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YONKERS INDUSTRIAL DEVELOPMENT AGENCY

BOARD MEETING

CITY HALL

40 SOUTH BROADWAY  
YONKERS, NEW YORK 10701

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DATE: October 10, 2018  
TIME: 9:16 A.M.

P R E S E N T:

- MAYOR MIKE SPANO - CHAIRMAN (absent)
  - WILSON KIMBALL - SECRETARY
  - MELISSA NACERINO - TREASURER (absent)
  - CECILE SINGER - BOARD MEMBER
  - PETER KISCHAK - VICE CHAIRMAN
  - HENRY DJONBALAJ - MEMBER
- IDA STAFF
- JAIME MCGILL - IDA EXECUTIVE DIRECTOR
  - MARY LYRAS - IDA/YEDC CHIEF FISCAL OFFICER

A L S O P R E S E N T:

- DAVID ROTHMAN, ESQ. - HARRIS BEACH, PLLC
- SHAWN GRIFFIN, ESQ. - HARRIS BEACH, PLLC
- KARLY GROSZ, ESQ. - IDA COUNSEL
- PETER DIEHL - ACCOUNTANT

1 PROCEEDINGS

2 MR. KISCHAK: The mayor is  
3 going to be a little bit late. I'm  
4 going to start the meeting.

5 Can I have a roll call, please?

6 MS. LYRAS: Peter Kischak?

7 MR. KISCHAK: I'm here.

8 MS. LYRAS: Cecile Singer?

9 MS. SINGER: Here.

10 MS. LYRAS: Wilson Kimball?

11 MS. KIMBALL: Here.

12 MS. LYRAS: Henry Djonbalaj?

13 MR. DJONBALAJ: Here.

14 MS. LYRAS: Melissa Nacerino is  
15 excused. We have a quorum.

16 MR. KISCHAK: All right. The  
17 minutes from the August 29th, 2018  
18 meeting?

19 MS. KIMBALL: I'll make a  
20 motion.

21 MR. DJONBALAJ: Second.

22 MR. KISCHAK: The financials  
23 for the August and September 2018.

24 Do you want to look it over, if  
25 there's any questions? Cecile?

1 PROCEEDINGS

2 MS. SINGER: Yes.

3 MR. KISCHAK: I'm sure there  
4 is.

5 MS. SINGER: Yes, I have some  
6 question. We had the budget for the  
7 next meeting. We have the previous  
8 ...

9 MS. MCGILL: We haven't gotten  
10 to the budget yet. We're just on the  
11 financials.

12 MR. KISCHAK: All right. A  
13 motion?

14 MS. SINGER: First.

15 MS. KIMBALL: I'll second it.

16 MR. KISCHAK: Okay. The YIDA  
17 2019 budget and the three year budget  
18 plan.

19 MS. SINGER: Before I get to  
20 that question. Is pier improvements,  
21 the \$200,000, what will that do and  
22 what will that mean?

23 MS. MCGILL: We haven't defined  
24 exactly what the improvements are.  
25 We just want to make sure that we

1 PROCEEDINGS

2 have a reserve there.

3 MS. SINGER: We have the funds  
4 to do it.

5 MS. KIMBALL: Yes. We have Highland  
6 who built the pier or refurbished the  
7 pier, I should say, because they  
8 restored it. Going through and  
9 looking at the list of things that  
10 need to be improved or replaced or  
11 whatever, we don't have the complete  
12 list which is why we can't exactly  
13 give it to you, but we know it's  
14 going to be at least that amount of  
15 money. And also the Yonkers  
16 Waterfront Development will be  
17 contributing, as well.

18 MS. SINGER: The pre-apprentice  
19 program for \$250,000, I know what we  
20 did this year. And I think I just  
21 would like it going forward.

22 MS. MCGILL: So, for the  
23 expense that was made that was  
24 unbudgeted for 2018, we still have  
25 two more classes for 20 more

1 PROCEEDINGS

2 apprentices for each class for the  
3 session. I should put on record  
4 that it's been hugely successful.  
5 A hundred percent  
6 of the class has either been employed  
7 or is in cue to be employed. It was  
8 really tremendous. There was no loss  
9 of students which historically has  
10 been great. They have a hundred  
11 percent graduation rate which is the  
12 first time for them. It was very  
13 successful.

14 We didn't have this budgeted in  
15 our last budget so because it was  
16 successful we wanted to make sure  
17 that --

18 MS. SINGER: You are looking at  
19 moving forward.

20 MS. MCGILL: Correct.

21 MS. SINGER: Certainly that's auditory  
22 for an IDA also to develop ...

23 My other concern it says in the  
24 budget for the out years that we are going  
25 to have an additional one million dollars and it  
says proprietary, and so we have a

1 PROCEEDINGS

2 fiduciary duty to understand what  
3 that is. And so I would ask if it is  
4 proprietary whether we could go into  
5 an executive session so the IDA  
6 members before they vote on this will  
7 understand that there is this amount  
8 and that we can rely upon having it  
9 in the future.

10 MS. MCGILL: Sure. We need a  
11 motion?

12 MR. KISCHAK: Ladies and  
13 gentlemen, we are going to have an  
14 executive session. So, that means  
15 that ...

16 MS. SINGER: We would ask  
17 people to leave briefly.

18 (Whereupon, the board went into  
19 executive session.)

20 MR. KISCHAK: I want to open  
21 the meeting back up.

22 MS. SINGER: On the basis of  
23 what we were told, I would make a  
24 motion to approve the 2019 budget and  
25 three year budget plan.

1 PROCEEDINGS

2 MR. ROTHMAN: To go back really  
3 quickly for purposes of the minutes.

4 So, the executive session  
5 discussion having to do with future  
6 financials was based upon projections  
7 and potential incoming projects. The  
8 board will need a bit more  
9 understanding of what was projected.  
10 No decisions were made during the  
11 executive session and votes may come  
12 back out of executive ...

13 MS. SINGER: It was really an  
14 explanation ...

15 MR. ROTHMAN: Correct.

16 MS. SINGER: So, we could be  
17 assured that there was enough in the pipeline  
18 to approve the budget and that's in  
19 conformity with the open meeting.

20 MR. KISCHAK: We had a motion  
21 on it already, right?

22 MS. KIMBALL: Cecile made a  
23 motion, and I seconded it.

24 MR. KISCHAK: Okay. So moving  
25 forward, Extell Hudson Waterfront,

1 PROCEEDINGS

2 LLC.

3 MR. ROTHMAN: Yes. So, Extell  
4 Waterfront, LLC, the board may  
5 remember came from an inducement  
6 resolution at the August meeting  
7 which is the development of 20  
8 parcels approximately seven buildings  
9 of use consisting of both residential  
10 as well as commercial space, parking  
11 and related amenities.

12 Like I said, this was an  
13 inducement at the August meeting. At  
14 the September meeting of this year  
15 there was a public hearing. There  
16 were comments made at that hearing.  
17 Those comments are reflected in  
18 materials provided to the board.

19 What you have now in front of  
20 you for your consideration is a  
21 resolution, a final resolution which  
22 would authorize execution of  
23 documents for that project if the  
24 board wished. Understanding that  
25 again with seven buildings this might



1 PROCEEDINGS

2 be done in phases.

3 MS. SINGER: It's a ten year  
4 projected phase?

5 MR. ROTHMAN: It's multiple  
6 year. I don't know that they  
7 narrowed it per se specifically if  
8 it's a decade, but it is anticipated  
9 to be several phases by building.

10 MS. SINGER: And do we know  
11 when the shovel will go in the ground  
12 for the first phase?

13 MR. ROTHMAN: Spring of next  
14 year.

15 MS. SINGER: In the spring of  
16 next year. This is very interesting  
17 to us because Extell is a very major  
18 builder. Especially in Manhattan  
19 it's doing huge projects. So, we are  
20 very hopeful that they will move  
21 forward in a timely way because the  
22 piece that's affected is a very  
23 important extension of what we are  
24 doing on the board.

25 MS. KIMBALL: It's ...

1 PROCEEDINGS

2 MR. KISCHAK: What is the  
3 address of that?

4 MR. ROTHMAN: There are  
5 multiple addresses running from 35  
6 Babcock, 39A Water Grant, 39B Water  
7 Grant.

8 MS. KIMBALL: It goes from like  
9 Babcock Street, where the street  
10 comes down with the buses.  
11 So, the old Excelsior  
12 packaging north towards the last  
13 property that was a blue cube.

14 MS. SINGER: What's interesting  
15 about it is that we have the Avalon  
16 project. So, this would be almost an  
17 extension after that. It would build  
18 out that. So, if you came down  
19 Ashburton Avenue to the left is the  
20 Avalon and to the right this would be  
21 moving out and you know. So, it's a  
22 very important piece in the future  
23 development of the Waterfront, and  
24 Extell has huge resources.

25 So, we hope that they will

bring them to bear and move forward

1 PROCEEDINGS

2 as quickly as possible with this  
3 because what it means to this City of  
4 Yonkers is as we have someone new  
5 move in ... every time we have  
6 someone new move in we have a Yonkers  
7 city tax and it means that we will  
8 get probably at least \$1,000 for each  
9 unit a year and that adds enormously  
10 to the tax base. So, the objective  
11 is to enlarge the tax base so we can  
12 do all of the things that we need to  
13 within the city.

14 MR. KISCHAK: Those  
15 residentials, are they rentals or are  
16 they co-ops?

17 MS. KIMBALL: They're rentals.  
18 The thought was depending on what the  
19 market is ... which is the last  
20 project that they plan, is to  
21 potentially look at that being  
22 condos, but it would depend on what  
23 the market was driving.

24 MR. KISCHAK: Any other  
25 questions? Make a motion? Wilson

1 PROCEEDINGS

2 and Cecile.

3 Authorizing Resolution for YoFi  
4 Festival Sponsorship.

5 MR. ROTHMAN: The YoFi  
6 Sponsorship, this means an  
7 opportunity for the IDA to provide a  
8 \$2,500 grant in support of this film  
9 festival which brings people both  
10 from within the city but more  
11 importantly outside the city into the  
12 Yonkers downtown area. It's a  
13 resolution authorizing an expenditure  
14 of 2,500.

15 MR. KISCHAK: We did this last.  
16 Year. How was it last year?

17 MS. KIMBALL: I actually ...

18 MR. DJONBALAJ: It was very  
19 nice.

20 MS. GROSZ: It was very nice.

21 MR. KISCHAK: Motion? Wilson  
22 and Cecile.

23 Legal updates?

24 MS. GROSZ: None.

25 MR. KISCHAK: Other business?

1 PROCEEDINGS

2 Any other business?

3 Cecile and I would like to talk  
4 about something to clear the air.

5 MS. SINGER: So, what we are  
6 seeing and Pete was just discussing  
7 with me that they are doing a lot of  
8 building in Hoboken and so they asked  
9 the builders to give two and a half  
10 million dollars to the YMCA.

11 So, I reminded Pete that we as  
12 and IDA have an objective of getting  
13 scholarships from each, whoever came  
14 into the city, and we had specified  
15 amounts and it was a very good  
16 program and we were able to do some  
17 very wonderful things.

18 However, the State of New York,  
19 in its infinite wisdom, said that  
20 this was a quid pro quo, that we were  
21 not permitted to ask the developers  
22 to do this, and they ruled it out.

23 It is an insane ruling because  
24 we can't go back and ask for things  
25 that we really should be able to

1 PROCEEDINGS

2 because it's in the interest of the  
3 city. And if somebody wants to come  
4 in and develop something, they should  
5 have a responsibility.

6 In fact, last year when we ...  
7 in this past period, we decided that  
8 we were going to sponsor 20 students  
9 from the City of Yonkers, and we  
10 wanted to go to businesses to do  
11 this, we had to be sure that they had  
12 no pending business with the city  
13 before we were even able to go and  
14 speak to them. So, it is irrational.  
15 It is against the city's interests,  
16 but it's the State of New York  
17 ruling, and there is nothing we can  
18 do about it.

19 MS. GROSZ: There's no  
20 loopholes that we could possibly look  
21 into?

22 MS. SINGER: It's egregious.  
23 It really is, but that's where we  
24 are.

25 So, we were placed in a

1 PROCEEDINGS

2 terrible position and when we need  
3 something we have to think of some  
4 creative way to go around this which  
5 is not what it should be and so the  
6 State of New Jersey is permitting  
7 this. They are not saying you can't  
8 do it. So, there we are.

9 MR. KISCHAK: Okay. Thank you,  
10 Cecile.

11 Just going back; is there  
12 movement on the bus garage with the  
13 legality of it?

14 MS. MCGILL: David, do you have  
15 the latest update on that?

16 MR. ROTHMAN: The Court process  
17 is still playing out. I believe that  
18 papers were filed in the Second  
19 Department in Brooklyn for time to  
20 argue in front of the Court.

21 Last I knew, which is several  
22 weeks ago, they're expecting to make  
23 those arguments by the end of the  
24 year but other than that there is no  
25 update.

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DEPUTY MAYOR: May I add one thing? We did meet several months ago with Pat Foye, the president of the MTA, and we heard back from him about six weeks ago. And he said as far as the MTA is concerned they can find no alternate location for their buses. So, they had said if you want to move them, you have to find a place because we don't have one.

As David said we are going to condemn a sliver of that property that we need for the road, but in terms of the bulk where the buses are, it's unresolved.

New York City owns the property, and they have said they have really no way to move them. So, that's where we are.

Interestingly, they did approach us for permission to put a larger tower on Cacase to improve their radio system to communicate with their buses. So, we said that



1 PROCEEDINGS

2 we weren't going to do that because  
3 we didn't want the buses here at all.

4 That's where we are.

5 MS, SINGER: Can we find  
6 another site? I mean there must be  
7 other sites that are not so valuable  
8 to our future.

9 DEPUTY MAYOR: We haven't found  
10 one yet. It's a pretty large amount  
11 of buses that dock there, 80 or 90  
12 buses. It's a repair facility. It's  
13 not just a parking lot. You need a  
14 pretty good size piece of land.

15 And the other factor is that  
16 they're not paying a lot for that.  
17 It's owned by the city. I don't know  
18 exactly what the rental is. I would  
19 suggest it's not a commercial rate.  
20 So, they don't want to pay a lot  
21 either. That's the other  
22 complicating factor.

23 MS. KIMBALL: Hadn't they  
24 initially talked about moving the  
25 buses to their own ... I think it's

1 PROCEEDINGS

2 called their Eastchester Service  
3 Station in the Bronx?

4 DEPUTY MAYOR: They decided  
5 that ...

6 MS. KIMBALL: So, they decided  
7 not to do that.

8 The other thing I suggested is  
9 that they should look at using some  
10 of those empty parking garages that  
11 they built for the Yankees that are  
12 totally unutilized and the city  
13 bonded for that. They have all these  
14 problems filling them. They were not  
15 interested in looking at that  
16 solution either.

17 DEPUTY MAYOR: We have been  
18 talking to Westchester County to see  
19 if there's a possibility of sharing  
20 space in a county-owned facility on  
21 Saw Mill River Road that's used by  
22 the Bee Line. We don't have an answer  
23 back from the county yet on that.  
24 They said they would look into it and  
25 see if that could be a shared space.

1 PROCEEDINGS

2 So, that's one possibility that we  
3 are working on.

4 MR. KISCHAK: I don't think  
5 that's possible. I used to have a  
6 shop across the street and the  
7 parking ... they don't even have  
8 enough parking spaces for their  
9 employees.

10 DEPUTY MAYOR: I tend to agree  
11 with you, but we're trying  
12 everything.

13 MR. KISCHAK: I find it hard to  
14 believe that they can't find a place in the  
15 Bronx.

16 DEPUTY MAYOR: We do, too. We  
17 think they probably don't want to.

18 MR. KISCHAK: I agree. But  
19 they don't have to pay any property  
20 tax, right?

21 MS. KIMBALL: They do not.

22 DEPUTY MAYOR: They do not pay  
23 property tax.

24 MR. KISCHAK: We are losing out  
25 on that.

1 PROCEEDINGS

2 DEPUTY MAYOR: There's going to  
3 be some level of difficulty for them  
4 I think once we assume the  
5 condemnation is successful and it's  
6 not final, but we are going to take  
7 part of the access road, I believe,  
8 Wilson, that they kind of rely on.  
9 Isn't it going to be a little more  
10 difficult for them to get in and out  
11 of the bus facility?

12 MS. KIMBALL: There's like some  
13 issues that are coming up. There's  
14 that issue if we're successful and  
15 their secondary egress, the one  
16 that's further north, is actually on  
17 Extell's property and it was sort of  
18 an agreement between the parties.  
19 It's my understanding Extell is not  
20 interested in carrying that agreement  
21 forward, and Extell has to raise the  
22 site of their property five feet for  
23 sustainability purposes.

24 Already Avalon raised their  
25 site. That whole area flooded in the

1 PROCEEDINGS

2 last like several weeks ago. So, you  
3 know, we believe that unless they  
4 participate in all these different  
5 changes, they are going to be flooded  
6 and smaller and more inconvenient for  
7 them. So, they will eventually get  
8 the message that we don't want them  
9 there.

10 DEPUTY MAYOR: So, quick  
11 answer; short term, there's no  
12 movement.

13 MS. SINGER: The problem is  
14 that it's such a critical piece for  
15 development and now ... from a prime  
16 piece because of Extell's  
17 involvement.

18 MR. KISCHAK: It's holding us  
19 up.

20 DEPUTY MAYOR: Right. I wish I  
21 had a better answer. We continue to  
22 work on it. If the condemnation is  
23 successful, they may decide it's a  
24 lot less attractive and down the road  
25 they may change their mind because I

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PROCEEDINGS

agreed with you, Peter. Can they find a place in all of New York City for 80 buses, sure they could.

MR. KISCHAK: Thank you for the explanation.

DEPUTY MAYOR: Yes.

MR. KISCHAK: Any other business?

MS. KIMBALL: Motion to adjourn.

MR. KISCHAK: All right.

MR. DJONBALAJ: Motion.

(Whereupon, the proceedings concluded at 9:40 A.M.)

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PROCEEDINGS

C E R T I F I C A T E

STATE OF NEW YORK            )  
  :  SS.:  
COUNTY OF PUTNAM            )

I, MADELINE IOVINO, a Notary Public  
for and within the State of New York, do  
hereby certify:

That the witness whose examination is  
hereinbefore set forth was duly sworn and  
that such examination is a true record of  
the testimony given by that witness.

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 28th day of October 2018.

*Madelaine Iovino*

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MADELINE IOVINO

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