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CITY OF YONKERS  
INDUSTRIAL DEVELOPMENT AGENCY

REGULAR MEETING

JANUARY 20, 2015

10:00 a.m.

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- PRESENT: MAYOR SPANO, Chairperson  
ROBERT MACCARIELLO, Member  
PETER KISCHAK, Member  
MARTIN BALL, SR., Member  
KEN JENKINS, IDA President  
SUSAN GERRY, Secretary  
JOY CARDEN, Member  
DAVID ROTHMAN, Harris Beach  
DEEPIKA MEHRA, IDA/CFO  
JAIME MCGILL, IDA

LYNN FARRELL-MILEO  
830 Bronx River Road  
Bronxville, NY 10708  
914-776-1318

1  
2 MAYOR SPANO: The IDA regular meeting  
3 is open. Roll call.

4 MS. MEHRA: Mayor Spano?

5 MAYOR SPANO: Here.

6 MS. MEHRA: Sue Gerry?

7 MS. GERRY: Here.

8 MS. MEHRA: Cecile Singer, excused.

9 Martin Ball.

10 MR. BALL: Here.

11 MS. MEHRA: Joy Carden?

12 MS. CARDEN: Here.

13 MS. MEHRA: Robert Maccariello?

14 MR. MACCARIELLO: Here.

15 MS. MEHRA: Pete Kischak?

16 MR. KISCHAK: Here.

17 Mayor, we have a quorum.

18 MAYOR SPANO: We have the approval of  
19 the minutes. Everybody should have a copy of  
20 them on their desk, December 16, 2014. Do any of  
21 you have any questions?

22 MS. MCGILL: Page 5, line 24 where  
23 there is a reference to May 31st, should be June  
24 30th for sales tax exemption expiration date.

25 MR. JENKINS: That was in the

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resolution approved by the Board.

MS. MCGILL: It was just a misspeak.

MAYOR SPANO: Any other comments, questions? Hearing none, somebody make a motion to accept the minutes.

MR. MACCARIELLO: Motion.

MR. KIRSCHNER: Second.

MAYOR SPANO: Any negatives? Hearing none the minutes are passed.

Item three, financials for December 2014?

MS.MEHRA: The month of December anticipated one closing for 188 Warburton and we received those funds in October. We had an early closing on that in the year 2014. The IDA closed on 11 new projects and refinanced on three projects. Overall, we have had a successful year and hope the same for 2015. For the month of December there was \$1.69 million cash on hand. We also have our accountant, Pat Serenson, to answer any questions.

MAYOR SPANO: Any questions? Hearing none, motion to accept the financials?

MR. BALL: Motion.

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MAYOR SPANO: By Marty. Second?

MS. CARDEN: Second.

MAYOR SPANO: All in favor?

(Chorus of Ayes)

MAYOR SPANO: Any negatives? Hearing none the financials are accepted.

Item four, Mr. Jenkins, Resolutions.

MR. JENKINS: Resolutions for consideration. First one, Resolution for the Intermunicipal Agreement regarding property located on Austin Avenue. The members will recall this has been a long standing issue that will allow a settlement to occur between the Westchester IDA and the Yonkers IDA which basically washes everything out. It was approved by the City Council here, at the County Board of Legislators, and it has to be approved at the Westchester IDA. I believe that meeting is coming up as well. In front of you for your consideration as well today to approve the settlement agreement. Anything else you want to add?

MS. GERRY: Historically, the IDA had had some kind of payments from the County 15

1  
2 years ago relating to the Austin Avenue matter,  
3 and at the same time they were withholding some  
4 rent on the County side. So at the time the  
5 settlement was framed they were roughly \$1.2  
6 million each, something like that, and I was an  
7 attorney back in the County 10, 15 years ago and  
8 we framed the settlement. It never got passed,  
9 but finally 10 years later it's passed, it's  
10 approved. It's really just a wash and a good  
11 thing that it does remove the liability from  
12 IDA's balance sheet which has been carried for  
13 ever and just counterproductive for us. So there  
14 is no money changing hands, just settles debts.  
15 The rent is going forward, settled now.  
16 Reestablished PILOTS are in line, so nothing  
17 going forward just an old dispute.

18 MAYOR SPANO: Any questions?

19 MR. KISCHAK: That was quick.

20 MR. JENKINS: The Deputy Mayor was just  
21 speaking 10 years they worked on it, for all  
22 those 10 years it's almost like a bad dream kind  
23 of thing, Ground Hog Day. Yes, it's very quick  
24 after all that work.

25 MAYOR SPANO: Resolution authorizing

1  
2 for the Intermunicipal Agreement regarding  
3 property located on Austin Avenue. Someone want  
4 to make a motion we accept it?

5 MR. KISCHAK: Motion.

6 MAYOR SPANO: Pete. Second?

7 MS. CARDEN: Second.

8 MAYOR SPANO: Any negatives? Hearing  
9 none the item is passed, the resolution is  
10 passed.

11 MR. JENKINS: The second resolution is  
12 for discussion and potentially adoption purposes.  
13 There is three main items, two really big items  
14 that are in the resolution for the 2015 YIDA  
15 personnel policies and procedures. One has to do  
16 with the health care contributions. The other  
17 one has to do with compensation of excess  
18 annually or other people talk about it as  
19 vacation buyout. Mr. Mayor, what we can do is  
20 ask Jaime to go through those changes. The  
21 changes that we talked through in the Governance  
22 Committee, to go through those?

23 MS. MCGILL: Line by line?

24 MS. GERRY: Sure, I guess just the  
25 pertinent sections.

1  
2 MS. MCGILL: The first edit would be  
3 just noting policies and procedures reviewed  
4 annually by the Board or Governance Committee.  
5 There are just some changes from president to add  
6 chair, as well.

7 The big change is on Page 4 where the  
8 benefit coverage is, we actually amend the  
9 effective date of benefit coverage so we have a  
10 two month lag time before eligibility for  
11 benefits. And the contribution from the employee  
12 for their premiums will be 20 percent individual  
13 coverage and 10 percent for family coverage, more  
14 consistent.

15 MAYOR SPANO: Opposite, 10 percent for  
16 individual, 20 percent for family.

17 MR. JENKINS: That was a question,  
18 Mr. Mayor, we were trying to resolve this.

19 MS. MCGILL: This mirrors the city, 20  
20 percent individual because the family is an  
21 increase, it's only 10 percent.

22 MAYOR SPANO: I apologize.

23 MS. GERRY: We'll verify that.

24 MR. MACCARIELLO: Relatively, this is  
25 for new hires or all?

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MS. MCGILL: Everyone.

MR. MACCARIELLO: What is it current,  
now?

MS. MCGILL: There is no contributions  
to health care.

MR. JENKINS: The proposal is to make  
sure it's consistent.

MS. MCGILL: We'll reconfirm that.

MAYOR SPANO: We are just Mirroring the  
City's policy.

MS. MCGILL: Correct. That would be  
for management. Nonmanagement, I know there  
might be some changes to what we have.  
Nonmanagement anyone making \$50,000 or less there  
is just a flat \$1,000 annual contribution.

MR. JENKINS: The modification was we  
have two different levels of staff. One is  
management and nonmanagement, and opposed to  
having to bring it up every year based on salary  
modifications that we just have it at a level of  
nonmanagement paying the contribution which is  
\$1000?

MS. MCGILL: \$1000.

MR. JENKINS: Their health care



1  
2 contributions which is consistent, again. That  
3 is consistent with the city policy.

4 MAYOR SPANO: This was a recent  
5 addition to the agenda here so if you have  
6 objections we'll do it next time. If you don't  
7 have any objections I'd like to put it forward at  
8 this time.

9 MS. MCGILL: The rest of the changes  
10 are just a lot of housekeeping. And the other  
11 thing which is not reflected in here is the  
12 vacation buyout, that was a last minute change.  
13 The city does have a vacation buyout option.  
14 Every November employees of that will have at  
15 least 10 days spent after a buyout can buyout up  
16 to three weeks.

17 MR. JENKINS: This particular policy  
18 the City of Yonkers policy only applies to the  
19 management level. So it's not every employee,  
20 it's really just a management level according to  
21 the policies for the city. Again, it's another  
22 way of making it consistent with the city  
23 policies.

24 MR. MACCARIELLO: The unused vacation  
25 and unused sick time carries over?

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MR. JENKINS: Yes.

MR. MACCARIELLO: Buyout is the same, as it is with all the City employees?

MS. GERRY: The buyout is different to every unit. So they are all different but fairly consistent.

MAYOR SPANO: This is consistent with our unrepresented policy?

MS. GERRY: Yes. We want to make sure people have at least a few weeks in their bank after they cash in.

MR. MACCARIELLO: I am concerned more with asking for, instance, if you had 200 days banked when you were retiring, if the payment that you receive for those 200 days are consistent with how you do it with the rest of the city employees? I don't believe it's day for day.

MS. GERRY: We have a cap on how many you can cash in. We are in the midst of revising the policy and there will be limits.

MAYOR SPANO: Obviously, we have people represented by labor unions and we have people who are not. What we did here was we tried to

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2 mirror what we have done in the unrepresented to  
3 the IDA because they are unrepresented. The  
4 other ones, the others as you know, police, fire,  
5 public works, all of them are all kind of  
6 different based on their contracts. So we are  
7 not going to mirror up against them, we are just  
8 mirroring up as to our unrepresented which is a  
9 little more fair.

10 MR. BALL: How many employees are we  
11 talking about?

12 MS. MCGILL: Two, two affected by the  
13 buyout. Health care contribution would be three.

14 MS. GERRY: This doesn't include sick  
15 day cash out?

16 MR. JENKINS: No.

17 MS. GERRY: We want sick days to be  
18 there in case people need them but not as a  
19 bank.

20 MAYOR SPANO: We have changed the  
21 unrepresented, we actually reduced some of the  
22 benefits because it's very rich benefits, they  
23 have been getting rich over the years. They are  
24 still rich benefiting even with the reductions  
25 that we have put forth because they were better

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than any of the organized labor contracts. We brought them back and reigned them in a little bit.

MR. JENKINS: In addition, you have to focus on the point, on the number of days, it would be employees would have to have at least 10 days in that bank. So even if they were cashing out it would be 10 days consistent across the board for everyone since everyone is unrepresented.

MAYOR SPANO: Any questions? Are there any objections taking this matter up now? Somebody want to make a motion?

MR. BALL: I make a motion.

MAYOR SPANO: Marty. Second?

MR. MACCARIELLO: Second.

MAYOR SPANO: Second by Robert. All in favor?

(Chorus of Ayes)

MAYOR SPANO: Negatives? Hearing none the item is passed.

MR. JENKINS: Mayor, finally, authorizing resolution for professional services for Pauline Galvin, Esquire. And this is

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2 specifically for the purpose of selling property,  
3 for acquiring construction and equipping specific  
4 industrial manufacturing and commercial buildings  
5 as authorized. So it's really to help acquire  
6 the properties necessary for the park that is  
7 being proposed and considered at this time.

8           MAYOR SPANO: Just north of sludge  
9 plant, the dewatering facility, down at the end  
10 of Fernbrook Street. There is a two acre parcel  
11 that's now being occupied by a bus company and  
12 being in the proximity to the sludge plant it  
13 doesn't appear to me, in my opinion, we'll ever  
14 be able to develop that because of the problems  
15 that are there associated with the sludge plant.  
16 It's a valuable beautiful piece of property, I  
17 don't think it should remain as a bus depot  
18 either. So we are going to start negotiating  
19 with the owner of that are parcel so that we can  
20 put a park there, Hudson River Park. And also  
21 negotiating having discussions with the County of  
22 Westchester for the possible park. So that's why  
23 we are hiring Pauline so she can have these  
24 discussions with the owner of the property.

25           MR. KISCHAK: They are not going to

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want to expand the sludge plant, are they?

MAYOR SPANO: This will be dedicated parkland. The County is the bigger government, if they decided they want to expand it they can do it without us, they don't need us. But our intent is to dedicate it as parkland for every more.

MS. CARDEN: Is the owner aware of it and will he object, put up any fight?

MS. GERRY: I think there are negotiations, I don't know generally when but there's been no real formal conversations. So that's really where we are starting.

MS. KIMBALL: To that concern, one of the reasons that the IDA chose Pauline was because she had a very successful track record with New Main Street where we bought five or six businesses. It was not adversarial, it was cooperative and even in the last case where the IDA had to take it in condemnation she's working through the courts and cooperatively with the owner just to arrive at a mutually agreed upon price. So Pauline Galvin has actually exhibited, like the Mayor's drive Way to Work, together

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2 cooperatively with business owners and not in an  
3 adversary manner.

4 MR. BALL: My question is what is your  
5 plan for the existing bus tenant if the property  
6 is sold? What is he planning to do, or what is  
7 your wishes?

8 MAYOR SPANO: I am hoping he could find  
9 another place to park his buses and not in  
10 Yonkers. It's actually sad it's such a wonderful  
11 spot and the community there, some of the  
12 communities, as you know, very mixed community  
13 and there is no access. We want to make sure  
14 that access is open. It's rocks most of it.  
15 He's a renter.

16 MR. JENKINS: It was suggested again  
17 that Pauline has been very good about working  
18 with the people of Yonkers as a Yonkers based  
19 MWBE. She's had success in getting these things  
20 resolved without too much acrimony because there  
21 is always a challenge when people are trying to  
22 negotiate pricing.

23 And, Pete, to your question,  
24 Mr. Kischak, there was a meeting last week on  
25 Wednesday at the sewerage treatment plant

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2 with the community, and in addition to talking  
3 about the potential of the park and working  
4 with the the city and trying to get that resolved  
5 on the north side there were additional things  
6 they presented to the community about the  
7 continued work on odor remediation and new things  
8 they are putting inside the existing buildings.  
9 So there is not a plan to go up or out, they are  
10 really trying to condense the space and utilize  
11 some technology, better to do some electric  
12 generation of the plant. So burning the sludge  
13 materials to be able to keep that from going  
14 through the community which would be helpful,  
15 again, and also using the power that's there to  
16 power the plant. And they moved up the switch  
17 gear and that stuff up to water level because  
18 it's going to flood because it's next to the  
19 water. So they moved it up. Some people in the  
20 community seem to be happy about that level of  
21 progress. But on the park there was a plan that  
22 was presented to try to connect the New York City  
23 walk and it goes around the sewerage treatment  
24 facility and there is a huge concern from a  
25 homeland security perspective. So we are not



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really quite sure how to resolve that. The Deputy Mayor is working hard on that and other folks to deal with that on the committee.

MR. KISCHAK: Does that fall into that the flood zone?

MR. JENKINS: Yes.

MR. KISCHAK: It will have to be raised?

MR. JENKINS: They actually moved their switch gear up so that should it flood there's actually some planning that's involved to do that. The concern, I guess, is more for what happens if the facility is flooded to a place where it can't treat anything, a secondary treatment. But they have a plan that works around that that's been executed a couple times already in a hurricanes when we did have flooding and did secondary treatment and things they have to do to pump out to the middle of the Hudson.

MR. KISCHAK: Second question, is there a salary cap for the attorney on this?

MR. JENKINS: There is. It says, not to exceed \$100,000.

MS. GERRY: If your Board wants to put

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checkpoints into the resolution we can update you about that.

MR. BALL: Is there a comparable fee for what she got paid for with Main Street?

MS. GERRY: It's the same rate, I think.

MS. MCGILL: It's the same.

MR. JENKINS: She didn't receive the \$100,000, wasn't close. She's not just Yonkers based MWBE. So she makes sure her taxes aren't going up.

MAYOR SPANO: Any other questions?  
Somebody make a motion.

MS. GERRY: Motion.

MAYOR SPANO: Second?

MR. MACCARIELLO: Second.

MAYOR SPANO: Robert. All in favor?

(Chorus of Ayes)

MAYOR SPANO: Any negatives? Hearing none the item is passed.

Legal updates?

MR. JENKINS: Mr. Mayor, you may want to mention to the Board members Mr. Young's scenario.

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2 MAYOR SPANO: Yes, Greg Young had  
3 gotten sick, he's recovering now but it was touch  
4 and go for a while. He needed kidney dialysis  
5 and was in the hospital in bad shape, ended up on  
6 a ventilator. Still very, very weak but he's  
7 slowly recovering and we expect that he will  
8 recover. In the meantime, Corporation Counsel's  
9 office has agreed to step in for us.

10 MS. GERRY: They have. So Harris Beach  
11 has offered top step in, as well, until Greg  
12 returns free of charge to pick up whatever needs  
13 to be picked up that can't be picked up by  
14 Corporation Counsel. So, thank you, Harris  
15 Beach.

16 MR. JENKINS: And they have been  
17 helpful, they helped us put together these  
18 resolutions for today.

19 MAYOR SPANO: So no, legal updates?

20 MR. ROTHMAN: No.

21 MAYOR SPANO: Other business?

22 MR. JENKINS: The members they have  
23 their update, the nice colors, and the things we  
24 wanted to point out that there is some induced  
25 projects in the blue area at the bottom which we

1  
2 are continually keeping eyes on to try to ensure  
3 that they are going to get across the line in  
4 some way, shape or form. Met Loft folks have  
5 been in communication with us and trying to  
6 understand the potential delays or nondelays of  
7 their project. So for all the projects, Jaime,  
8 Deepika, Fiona and Jennifer are following up to  
9 make sure and see what's happening with our  
10 induced projects. So they will have some  
11 additional challenges that are not going to get  
12 resolved in the near future but absolutely keep  
13 you up-to-date if there is anything that impacts  
14 us. Met Loft is a good example of that, we want  
15 to understand why they are not utilizing their  
16 benefits and moving forward and doing some  
17 additional investigation look like they want to  
18 move forward with their project but they don't  
19 necessarily want to use the IDA benefits. So we  
20 need to understand why that is and we can bring  
21 that to the Board members as soon as we get that  
22 information. 555 Tuckahoe Road, there was an  
23 awesome ground breaking on the 14th, 150 unit  
24 Hampton Suites. Mr. Mayor, do you want to add  
25 anything?

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2 MAYOR SPANO: We all know the developer  
3 Al Weissman, good friend of Yonkers. They held a  
4 pretty impressive event for us, worked very, very  
5 well with the local community to make this  
6 project happen. Matter of fact, they did  
7 whatever requested of them. Someone who has been  
8 as willing and helpful as they have been, I know  
9 they have PLA, so it's all good.

10 MR. JENKINS: Thank you, Mr. Mayor.  
11 Again, as Deepika talked from the very beginning  
12 we had a really good year last year and  
13 anticipating the hard work that will come through  
14 in this particular year to keep it going. So,  
15 thank you.

16 MR. KISCHAK: I got an e-mail from  
17 Hezi regarding the website of the IDA saying he  
18 couldn't get access to certain things, events and  
19 stuff like that. He put it on his newspaper, it  
20 wasn't very nice. I went on the website this  
21 morning it was there.

22 MAYOR SPANO: I suspect it was there to  
23 begin with.

24 MR. JENKINS: There have been times  
25 that the website goes down. Things happen in

1  
2 electronics and we didn't hear from Mr. Aris.  
3 When things like this happen to me I would always  
4 say to him it's easy to make a phone call. I  
5 didn't see this particular article because I  
6 don't read the Tribune but Hezi he actually has  
7 my telephone numbers, like all of them.

8 MR. KISCHAK: May I make a suggestion?

9 MR. JENKINS: I will call and find out.

10 MS. MCGILL: He did call and the  
11 website was working when he called.

12 MR. JENKINS: So for whatever window of  
13 time it could have been any set of circumstances  
14 that prevented him.

15 MS. MCGILL: It could be an I-phone  
16 when he was trying to access it.

17 MAYOR SPANO: Maybe Mr. Aris just  
18 messed up and didn't know how to access, that's  
19 possible too.

20 MR. JENKINS: Because there is so many  
21 things that can happen along the way, as simple  
22 as his internet access was down, the website is  
23 not working. Whenever that happens, again,  
24 everyone follows up religiously. As a matter of  
25 fact when our phone line goes down sometimes

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2 there is some kind of glitch in the communication  
3 system that causes our phones just to go to voice  
4 mail even though people are there, e-mail gets  
5 sent out that says the phone lines are down, call  
6 on cell phones if you really need something, et  
7 cetera. So, again, I will talk to Hezi.

8 MR. KISCHAK: Okay, I appreciate that,  
9 because people read it and makes us look bad. I  
10 did go on and it was there so I don't know what  
11 he's talking about.

12 MAYOR SPANO: If I told you how many  
13 times he has called here to tell us of a problem  
14 which turned out not to be a problem at all but  
15 yet writes the story anyway. Jim, how many times  
16 has he done that?

17 MR. CAVANAUGH: Too many to count.

18 MAYOR SPANO: So we deal with it. He's  
19 a very nice man but the end of the day he's got  
20 to do a little better checking.

21 MR. JENKINS: For the members continued  
22 perusal we are always going through a process of  
23 constant revamping and improving the website.  
24 There's been communication of meetings with  
25 various folks including our current vendor to add

1  
2 some additional features on to the website to  
3 make life even easier from a public disclosure  
4 perspective. When someone wants a map, I know  
5 Jaime has talked with them about that but also a  
6 bigger conversation that we had just on our  
7 levels of internet communication to ensure that  
8 the public visibility is always there. So we are  
9 trying to make it better.

10 MAYOR SPANO: Any other business?

11 Hearing none, somebody make a motion?

12 MS. GERRY: Motion.

13 MAYOR SPANO: Second?

14 MS. CARDEN: Second.

15 MAYOR SPANO: All in favor?

16 (Chorus of Ayes)

17 MAYOR SPANO: We are adjourned  
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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, Lynn Farrell, 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.

\_\_\_\_\_  
Lynn Farrell