You said pilot and I
6 didn't hear a pilot. So right now
7 we're just looking at the sales tax.

8 Any questions?

9 MR. KISCHAK: I just want to say
10 that this property was before the IDA
11 before with a different scenario, and
12 I hope that something really comes
13 about there because it's been vacant
14 since Lockwood left, I got to say it's
15 15 years. So I hope that something
16 does come of it.

17 MR. SPANO: I agree. It's a
18 nice piece of property.

19 MR. KISCHAK: It sure is.

20 MR. SPANO: I always felt it has
21 a lot of potential there.

22 Any other questions?

23 Pete, do you want to make a
24 motion?

25 MR. KISCHAK: I make a motion.

10

1 - PROCEEDINGS -

2 MR. SPANO: Seconded by Cecile.

3 All in favor?

4 (Chorus of ayes.)

5 MR. SPANO: The item is passed.

6 MS. MCGILL: Item Number II is
7 ratification resolution authorizing
8 the execution of amended documents for
9 Main Street Lofts Yonkers, LLC.
10 Harris Beach.

11 MR. ROTHMAN: Good morning.

12 David Rothman from Harris Beach.

13 As Jaime said, this project is
14 the ratification resolution. The
15 board had previously authorized the
16 issuance of bonds in 2005. Those
17 documents and agency resolutions
18 approving those documents contemplated

19 an interest rate change, that interest
20 rate change has taken place. The
21 interest rate change was contemplated.
22 This is a ratification resolution
23 authorizing the execution of documents
24 to acknowledge those changes or that
25 change.

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1 - PROCEEDINGS -

2 MR. SPANO: Are there any
3 questions? No questions.

4 Does somebody want to make a
5 motion? Melissa makes a motion,
6 seconded by Wilson.

7 All in favor?

8 (Chorus of ayes.)

9 MR. SPANO: Any negatives?

10 Hearing none, the item is
11 passed.

12 MS. MCGILL: The third item is
13 an authorizing resolution for Tacos El
14 Poblano Mexicano No. 2, Inc.
15 Harris Beach.

16 MR. ROTHMAN: Very briefly and
17 then the company can make a

18 presentation and answer any questions
19 the board might have.
20 This is an authorizing
21 resolution. The IDA has, in the past,
22 gone out of its way to assist
23 various-sized projects, from the very
24 large to the very small. This project
25 is towards the smaller end of the

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1 - PROCEEDINGS -

2 spectrum. But this is a resolution
3 which would authorize benefits which
4 would not exceed \$100,000 for these
5 two facilities.

6 Like I said, there is a company
7 representative to answer actual
8 questions about this. This is in a
9 highly distressed area, for anybody
10 who has any --

11 MS. KIMBALL: It's right across
12 the street.

13 MR. ROTHMAN: It's right across
14 the street in a highly distressed
15 area. So IDAs normally would not
16 assist in this type of project; we are

17 permitted to assist in this instance.

18 Come on up.

19 MS. MCGILL: Alfonso Alvarez

20 here from Tacos El Poblano.

21 MR. SPANO: Good morning.

22 MR. ALVAREZ: Good morning.

23 MR. SPANO: I'm glad you're

24 here.

25 Before I offer commentary, are

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1 - PROCEEDINGS -

2 there any questions?

3 MS. SINGER: I just wanted to

4 say that even though this is something

5 that an IDA does not usually do, it is

6 wonderful to see people who work so

7 hard in our city and make a

8 difference, and so we're delighted to

9 have you here.

10 MR. ALVAREZ: Thank you very

11 much.

12 MS. SINGER: Congratulations

13 moving forward.

14 MR. SPANO: I agree with Cecile.

15 It's not something we normally do but

16 it's something that we probably should
17 maybe do a little more of, because the
18 properties we are talking about is a
19 bookend to the Daylighting III, which on one
20 side we've invested several million
21 dollars in and it's also across from
22 city hall. We are also investing in a
23 parking lot and your building is a
24 gateway really to a wonderful,
25 wonderful little district, little

14

1 - PROCEEDINGS -

2 business district, that we need to
3 encourage and foster along. This will
4 definitely help out and you'll become
5 really the linchpin to all that.

6 We are excited about it, we
7 can't wait to see it done. And I just
8 want to say thanks, as always, for
9 your investment in Yonkers and we want
10 to invest in you and want you to be
11 successful.

12 MR. ALVAREZ: Thank you very
13 much.

14 MR. SPANO: Any questions?

15 MS. GERRY: It looks beautiful.
16 MR. ALVAREZ: Thank you.
17 MR. SPANO: Thank you, Alfonso.
18 Does anyone want to make a
19 motion.
20 Wilson, seconded by Cecile.
21 All in favor?
22 (Chorus of ayes.)
23 Any negatives?
24 Hearing none, the item is
25 passed.

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1 - PROCEEDINGS -
2 MS. MCGILL: The fourth item is
3 authorizing resolution for a mortgage
4 refinance, sales tax increase and
5 extension for 555 Storage Group, LLC.
6 Harris Beach.
7 MR. ROTHMAN: So 555 Storage
8 Group, LLC, you may remember from
9 2014, was an approved project. More
10 recently, earlier this year I believe
11 it was, there was a public improvement
12 dedication for a portion of the
13 sidewalk.

14 The company has come back and
15 indicated that they are now at the
16 stage where they are refinancing their
17 project. The original project was
18 approved for up to 15 million, this is
19 a refinancing at up to 20. The 15
20 million would be assigned so the IDA
21 would only provide a benefit on that
22 additional new money. There is also a
23 sales tax increase and extension, as
24 Jamie mentioned.

25 MR. SPANO: Are there any

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1 - PROCEEDINGS -

2 questions?

3 MS. SINGER: I make a motion to
4 accept.

5 MR. SPANO: Cecile made a
6 motion, seconded by Melissa.

7 MS. SINGER: It also represents
8 a substantial improvement in an area
9 where there were no motels on the
10 level that (inaudible.) So it's a
11 good addition.

12 MR. SPANO: I agree with that.

13 MS. MCGILL: The next item --
14 MR. SPANO: Hold on. Motions on
15 the table.
16 All in favor?
17 (Chorus of ayes.)
18 MR. SPANO: Melissa, seconded by
19 Pete.
20 Are there any negatives? No
21 negatives. Item is passed.
22 MS. MCGILL: The fifth item is
23 an authorizing resolution for mortgage
24 refinance for L&A RE Acquisitions,
25 LLC, also known as Adira at Riverside.

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1 - PROCEEDINGS -
2 Harris Beach.
3 MR. ROTHMAN: And this project
4 also has some history with the IDA
5 board. This is Michael Malotz Skilled
6 Nursing Facility. The IDA previously
7 approved providing benefits.
8 The company is now at a point
9 where they are refinancing through the
10 US Department of Housing and Urban
11 Development, and is requesting the IDA

12 assistance with respect to mortgage
13 recording tax exemption on the
14 project.

15 MR. SPANO: Are there any
16 questions?

17 MS. GERRY: I have a question.
18 In terms of refinancing. Is it new
19 money? old money? What's the benefit
20 being provided?

21 MR. ROTHMAN: There is both old
22 money and new money involved in this.
23 I believe it's 3.1 million dollars in
24 new money.

25 MS. JURY: About three and a

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1 - PROCEEDINGS -

2 half million.

3 MS. GERRY: So we're getting the
4 typical fees associated with the new
5 money?

6 MS. MCGILL: The old money is
7 being assigned.

8 MR. SPANO: Any other questions?

9 Hearing none, the deputy mayor
10 makes a motion, seconded by Cecile.

11 MS. SINGER: I can't vote. I
12 recuse myself.

13 MR. SPANO: I thought your hand
14 was up.

15 Seconded by Pete.

16 All in favor?

17 (Chorus of ayes.)

18 MR. SPANO: Any negatives?

19 MS. SINGER: It should be noted
20 that I abstained because of a conflict
21 of interest.

22 MR. SPANO: Cecile Singer is
23 abstaining.

24 Everyone else is in the
25 affirmative, there are no negatives,

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1 - PROCEEDINGS -

2 so the item is passed.

3 MS. MCGILL: Item Number VI, an
4 authorizing resolution for sales tax
5 exemption extension for Rising
6 Development Yonkers.

7 Harris Beach.

8 MR. ROTHMAN: And this is a
9 simple one. This is a pure extension,

10 there are no new benefits being
11 requested or provided. This is a
12 project on Mill and Main Street. The
13 sales tax exemption period expired in
14 July of this year. This resolution
15 would authorize an extension through
16 the end of this year, December 31st.
17 That's the only change.

18 MR. SPANO: Cecile made a
19 motion, seconded -- there are no
20 questions. Cecile made a motion,
21 second by the deputy mayor.

22 All in favor?

23 (Chorus of ayes.)

24 MR. SPANO: Any negatives?

25 Hearing none, the item is passed.

20

1 - PROCEEDINGS -

2 Are there any legal updates?

3 MS. MCGILL: No updates.

4 MR. SPANO: Thank you. Any
5 other business? No other business.

6 Anyone want to make a motion we
7 adjourn?

8 Since Wilson is newest on board,

9 she made a motion, seconded by Pete.

10 All in favor?

11 (Chorus of ayes.)

12 MR. SPANO: And we're adjourned.

13 Thank you.

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15 (Whereupon, the Board Meeting

16 adjourned at 9:22 a.m.)

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2 CERTIFICATION.

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5 I, Pauline Deane, a Notary Public for

6 and within the State of New York, do

7 hereby certify:

8 That the witness whose testimony as
9 herein set forth, was duly sworn by me;
10 and that the within transcript is a true
11 record of the testimony given by said
12 witness.

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

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 25th day of September,
20 2017.

21

22 _____

23 PAULINE DEANE

24

25