



**Minutes of the  
Yonkers Industrial Development Agency  
Regular Board Meeting  
March 22, 2007**

**Present-Board Members**

Mayor Philip A. Amicone, Chairman  
William Regan, Secretary  
Joy Lawrence, Treasurer  
Michael Baratta, Member  
Peter Kischak, Member

**Excused – Board Members**

Martin Ball Sr., Vice Chairman  
Cecile Singer, Member

**Non-Members Present**

Ellen Lynch, Yonkers IDA President/CEO  
Melvina Carter, Yonkers IDA CFO  
David MacCartney, Yonkers IDA Counsel  
Sam Terenzi, Yonkers IDA CPA  
Shawn Griffin, Harris Beach  
Nicholas Buono, Harris Beach  
Michael Schwartz, Del  
Al DelBello,  
Frank Granger, O'Connor Davies Munnes DeSantis  
Martin McGloin, Yonkers resident  
Hezi Aris, Yonkers Tribune  
Earl Headley, Yonkers resident

**Roll Call**

Chairman Amicone called the Regular Meeting to order at 8:45 a.m. Roll call was taken. The following Board Members were noted to be present: Mayor Amicone, William Regan, Joy Lawrence, Michael Baratta and Peter Kischak. Martin Ball Sr. and Cecile Singer were excused. A quorum was established for the conduct of business.

**Approval of Minutes for the February 1, 2007 Board Meeting**

Chairman Amicone announced the first order of business was approval of the minutes from the February 1, 2007 meeting. Chairman Amicone noted the minutes were previously sent to everyone. Ample time to review the minutes was provided and

Chairman Amicone entertained a motion to accept the minutes. No questions about the minutes were raised and no corrections were indicated by the Board Members.

A motion to approve the minutes was made by William Regan and seconded by Michael Baratta. *Approved 5-0*

### **Approval of Annual Audit**

Chairman Amicone directed the Board's attention to the Annual Audit. Chairman Amicone stated the audit needed to be reviewed and if acceptable, approved by the Board for filing requirements. President Lynch introduced Frank Granger of O'Connor Davies Munns DeSantis and stated he was present to review the audit with the Board. Frank Granger greeted the Board and stressed the noticeable improvement in the accounting and the availability of information from last year. Mr. Granger indicated the audit went very well and mentioned it was completed about five months earlier as a result. Although the 2006 financials revealed a loss, Mr. Granger attributed this to the extraordinary loss reported on the Statement of Activities. Mr. Granger summarized the agreement to repay the PILOTs to Westchester County from 1993 to 2005 in the amount of \$1,798,614. On the Balance Sheet, Mr. Granger pointed out a portion of the Due to Other Governments category in the amount of \$598,614 had already been repaid to the County. Mr. Granger mentioned the balance of the agreement, \$1.2 million, was scheduled to be repaid over a 5 year period. Mr. Granger stated payment of \$240,000 would commence in 2008. Also on Statement of Net Assets, Mr. Granger explained the Accounts Receivables were due mostly to return of rent advances made at the nValley Tech Center to reserve space for the Dialysis Center. Mr. Granger further stated as part of the recent transaction concern economic revitalization efforts at the n-Valley Technology Building that the new landlord agreed to repay approximately \$900K of the \$1.1 million outstanding. President Lynch reminded the Board that was the financial impact of the approved lease termination a few months ago. Chairman Amicone reiterated it was a direct result of the sale of the nValley building to the owner of iPark. Mr. Granger explained the pre-paid expenses and Restricted Cash and Equivalent line items.

Mr. Granger next reviewed the outstanding items under economic development projects. Mr. Granger referenced the obligations in the Master Development Agreement. Mr. Granger generally reviewed with the Board that portion of the Audit and also addressed other areas concerning the work done by his Firm in the Audit engagement. Mr. Granger indicated that he was available to address any questions that the Board Members may have about the Audit. The Board members took time to review the full Audit Report.

Chairman Amicone asked if any Board Members had any questions about the Audit Report. Peter Kischak asked about the time table completion of the Austin Avenue project. President summarized the process of testing, preparation of a work plan and ultimate approval from NYSDEC. Chairman Amicone asked if there any other questions about the Audit.

A motion to approve the Annual Audit was made by William Regan and seconded by Joy Lawrence. *Approved 5-0*

### **Approval of Treasurer's Report for January 2007 and February 2007**

Chairman Amicone called the Board's attention to the Treasurer's Report for January 2007 and February 2007 and stated Mr. Terenzi was present to answer questions. President Lynch informed the Board that for the first couple of months there was limited activity. Furthermore, President Lynch indicated that regarding any month to month review with 2006 and 2007 that such a contrast would not provide a definitive comparison of YIDA activities. Instead, President Lynch emphasized the beginning numbers represent the audited adjustments. Sam Terenzi noted that the Report was done to expeditiously provide the Board with an immediate financial analysis. Mr. Terenzi also added the Agency will have a more definitive analysis of where financial matters will trend after the First quarter is concluded.

President Lynch indicated that the annual budget did not anticipate any substantial revenues in January or February because the Agency did not anticipate any pending transactions would close in those months.

Board Member Baratta raised a question about the Accounts Receivable. Sam Terenzi replied the number was referenced from annual audit. Michal Baratta wanted to know why the Accounts Receivables were \$857,000 at the end of 2006, then in January 2007 dropped to \$806,000 and then went back up to \$858,000 at the end of February 2007. Mr. Baratta wondered if there were some partial payments. Frank Granger indicated he would review the back-up information about this issue and supply the information when received.

Chairman Amicone reviewed with the Board any recommendation that the Report be accepted with any supplemental information to be provided to the Board Members. Chairman Amicone asked if there were any other questions on the Treasurer's Reports.

Board Member Kischak made a motion to approve the Treasurer's Report for January 2007 and February 2007 with the requirement that supplemental information be provided regarding the Account Receivable issue raised in the Meeting. The motion was seconded by Michael Baratta. *Approved 5-0*

### **Approval of Annual Authority Budget Office Report**

Chairman Amicone identified this next agenda item as the annual report mandated by a newly created State office that monitors public authorities. President Lynch stated it is the first time the Agency is submitting the new report required by PAAA for 2007. Ms. Lynch mentioned the format may change as State is working on the format and indicated it could even be merged with the Office of State Comptroller's Report in the future. President Lynch then explained in detail each component of the report to the Board.

President Lynch informed the Board that 8 of the 9 components requested were included in the Report. Ms. Lynch noted a draft of the Assessment of Internal Controls letter was provided by Frank Granger's office last night. President Lynch remarked that once the letter has been reviewed and approved it would be submitted to the ABO.

Counsel Dave MacCartney appearing for Dennis Lynch at the meeting, made a recommendation to approve the Report with the one item, Assessment of Internal Controls letter, to be reviewed by the YIDA and Counsel and later submitted as a supplement to ensure timely submission of the PAAA Report.

Board Member Kischak inquired if the IDA controlled addresses listed in section (i) of the Real Property section. President Lynch answered in the affirmative and stated these properties were purchased in relationship to the Ridge Hill project. William Regan clarified the Boyce Thompson property is not the North Broadway site. Discussion ensued about the Boyce Thompson site on North Broadway. Chairman Amicone provided a synopsis of the status of that site

A motion to approve the Annual Authority Budget Office Report was made by Michael Baratta and seconded by Joy Lawrence. *Approved 5-0*

#### **Approval of Inducement Resolution for FGS Hotel – 'Hampton Inn Suites'**

Chairman Amicone indicated that the next item for consideration on the Agenda was the Inducement Resolution for the Hampton Inn Suites. Shawn Griffin provided a comprehensive summary of the project and explained the Agency's role in assisting this type of project. Mr. Griffin stated this project would attract a significant number of visitors from outside the economic development region, including New Jersey and Connecticut and referenced legislation that supports such projects.

Shawn Griffin introduced representatives from the Hampton Inn Suites project, Susan Griffin and Al DelBello. Mr. DelBello explained the struggle to get hotels in the Southern Westchester Executive Park location. Mr. DelBello emphasized the cost of construction has increased dramatically and without the assistance of the IDA it would be very difficult to make this economic venture feasible. Mr. DelBello informed the Board all of the approvals from various City agencies were in place. Susan Griffin addressed the Board and provided a detailed review of the project. Ms. Griffin also described the market, drawing radius and occupancy projections.

Chairman Amicone inquired if the development in downtown and Ridge Hill were considered in the study. Susan Griffin stated the development would potentially increase economic activity for the hotel due to weddings, reunions, social, fraternal and other such events. Mr. DelBello mentioned the increase in commercial activity in Yonkers and concluded the business community requires a place to lodge when conducting business in the Yonkers. Mr. DelBello surmised hotel patrons are traveling elsewhere than Yonkers at this time for accommodations.

Chairman Amicone asked about the construction timeline. Ms. Griffin explained the aggressive timeframe took into consideration easements issues. Ms. Griffin stated the project could close by the 1<sup>st</sup> week of April with a completion date of May or June 2008. Mr. DelBello interjected the project was actually looking for a 4 year term for construction, fit-out and occupancy on the IDA contract, at least 4 years.

Questions by Board members regarding catering and food were raised. Ms. Griffin explained complimentary breakfast is provided at Hampton Inn Suites but guests frequent local restaurants for lunch and dinner. Chairman Amicone noted this would actually help the restaurants in the area.

Peter Kischak wanted clarification about the 4 year time period. Mr. DelBello reiterated the project would request a 4 year term to cover the construction period, the fit-out and occupancy and the ramp-up.

Chairman Amicone asked the Board if there were any additional questions on the Inducement Resolution. Chairman Amicone asked if the Board wanted to entertain any motion on this Project.

A motion to approve the Inducement Resolution for FGS Hotel – ‘Hampton Inn Suites’ was made by Peter Kischak, seconded by Michael Baratta. *Approved 5-0*

### **Legal Updates**

Chairman Amicone called upon David MacCartney to present any legal updates. Mr. McCarthy explained the background of the prior Resolution with a Pace University entity to establish a business incubator space at the nValley Tech Center. Mr. MacCartney indicated that the YIDA has fulfilled all of its obligations and therefore was not obligated to provide further financial assistance under that Resolution. Mr. MacCartney recommended that the Board adopt a Resolution to memorialize that no further obligation by the YIDA exists. Copies of the proposed Resolution were circulated. The Board members generally discussed the proposed Resolution. Melvina Carter suggested that the Resolution should reflect the time period when the YIDA had an obligation under the prior Resolution and when the Pace entity activity no longer qualified for assistance under that Resolution. Mr. MacCartney noted that the Resolution would be amended to reflect that time period when notification was given to the Pace entity about its business incubator efforts.

A motion to approve the amended Resolution was made by William Regan and seconded by Peter Kischak. *Approved 5-0*

### **Other Business**

President Lynch announced Harris Beach Attorneys has been certified to conduct the P.A.A.A. Training and the Agency will coordinate a time and date for everyone to attend a training session to meet the PAAA requirement. The Chairman noted that the Board members will now have an opportunity to have training done without the need

to travel to Albany. Therefore, meeting the PAAA requirement will be done in a timely manner and in a place that is convenient for everyone on the Board.

President Lynch provided an overview of the MetroPool Clean Air NY Program. Ms. Lynch stated that MetroPool would utilize space at the IDA office and Dennis Lynch would draft an agreement reflecting that space utilization.

**Adjournment**

After establishing that there was no further business before the Board, Chairman requested a motion to adjourn the meeting.

A motion was made by William Regan and seconded by Michael Baratta. *Approved 5-0*  
Meeting adjourned at 9:35 a.m.