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Regular Meeting
of the
Yonkers Industrial Development Agency

September 29, 2016
9:10 a.m.
40 South Broadway
Yonkers, New York 10701

TRANSCRIPT OF PROCEEDINGS

EXECUTIVE AGENDA
=====

- 1. Roll Call
- 2. Minutes for the June 22, 2016 Meeting
- 3. Financials for June, July & August 2016
- 5. Resolutions for Consideration:
 - I. Inducement Resolution - RMS Warburton LLC
(1075 Warburton Ave.)
 - II. Inducement Resolution - Avalon Bay Communities
Inc.
 - III. Inducement Resolution - Alpha-En Corporation
 - IV. Inducement Resolution - 380 Saw Mill Suerte
LLC
 - V. Authorizing Resolution - Extension of Sales
Tax Exemption for L & A Acquisitions LLC
 - VI. Resolution - SoYo Exalta Owners LLC as

2 Designee of SoYo Exalta Project

3 VII. Resolution - YIDA License Agreement with City
4 of Yonkers for Occupancy at 470 Nepperhan Ave.

5 6. Legal Updates

6 7. Other Business

7 8. Adjournment

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14 Reported By:

15 Margaret Prendergast
16 902 Pleasantville Road
 Briarcliff, New York 10510

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

3 BOARD MEMBERS

4 MAYOR MIKE SPANO - CHAIRMAN

5 MARTIN BALL, SR. - VICE CHAIRMAN

6 DEPUTY MAYOR SUSAN GERRY - SECRETARY

7 CECILE SINGER - BOARD MEMBER

8

9 IDA STAFF

10 KEN JENKINS - IDA PRESIDENT

11 JAIME MCGILL - IDA EXECUTIVE DIRECTOR

12 MARY LYRAS - IDA CHIEF FISCAL OFFICER

13

14 OTHER

15 GREGORY P. YOUNG, ESQ. - IDA COUNSEL

16 DAVID ROTHMAN, ESQ. - HARRIS BEACH PLLC/TRANSACTION
COUNSEL

17

18 PAULINE GALVIN - TRANSACTION COUNSEL

19 PATRICK SERENSON - IDA ACCOUNTANT

20 ALAN FOX - ROBINSON & COLE/TRANSACTION COUNSEL

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MAYOR SPANO: Good morning.

MS. LYRAS: I'll start Roll Call.

Mayor Spano?

MAYOR SPANO: Here.

MS. LYRAS: Deputy Mayor Gerry?

MS. GERRY: Gerry, here.

MS. LYRAS: Gerry, I'm sorry.

MS. GERRY: It's alright.

MS. LYRAS: Cecile Singer?

MS. SINGER: Here.

MS. LYRAS: Marty Ball?

MR. BALL: Here.

MS. LYRAS: Pete Kischak is excused.

Melissa Nacerino is excused.

Mayor, we have a quorum.

MAYOR SPANO: Okay. Good morning,
everyone.

We have the Minutes for the June 22,
2016 Meeting. Everyone has those minutes at their
desks.

Are there any questions?

(No Response.)

MR. BALL: I make a motion to accept.

MAYOR SPANO: I have a motion by Marty

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to accept.

MS. SINGER: (Hand Raised.)

MAYOR SPANO: Seconded by Cecile Singer.

All in favor?

(Chorus of Ayes.)

MAYOR SPANO: Any negatives?

(No Response.)

MAYOR SPANO: Hearing none, the item is passed.

I apologize for saying, "They're all at your desk." Right? That's kind of like being -- we all have our own desks. I have to say table in the meantime.

Anyway, Item 3, Financials for July 2016 and August 2016.

MS. LYRAS: The month of June, we received 155,000 in agency fees, closing on Austin Avenue.

The month of August, we received 156,000, closing on Cintas, Leggiadro and 1175 Warburton.

Our cash on hand for the month of August was 2.28 million. And we have our accountant Pat Serenson on hand for any questions.

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MAYOR SPANO: Okay. Are there any questions?

(No Response.)

MAYOR SPANO: Hearing none, does anyone want to make a motion?

MS. GERRY: (Hand Raised.)

MAYOR SPANO: Motion by the Deputy Mayor.

MS. SINGER: (Hand Raised.)

MAYOR SPANO: Seconded by Cecile.

That we accept the financials for June -- I'm sorry, for June, July and August 2016.

All in favor?

(Chorus of Ayes.)

MAYOR SPANO: Any negatives?

(No Response.)

MAYOR SPANO: Hearing none, the item has passed.

Item 5, Mr. Legislative Jenkins.

MR. JENKINS: Good morning, Mayor, thank you.

The first item up is Inducement Resolution for RMS Warburton, LLC, Ms. Galvin.

MS. GALVIN: Good morning, Mayor, Deputy

Proceedings

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2 Mayor, Chairman, members of the board and guests.

3 I'm serving as Transaction Counsel to
4 the IDA with regard to the RMS Warburton, LLC
5 Project which anticipates the agent to take in
6 title, possession and control of the property
7 located at 1065 and 1073 Warburton Avenue and 40
8 Harriman Avenue, also known as 1077 Warburton
9 Avenue Yonkers, New York.

10 Warburton -- RMS Warburton, LLC is
11 anticipating closing on this property in December
12 2016. They look to restore the dilapidated
13 property located at 1077 Warburton Avenue.
14 Currently, this property consist of .63 acres with
15 a giant hole in the ground as a result of
16 abandoned construction. The property is known for
17 its instability due to landslides and soil
18 erosion. RMS has plans to stabilize and restore
19 the property and construct a 9-story residential
20 tower, complete with 102 spots for parking. Mr.
21 Randall Salvatore and R.C. Family Trust are the
22 principle owners of the LLC requesting the
23 financial assistance from the IDA. RMS Warburton
24 is requesting a sales tax exemption, mortgage
25 recording tax exemption and a real property tax

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agreement.

It's expected that the project will create 75 full-time jobs and 20 part-time jobs for the construction. We expect that full -- three full-time jobs and three part-time jobs will be created as well on the project. Daniel Richmond, Esquire, of Zarin & Steinmetz is here to give a brief presentation on behalf of RMS Warburton.

MR. RICHMOND: Thank you very much.

Good morning, Mayor and good morning members of the IDA. My name is Dan Richmond. I'm with the law firm of Zarin & Steinmetz. With me this morning Dave Feighery from RMS to answer any questions.

As you've heard, we are -- our clients is attempting to address the hole in the ground that presently exist in the immediate proximity to the Greystone Railroad Station. RMS has a tremendous track record of residential development including on difficult sites like this and is in position and ready to advance the project to build a 9-story, 74-unit residential project in complete harmony with the character of this stretch of Warburton Avenue. We met with the neighbors at

Proceedings

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2 1085 Warburton and we're continuing our
3 discussions with them. We've been before the
4 Zoning Board of Appeals concerning variances that
5 I think are, essentially, technicalities. A lot
6 of it has to do with a parking garage. It is
7 actually in close proximity to a front yard of one
8 of the structure itself. It's set back. We are
9 providing parking in excess of what's required by
10 code because we are in close proximity to the
11 train station, we only need one spot. But again,
12 following conversations with the neighbors at
13 1085, we've heard their concerns. We recognize
14 that parking is a concern in this area. So, our
15 client is producing 102 parking spaces as part of
16 this.

17 We are happy to answer any questions you
18 have. I know you have a full agenda.

19 MAYOR SPANO: Are there questions by the
20 board?

21 MR. BALL: How are going to seal up the
22 hole?

23 MR. RICHMOND: What's that?

24 MR. BALL: How are you going to seal up
25 the hole?

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MR. RICHMOND: Dave, do you want to explain?

MR. FEIGHERY: The parking garage will be basically in the hole. You know, there's going to be Below-Grade parking with a structure above.

MR. RICHMOND: This is an elevation drawn up of the project that is produced by Banfield Architects. We have site plans if you are interested in seeing those.

MAYOR SPANO: You know we encourage local labor. So, what are your plans in terms of -- would you be considering a PLA?

MR. RICHMOND: This will be an open shop.

MAYOR SPANO: Like I said, we encourage it.

MR. RICHMOND: Understood.

MAYOR SPANO: We don't make it mandatory but it's something that's very important to the members of the board.

MR. RICHMOND: Understood.

MAYOR SPANO: We ask that you will at least work with us with our local labor groups and speak to them.

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MR. RICHMOND: Sure.

MAYOR SPANO: At least give them a fair shot.

MR. RICHMOND: Oh, yes. I mean, we're obviously going to give a preference for local labor.

MS. SINGER: Will there be the same percentage for affordable --

MR. RICHMOND: We don't need to do 10 percent because we are under certain thresholds where I think there are going to be at least two units -- one unit of affordable housing, per the code.

MAYOR SPANO: How many units are you doing?

MR. RICHMOND: 74.

MAYOR SPANO: Okay, yeah.

MS. KIMBALL: Can I just add that this also solves the issue of Mrs. Bishop's house. So, that has long been an area of contention. The insurance company that dealt with the predecessor to RMS purchased Mrs. Bishop's home and that will be part of the site. And that sort of dark history will be removed moving forward from that

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situation.

MAYOR SPANO: It's been a while. That hole has been there for a long time. It's been an eye sore. So, we appreciate the fact you're here. If you can work with us on the local labor issues.

MR. RICHMOND: Absolutely.

MAYOR SPANO: That's something that's important to us.

MR. RICHMOND: Absolutely. We understand.

MAYOR SPANO: I realize that you come in under a different inducement so you don't have to. But, we would like to work with it.

MR. RICHMOND: Absolutely agree with that.

MAYOR SPANO: Any other questions?

Cecile? Any questions with this?

MS. SINGER: No. I think it's a wonderful improvement to the area.

MR. RICHMOND: Thank you very much.

MAYOR SPANO: How fast will you guys -- sorry, go ahead.

MR. RICHMOND: I think it's safe to say, 14 months. Construction will be 14 months once we

Proceedings

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2 get all of our approvals. Again, we're before the
3 ZBA, the Zoning Board, this month. I can't speak
4 for them, although, our impression was we were
5 well received. So, you know, hopefully, we will
6 get to meet before the Planning Board as well. As
7 soon as we get a building permit, we're 14 months.

8 MAYOR SPANO: Okay, thank you.

9 MR. RICHMOND: Thank you very much,
10 Mayor.

11 MAYOR SPANO: Anyone want to make a
12 motion?

13 MR. BALL: (Hand Raised.)

14 MAYOR SPANO: Marty made a motion.

15 MS. GERRY: (Hand Raised.)

16 MAYOR SPANO: Seconded by the Deputy
17 Mayor.

18 All in favor?

19 (Chorus of Ayes.)

20 MAYOR SPANO: Any negatives?

21 (No Response.)

22 MAYOR SPANO: Hearing none, the item is
23 passed.

24 MR. JENKINS: Item II, the Inducement
25 Resolution for Avalon Bay Communities, Harris

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Beach.

MR. ROTHMAN: Good morning, David Rothman from Harris Beach. The resolution you have before you is an initial resolution which would authorize the holding of a public hearing for a sales tax exemption, mortgage recording tax and tax agreement after a public hearing.

The project, itself, is on Alexander Street at the property known as the ATI site, Sun East and Sun West which comprises of three parcels 78 to 91, 80 to 94 and 37 to 145 Alexander Street. This project will consist of any aggregate 609 units of housing along with 906 parking spaces as related estimate on improvements. The actual project, to answer any questions you may have, we have counsel and a representative of Avalon.

MR. WEINGARTEN: Good morning, members of the board. I'm Mark Weingarten of Delbello, Donnellan & Weingarten. I'm happy to be here. My pleasure to be here this morning. I'm with Avalon Bay Communities making their request for IDA assistance in the form of sales and use tax and real property tax relief for the project over at Alexander Street. I'm joined this morning by the

Proceedings

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2 Senior Development Manager, Todd Nicotra, from
3 Avalon Bay.

4 We first mention that what is missing
5 is, we're not asking for mortgage tax. One of the
6 wonderful things about Avalon Bay is they are a
7 public company. They are a 44 billion dollar
8 company with 80,000 apartments throughout the
9 United States. They own and they develop.
10 They're a major company. They use their own
11 money. One of the great things about them, and
12 we've been representing them for over 20 years, is
13 that they get approval and they start building.
14 They have the financing from the banks. It's
15 really a terrific thing. We've done it for about
16 -- like I said, we've represented this company for
17 over 20 years. We've built a couple of thousands
18 apartments in the Westchester area with them.
19 We're currently under construction. We always
20 like to say the best reference for a new community
21 is to go into the other communities and ask about
22 how they build, they own, they hold and they are a
23 part of your community and are great citizens.

24 As far as the project itself is
25 concerned, you heard briefly, these are the first

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units on the Alexander Street Riverview area. We're very excited to be a part of that renaissance, down on the water, being the first ones in doing a project down there. These are luxury apartments units. These are the kind of people that you want to come and move into Yonkers. People we expect to have incomes averaging around 150,000 per apartment owned and that will be living down there, being a part of your city, using the train station, and shopping in the stores and spending money.

It's 609 apartment homes. It's on three separate sites, three separate buildings. The first building, we anticipate will be built in 18 to 20 months. There's a lot of infra-structure that has to go in, including a waterfront escalade that will connect to the other areas down there for public use. And the whole built-out will probably be over a three year period as there are three buildings being built down there in under 36 months.

As far as the numbers are concerned, it's a 183 million dollar, roughly, investment, 134 construction cost. About half, 67 million for

Proceedings

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2 materials, about half in labor. We expect -- we
3 are asking six million in sales and use tax
4 exemption, pilot to be determined as part of our
5 discussions. As far as job creation, 387
6 full-time -- part-time construction jobs. There
7 will be 26 full-time jobs.

8 So, we were told you have a busy agenda
9 and that's the brief part. We could go for
10 another twenty minutes on it if you'd like,
11 otherwise, we're here to answer any questions.

12 MS. GERRY: So, I just wanted to echo
13 the Mayor's comment on the last item about the use
14 of local labor.

15 MR. WEINGARTEN: Yes.

16 MS. GERRY: And to see if there's any
17 plan in place so that, somewhere that we can work
18 together.

19 MR. WEINGARTEN: Yes. Avalon Bay, as
20 you know, we've had some union discussions with
21 respect to this project. We've been very
22 cooperative with the City working on that. Avalon
23 Bay has a procedure they use with all the other
24 projects that they've done here in this area. It
25 is open shop but they do and they will go with the

Proceedings

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2 best bid. What that usually turns out to be is
3 both union and non-union labor. And they are
4 absolutely committed to working with the City to
5 identify local labor, to identify minority labor,
6 we know there are minority-owned business
7 enterprises. If you have a list, we want to make
8 sure all those people participate in the process.

9 MAYOR SPANO: Would Avalon Bay be
10 willing to meet with us and labor leaders?

11 MR. WEINGARTEN: Absolutely.

12 MAYOR SPANO: Okay. Just to give them a
13 shot.

14 MR. WEINGARTEN: Yes, absolutely.

15 MS. SINGER: What are you going to do in
16 terms of parking?

17 MR. NICOTRA: We have a parking ratio of
18 1.15 spaces per apartment.

19 MR. WEINGARTEN: The requirement
20 although these are CURs, the requirement for all
21 the residence down there is one-to-one, one spot
22 for every apartment. Avalon is the leader in that
23 with 1.15 spaces. We think it's more than enough.
24 They also utilize things like Zipcars because
25 there are a lot of millennials that are going to

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be living there that won't have cars. I know that might sound strange to people in this world but it's truth. A 27-year old lawyer just came back who turned back his car. They have Athens. They have Ubers. They have Zipcars they share, the train. Transportation won't be a problem.

MAYOR SPANO: Any other questions?

(No Response.)

MAYOR SPANO: Hearing none, does anyone

--

MS. SINGER: (Hand Raised.)

Cecile made a motion.

Is there a second?

MR. BALL: (Hand Raised.)

MAYOR SPANO: Marty, second.

All in favor?

(Chorus of Ayes.)

MAYOR SPANO: Any negatives?

(No Response.)

MAYOR SPANO: Hearing none, the item is passed.

MS. GERRY: Thank you.

MR. WEINGARTEN: Thank you very much.

MR. JENKINS: Item III, the Inducement

Proceedings

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2 Resolution for Alpha-En Corporation, Robinson
3 Cole.

4 MR. FOX: Good morning, Mayor and
5 members of the board. I'm Alan Fox from Robinson
6 Cole. This is an inducement resolution for
7 Alpha-En Corporation. It's a research and
8 development company that develops materials in
9 advanced battery technologies. They are looking
10 to relocate their office facility to 28 Wells
11 Avenue, which is the Otis Elevator Building. It
12 will allow them to consolidate their research and
13 development operations from other locations around
14 the country. They are looking for -- they will be
15 retaining 10 jobs from Westchester County and
16 looking to have 5 new jobs in the next few years.
17 Most of what they are seeking in assistance is
18 sales tax exemption on equipment, research and
19 development equipment, which they will be buying
20 for this facility. Some sales tax also for
21 build-out.

22 Mr. Steven Fludder, from the company, is
23 here to describe his company which I could never
24 do and discuss the project and answer any
25 questions that you may have.

Proceedings

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2 MR. FLUDDER: Thank you. Mr. Mayor and
3 your distinguished colleagues, we also have with
4 us Michael Feldman, our Managing Director and
5 Gerry Feldman, our Chairman of the company.

6 We are going to change the world. And
7 we're going to do that by revolutionizing the
8 energy storage technology that we all use every
9 day. These devices that we carry around and most
10 of us have to recharge every single day, and
11 sometimes more than once a day, are powered by a
12 battery technology that was developed 30 years ago
13 in Japan. And it's completely plateaued.

14 In the last ten years, the improvement
15 in performance of these batteries has been
16 fractions of a percent. So, like any new
17 technology, eventually, it just kind of flattens
18 out in terms of improvements. Every major battery
19 manufacturer in the world is working on the next
20 generation battery that will replace this
21 technology. And we have the critical component
22 that will enable that next generation battery.
23 So, every battery manufacturer in the world will
24 become a customer of ours. So, this change, this
25 revolution in energy storage, the epi-center of

Proceedings

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2 that revolution will be right here in the City of
3 Yonkers. We have developed this technology in
4 collaboration with some very prominent research
5 partners. We're doing work in the City University
6 of New York right now. We're doing work at
7 Argonne National Laboratory in Chicago, part of
8 the Department of Energy. We're doing work at
9 Princeton University in New Jersey.

10 And what we are here today to request is
11 approval of our application that will allow us for
12 our facility in Yonkers to be not just an office
13 which is currently what we're building up. But to
14 basically, relocate all that advance research from
15 Illinois, from New Jersey, into this facility.
16 So, that's the essence of what our application is
17 about.

18 As was mentioned, we will have,
19 immediately, five additional employees. These
20 will be PhD level scientist. We're intending to
21 rent an apartment or two for people that have to
22 relocate. So, they will become local new citizens
23 of Yonkers. Of course, we will also have
24 preferential hiring for locals.

25 The construction work is being managed

Proceedings

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2 by the IPark Management team and so they're using
3 all of their normal contractors that they use for
4 the build-up of all the rest of their tenants.

5 So, that's -- we're pretty excited about
6 this and we could stay here all day and answer
7 questions because we love to talk about it.

8 Thank you.

9 MAYOR SPANO: We're pretty excited.
10 It's good karma actually to go into Otis Elevator
11 Building because you all know Otis did not invent
12 the elevator but he invented the brake which
13 revolutionized the elevator and allowed for
14 transformation in New York City in terms of
15 High-rise being built. But, it's good to know
16 that the elevator can stop. So, it's nice to know
17 that you're now taking the battery and now you're
18 going to revolutionize that. You're in the right
19 place. We're excited to have you in Yonkers.

20 MR. FLUDDER: Thank you. Thank you, Mr.
21 Mayor.

22 The improvement that I failed to
23 mention, these batteries, in the last 10 years,
24 have improved about what's called one percent.
25 When this new battery hits the market, enabled by

Proceedings

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2 our technology, developed right here, it will be
3 100 to 200 percent improvement. And then the next
4 phase will be about 700 percent improvement. So,
5 imagine if you would only have to charge your
6 phone maybe once every two weeks. Imagine if you
7 could buy an electric vehicle that actually had
8 the same range as a gasoline powered engine.

9 Electric vehicles, every automobile
10 manufacturer has electric vehicles now. And it's
11 a fraction of their sales. The reason is, people
12 are afraid to purchase them. It's called range
13 anxiety. People are afraid that they're going to
14 run out of juice someplace where there is no
15 charging station. Today, there's gasoline
16 stations everywhere. And the range of these cars
17 will be 5 or 600 miles with this new battery
18 technology. And whatever electric vehicle
19 manufacturer advertises as their range, it's
20 really not quite that much. So, everyone is a
21 little disappointed right now. Using this
22 technology to power an automobile --

23 MS. SINGER: Can I give you my Iphone?

24 MR. FLUDDER: Sure, absolutely. We'll
25 have an exchange program.

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MAYOR SPANO: She jumped on that.

By the way, another thing -- and you have to stop me because like I said, we could talk all day. Another thing that our technology will do is, it will allow us to recycle lithium batteries. Right now, most lithium batteries end up in landfills because, most people are not suppose to it, but most people just throw them in the trash. And we have also an aspect of our process that has that sort of sustainability, we'll call it, on the recyclable side as well.

MS. SINGER: What's your timeline?

MR. FLUDDER: We made a mock progress up until now to validate our technology on a large scale. And we're going to spend the next 18 months to basically commercialize the technology. And we're doing that in partnership with major battery manufacturers, the big ones. The really big ones as well as with the Department of Energy. So, then, from 18 months to the next 36 months, that's when we'll start to generate revenue and sales.

MAYOR SPANO: One of the problems we have with batteries is that the people don't know.

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They don't know really what to do with them.
Having three children that are, you know, in that
age --

MR. FLUDDER: Sure.

MAYOR SPANO: You know, they have their
phones and they have their Gameboys and everything
else that goes with it. And I started taking the
batteries and I throw the batteries in this box.
My wife asked me the other day, "When are you
taking this box of the garage? It's full of
batteries." And I don't know where --

MR. FLUDDER: Where's the box?

MAYOR SPANO: I'll bring the box here.
It's all -- it just all old batteries. But, we as
a government, I think, we have to start. We have
to do something about that. Even if it's our
recycling center. There's a place --

MR. FLUDDER: You can have buses powered
by batteries that we build. Or batteries that are
on our market.

MS. GERRY: We can have a battery
recycling programs in the libraries and senior
centers. You know, you have to have containers so
people have it in their mind.

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MAYOR SPANO: Are there any questions?

MR. FLUDDER: Thank you.

MS. SINGER: It's certainly interesting and you have to promise to have us there when you find the time.

MR. FLUDDER: Of course, of course. In fact, the Mayor and some of your colleagues joined Senator Gillibrand about a month ago, I guess it was. It's part of her tour of high-level activities. And since then what we want to now is move the real need of this operation which is the PhD level science into this facility. And there's a significant capital investment to do -- because we're using Princeton's equipment right now. We're using Argonne's equipment right now. We want to purchase our own equipment so that we can accelerate the development and move those operations and activity here.

MS. SINGER: What's your consolidation timeline? So, what will you bring in first?

MR. FLUDDER: We're going to bring in what we're doing first. Mostly, what we're doing at Princeton and Argonne.

MS. SINGER: So, that's the first thing.

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MR. FLUDDER: Yes. And then, once we get that set up and operating, then what happens is companies like Samsung and Panasonic, the big battery companies, Johnson Controls, a U.S. company, they then -- we would manufacture proto-type samples in this facility and they take the samples, they test them. Then we enter into a contract. So, we're always going to sort of more RND-oriented work and proto-typing work here. Then we will probably license the technology to our customers. And they will actually intergrade them to their factories. So, this is -- we're not a big scale manufacturer but it's a very high tech and high paying jobs, with again, Masters and PhD level scientist.

MS. SINGER: It's very interesting.

MR. FLUDDER: Thank you.

MS. GERRY: Thank you.

MAYOR SPANO: Any other questions?

MR. BALL: Do you know the only person that will be upset is Con Ed? No one will be paying there bills.

MR. FLUDDER: There's another aspect. With more and more renewable energy deployed with

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2 solar and other technologies, it's beginning to
3 destabilize the power grid. The way the power
4 grid operates, is it wipes these big cold plant,
5 these big nuclear plants, because they just run
6 all the time. When you have intermittent power
7 coming in and out, it becomes a technical problem
8 to keep the grid stable, to keep it at 120 volts,
9 to keep it at 60 cycle. And the solution to that
10 is, is the commencement of non-energy storage.
11 So, that if the winter is producing ten hours a
12 day, then for the next twelve hours a day, when
13 the energy storage system can step in and
14 stabilize. The reason this isn't deployed, is
15 because it's not economic with this technology.
16 You have to pay too much. But, if this battery,
17 for roughly the same price, could store three or
18 four or five hundred percent more energy, now the
19 economics for Con Ed and all the utilities become
20 favorable.

21 MR. FELDMAN: Also, we have to mention
22 great storage capability.

23 MR. FLUDDER: That's right. And so --
24 and so this is -- the first area this is going to
25 blossom is in the electric vehicles. Then, it's

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2 going to move into utility energy storage. Once
3 the technology has matured by those markets, then
4 it's going to fall back into the consumer
5 electronics. And so, we have this all mapped out
6 in terms of which market sectors are going to be
7 the early adopters and which ones will then follow
8 once everything is proven and safe.

9 MS. SINGER: Are you a public company?
10 Or are you --

11 MR. FLUDDER: We are a public company,
12 yes. Yes, we are a public company that has an
13 interesting history. We used to be in a very
14 different business. Mr. Feldman's brother
15 actually ran the company. It was a film
16 documentary production company. Then the company,
17 in terms of business activity, went dormant for a
18 few years. And then, Mr. Feldman stepped in and
19 used the corporate structure of our company, which
20 was already public, in order to bring this new
21 clean energy technology to market.

22 MS. SINGER: So are you with NASDAQ?

23 MR. FELDMAN: We're with OTC right now.

24 MR. FLUDDER: And we're obviously -- we
25 have a plan and intention to upload this as we go

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forward.

That's another thing. We are raising capital at the moment.

MS. SINGER: That's always a good thing.

MR. FLUDDER: Yes. So, we are raising -- so the \$5,000,000 you see in the application, we're raising that capital right now. And having approval from this board, for this incentive, is a nice -- it looks good to our investors. It makes some of them actually take the step to making an investment, to have your support.

MAYOR SPANO: If there are no other questions, that being said --

MS. SINGER: (Hand Raised.)

MAYOR SPANO: Cecile wants to make a motion.

MS. GERRY: (Hand Raised.)

MAYOR SPANO: Seconded by the Deputy Mayor.

All in favor?

(Chorus of Ayes.)

MAYOR SPANO: Any negatives?

(No response.)

MAYOR SPANO: Hearing none, the item is

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passed.

Thank you.

MR. FELDMAN: Thank you.

MR. FLUDDER: Thank you.

MAYOR SPANO: Thank you very much.

We're excited about you guys being here.

MR. JENKINS: Thank you, Mr. Mayor. The next item on the floor is Inducement Resolution 380 Saw Mill River Suerte, Robinson Cole.

MR. FOX: Alan Fox, again. This is another Inducement Resolution for 380 Saw Mill Suerte LLC. This company is affiliated with Saw Mill Auto. This property is a vacant lot on Saw Mill River Road, formerly a lumber yard. The intention is to use this -- to use this lot to expand the sales business of the Saw Mill Auto.

MAYOR SPANO: The Lockwood Lumber Site. The Lockwood Lumber site, right?

MR. FOX: Correct. The assistance that's being requested is a small amount of sales tax for construction of a small building on the property. But, most of what is being requested is a pilot for real property tax abatement in line with the agency's guidelines which will culminate

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2 this project. They would expect that this project
3 would allow them to obtain ten jobs in that
4 department and add another five jobs over the next
5 few years.

6 Mr. Bill Maio is here from the company
7 to describe the company and the project and to
8 answer any questions you may have.

9 MR. MAIO: Hi. Good morning, Mr. Mayor
10 and members of the board. As we said, it's
11 presently a vacant lot. Much vegetation has grown
12 over the years on it. Our intention is to clear
13 the land, construct an approximately 4,000 square
14 foot building for our new offices. The rest of
15 property being paved. Probably will be fenced in
16 so that we can display our vehicles that we sell.
17 Right now, we're on a dead-end street on North
18 Street, as many of you might know. We want to
19 relocate the business onto a main thoroughfare to
20 attract more business.

21 With that, the intention is also to
22 increase the number of employees we have. Right
23 now, we approximately employ, in all three
24 companies, we have 55 people with the intention of
25 expanding administrative and skilled labor and

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2 hopefully we'll increase maybe five or more over
3 the next few years. So, basically, that's the
4 main focus of the project.

5 MAYOR SPANO: Are there any questions?

6 MR. BALL: Just sales, right? No
7 maintenance?

8 MR. MAIO: We don't do maintenance on
9 that lot, no. We have other facilities, plus,
10 we'll be utilizing other businesses in the area so
11 it will help the economic development of the area
12 as far as body shops, repair shops, that do some
13 of the work that we require for our vehicles so --

14 MAYOR SPANO: Any other questions?

15 (No response.)

16 MR. BALL: (Hand Raised.)

17 MAYOR SPANO: Marty's made a motion.

18 MS. SINGER: (Hand Raised.)

19 MAYOR SPANO: Seconded by Cecile.

20 All in favor?

21 (Chorus of Ayes.)

22 MAYOR SPANO: Any negatives?

23 (No Response.)

24 MAYOR SPANO: Hearing none, the item is
25 passed.

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Thank you.

MR. MAIO: Thank you.

MR. JENKINS: Thank you, Mr. Mayor.

Item V is Authorizing Resolution Extension of Sales Tax Exemption for L & A Acquisitions LLC, Mr. Rothman.

MR. ROTHMAN: Yes, a bit of history and housekeeping. The L & A Operations also known as Adira, has purchase the Michael Malotz Senior Nursing Facility. This is nothing more than an extension of their agency period for purposes of utilizing their sales tax exemption. It has recently expired. This would extend it through May 31 of next year. There are no new benefits. I would just note that in the interim, the sales tax amount collected within the city has increased. So, this is an extension. I just to recognize there was an increase in terms of how the sales tax was calculated. But, there's no new benefit being provided.

MS. GERRY: This is the Ginsberg Building?

MR. ROTHMAN: No. This is the 120 Odell, the Michael Malotz.

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MS. GERRY: Sorry.

MR. JENKINS: Mr. Mayor, we want to make sure that all those things work with labor and Adira because of all the efforts that have been agreed to. Because the member of the board were concerned about that.

MAYOR SPANO: Okay. Are there questions?

MR. BALL: I make a motion.

MAYOR SPANO: Marty made a motion. Seconded by -- Cecile?

MS. SINGER: I abstain.

MAYOR SPANO: Gotcha. We have a vote to abstain.

MS. SINGER: I abstain even though the sale is completed.

MAYOR SPANO: We're going to lay it aside.

Do the next one.

MR. JENKINS: No worries.

MAYOR SPANO: Do the next one.

MR. JENKINS: Next item is Sales Tax Exemption Increase for 1175 Warburton Avenue, Mr. Rothman.

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MR. ROTHMAN: This may be the project --

MS. GERRY: Yes, I'm sorry. I was looking at the wrong --

MR. ROTHMAN: 1175 had been approved for various incentives included for benefits including a sales tax exemption. Since that time, the company realized that the amount of their request was insufficient and they sent a letter requesting an increase from the approximately 3.8 or 3.9 million to \$5,000,000. And, again, this was approved before the increase in sales tax exemption amount or sales tax amount, excuse me. So, there's a recognition of that.

MS. GERRY: So, some of us may be aware, some of us may not, but there was a part in the press yesterday about US Attorney taking an action against the developer for his properties that were completed in Haverstraw relating to ADA Compliance. There is a directive for those facilities being reconfigured by the ADA. As well as a directive -- sometimes a media hoarder with respect to these buildings which are not even built yet. So, I think it's just a restatement of the ADA requirements and the developer. But, I

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2 just wanted to put that on the record that, you
3 know, they're under that order. It's the law.
4 And we will certainly make sure that is done as
5 well.

6 MAYOR SPANO: Is it part of the press
7 release, any of the Yonkers properties?

8 MS. GERRY: Yes. They specifically
9 named this and River Tides as well.

10 MS. KIMBALL: The US Attorney mentioned
11 the two properties in Yonkers specifically. One
12 is not even on the ground, that's 1177.
13 Subsequent to the release of that document from
14 the US Attorney, I spoke both with GEC and I also
15 spoke with our Building and Fire Inspectors. And
16 we always inspect for ADA Compliance. We do spot
17 inspections. So, it's everything from measuring
18 from the top of where a light switch goes to the
19 floor, to the width of doorways for clearance
20 issues. This last EBG issued a response and they
21 are going to be hiring the Affordable Housing
22 Compliance Officer that Mr. Haeir suggested. So,
23 they will have that person on board internally,
24 in-house for themselves. But, our fire department
25 and our building department feel confident that

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2 the review of the documents that they conducted
3 was very thorough. So, we're very hopeful that
4 River Tides which is mostly completed in it's core
5 and shell but not in it's fit out. We should be
6 fine.

7 MR. JENKINS: Item VII is a Resolution
8 for SoYo Exalta Owners LLC as Designee.

9 MR. ROTHMAN: And this again, the board
10 previously approved this in September and in the
11 final resolution in December of last year. At the
12 time, the company name, I think it was SoYo Exalta
13 LLC, their designee is being recognized by this
14 resolution, SoYo Exalta Owners LLC. Other than
15 the fact that the name has been changed, and
16 again, the sales tax amount has increased, there
17 are no new benefits being provided by this
18 resolution. It's just recognition of their
19 designee name.

20 MAYOR SPANO: Are there any questions?

21 (No Response.)

22 MAYOR SPANO: If there are no questions,
23 anybody want to make a motion?

24 MS. SINGER: (Hand Raised.)

25 MAYOR SPANO: Cecile has made a motion.

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MS. GERRY: (Hand Raised.)

MAYOR SPANO: Seconded by the Deputy
Mayor.

All in favor?

(Chorus of Ayes.)

MAYOR SPANO: Any negatives?

(No Response.)

MAYOR SPANO: Hearing none, the item has
passed.

MR. JENKINS: Thank you. The final
Resolution is the YIDA License Agreement with the
City of Yonkers for the Occupancy at 470 Nepperhan
Avenue, Mr. Young.

MR. YOUNG: Mr. Mayor, this is a
resolution authorizing the City and the IDA to
execute a license agreement for the space the IDA
occupies at 470 Nepperhan Avenue.

MAYOR SPANO: Any questions?

That's the Firefighter's place?

MR. YOUNG: Yes. Total square footage
is 18 thousand square feet there and this is 3750
of it.

MS. GERRY: As long as we're there,
you're there. I guess that's the way it worked.

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IDAs come under the City space. The IDA pays the City and the City pays the rent there.

MAYOR SPANO: Anybody want to make a motion? Or do we have any questions, sorry.

MS. SINGER: It's IDA and we're making a motion, if that's correct?

MR. BALL: I make a motion.

MAYOR SPANO: Seconded, Marty.

Do we have an unanimous consent? How's that, yes.

MR. YOUNG: We are a legislative rule.

MAYOR SPANO: We are up to Legal Updates.

MR. YOUNG: We have none, Your Honor.

MAYOR SPANO: We have some Other Business to discuss. I know we have some of our friends here from labor. So, let us address it with the Deputy Mayor has to say. We are working with them, trying to resolve some issues that we think would be helpful in providing for greater participation by labor and some of the economic development that's happening here in the City. And we just -- from working with them on some proposals, we had just gotten your guy's ideas on

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2 Friday. So, we haven't had enough time to, you
3 know, put it through, but in the meantime we can
4 discuss it.

5 MS. GERRY: Sure. The board members
6 have had a few discussions in our meetings with
7 labor. We've had conversations about how to
8 encourage labor participation in projects that are
9 incentivized by the IDA. Jaime and her team has
10 done a lot of work with Ken to do a lot research
11 statewide about what the different methodologies
12 are. We try to encourage or require labor
13 participation in projects that are incentivized by
14 New York State IDAs. A good vehicle for providing
15 that local incentive. We've done a lot of work
16 with that. We had a lot of conversations with a
17 lot of jurisdictions. We had some conversations
18 with labor, some with developers. Most recently,
19 we met with the Carpenter's Union and Ed Doyle and
20 the Teamster and various groups represented in the
21 local community for, you know, the construction
22 trades. And had conversations about what kind of
23 language we could put into our IDA policies to
24 best insure that local labor has a seat at the
25 table with projects like the apprenticeship

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2 programs. Menial apprenticeship programs are
3 implemented so that we are growing the next
4 generation of our construction trades here
5 locally, from local labor.

6 So, in that conversation, the
7 construction trades, the Carpenter's Union
8 suggested they will provide us with some language
9 for us to consider regarding responsible bidder
10 language, local labor apprenticeship, that sort of
11 thing. We received some language Friday, last
12 Friday on the 23rd. We reviewed it internally
13 with our corporation counsel as well as we want to
14 review it with our transaction counsel. We want
15 to also vet it further, have further conversations
16 with labor, have further conversations with the
17 developers. We want to do some due diligence in
18 terms of projecting out how various provisions
19 would work. We want to talk about perimeters with
20 certain like language provisions. You know,
21 requiring local labor to apply to every project
22 that receives a dollar of inducement from the IDA.
23 Would we have dollar thresholds? Would we have
24 substance thresholds? Is it when the IDA bonds?
25 Is it when the ADC bonds? Or is it when, you

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2 know, there's one dollar of sales tax exemption?
3 There's a lot of -- there's a lot of conversation
4 in between to figure out those perimeters, to make
5 sure that we stay competitive as a city and as an
6 IDA in terms of our ability to incentivize. So,
7 that when we do provide incentives, labor is at
8 the table but we also don't want the developer, as
9 they've done before, to walk away and say. "Well,
10 we don't need your incentives. We will, either,
11 do it on our own or go somewhere else." So,
12 there's a lot of high stakes, questions. So,
13 we're going to work with the team, with the
14 lawyers, with the people who are on the IDA staff
15 who can help us project out what certain
16 provisions might mean. And then, we will be back
17 to the board and the Governance Committee with
18 perhaps a discussion scope so that we can have an
19 open discussion about pros and cons and language
20 and perimeters.

21 MAYOR SPANO: While this sounds like a
22 whole lot, we all are going to go through this and
23 they've been through it. So, I know you all know
24 the issues that we're dealing with. So, it sounds
25 like a lot but we're going to move pretty rapidly

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2 on it. But, obviously, we need to get the
3 Governance Committee involved to make sure that
4 this is something that -- the direction they want
5 us to head in. We're not looking to make
6 ourselves uncompetitive but at the same time,
7 we're looking to at least have our friends who are
8 Yonkers residence, who are a part of labor, having
9 given them the opportunity to be a part of the
10 good things that are happening here in the city.
11 So, we have a lot of work to do in a short period
12 of time.

13 Any questions?

14 MR. BALL: I think you should be
15 complimented on the first two projects. You both
16 questioned the instructions, developers, you know,
17 to please recommend or please consider and have a
18 face-to-face with labor. It's a step in the right
19 direction.

20 MAYOR SPANO: Yes. I know Ken has done
21 it over and over again. We're willing to, you
22 know, facilitate meetings and be in the room
23 between the developer and labor and giving, at
24 least, making sure that their voice is heard.
25 Very often, and it's been successful, very often

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they've been able to come to an agreement. Not every time but a lot of the time. We'd like to see it happen more often.

MS. SINGER: At least there is a reaction when you do discuss it. It's sensitizing the city and people who live here and work here.

MAYOR SPANO: Any other business?
Does anyone want to make a motion we adjourn?

MS. SINGER: (Hand Raised.)

MAYOR SPANO: Cecile.

MS. GERRY: (Hand Raised.)

MAYOR SPANO: Seconded by Deputy Mayor.

All in favor?

(Chorus of Ayes.)

(Whereupon, the Board Meeting

concludes at 9:55 a.m.)

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C E R T I F I C A T I O N

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

I, MARGARET PRENDERGAST, Court Reporter and Notary Public within and for the County of Westchester, State of New York, do hereby certify:

That I reported the proceedings that are hereinbefore set forth, and that such transcript is a true and accurate record of said proceedings.

AND, I further certify that I am not related to any of the parties to this action by blood or 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 _____ day of. _____, 2016.

MARGARET PRENDERGAST