

Yonkers Industrial Development Agency - Regular Meeting  
February 24, 2016

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Regular Meeting  
of the  
Yonkers Industrial Development Agency  
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February 24, 2016  
9:05 a.m.  
40 South Broadway  
Yonkers, New York 10701

TRANSCRIPT OF PROCEEDINGS

AGENDA

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1. Roll Call
2. Minutes for the January 29, 2016 Meeting
3. Financials for January 2016
4. Resolutions for Consideration:
  - I. Final Resolution - COG Phase III Limited Partnership
  - II. Final Authorizing Resolution - Nepperhan Farms LLC t/a Key Food
  - III. Resolution to approve actions to be taken as sole member of Yonkers Empowerment, Inc.
  - IV. Resolution to approve distribution of Yonkers Racing Corp. restricted funds
5. Legal Updates
6. Other Business

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2 7. Adjournment

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4 Reported By:

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Margaret Prendergast

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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 PETER KISCHAK - BOARD MEMBER

8 ROBERT MACCIARELLO - BOARD MEMBER

9

10 IDA STAFF

11 KEN JENKINS - IDA PRESIDENT

12 JAIME MCGILL - IDA EXECUTIVE DIRECTOR

13 DEEPIKA MEHRA - IDA/YEDC CFO

14

15 OTHER

16 GREGORY P. YOUNG, ESQ. - IDA COUNSEL

17 DAVID ROTHMAN, ESQ - HARRIS BEACH PLLC/TRANSACTION  
COUNSEL

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19 SHAWN GRIFFIN - HARRIS BEACH PLLC/TRANSACTION COUNSEL

20 PATRICK SERENSON - IDA ACCOUNTANT

21 LOUIS ALBANO - DEPUTY COMMISSIONER OF YONKERS PLANNING  
AND DEVELOPMENT

22

23 MIKE HASSEN - KEY FOOD

24 SEVERIN SOPERAKIS, ESQ. - ATTORNEY

25

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1 Proceedings

2 MAYOR SPANO: Good morning. All right,  
3 let's go. Deepika, on this fine morning, you're up.

4 MS. MEHRA: Mayor Spano?

5 MAYOR SPANO: Here.

6 MS. MEHRA: Sue Gerry?

7 MS. GERRY: Here.

8 MS. MEHRA: Martin Ball?

9 MR. BALL: Here.

10 MS. MEHRA: Cecile Singer is excused.

11 Pete Kischak?

12 MR. KISCHAK: Here.

13 MS. MEHRA: Robert Macciarello?

14 MR. MACCIARELLO: Here.

15 MS. MEHRA: Melissa Nacerino is excused.

16 Mayor, we have a quorum.

17 MAYOR SPANO: Okay. Good morning. We have  
18 Item 2 which is the minutes for the January 29, 2016  
19 Meeting. Everyone has a copy at their desk. I just  
20 ask that if anybody has any questions about those  
21 minutes?

22 (No Response.)

23 If there are no questions, does anyone  
24 want to make a motion?

25 MS. GERRY: (Hand raised.)

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2 Deputy Mayor makes a motion.

3 MR. KISCHAK: (Hand raised.)

4 MAYOR SPANO: Seconded by Pete to accept  
5 the minutes.

6 Are there any negatives?

7 (No Response.)

8 MAYOR SPANO: There are no negatives.

9 The item is passed.

10 Number 3, the Financials for January of  
11 2016, Deepika?

12 MS. MEHRA: The month of January, the IDA's  
13 transfer of title fees of \$10,000, that's for FC Yonkers.  
14 The annual fees received, \$63,000 annual fee to date.  
15 We are working very closely with our auditors on the  
16 upcoming audit as well the fiscal report which is due  
17 next month. For the month of January, there was 2.1  
18 million cash on hand. We also have our accountant  
19 Pat Serenson to answer any questions.

20 MAYOR SPANO: Are there any questions about  
21 the finances?

22 (No Response.)

23 MAYOR SPANO: Anyone want to make a motion?

24 MR. MACCIARELLO: (Hand raised.)

25 MR. KISCHAK: (Hand raised.)

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MAYOR SPANO: Robert has made a motion,  
seconded by Pete.

All in favor?

(Chorus of Ayes.)

MAYOR SPANO: Any negatives?

(No Response.)

MAYOR SPANO: There are none.

The Financials are passed.

Item Number 4, the Resolutions for  
Consideration and Mr. Ken Jenkins.

MR. JENKINS: Thank you, Mr. Mayor. The  
first resolution is CPG Phase III Limited Partnership  
and that's Harris Beach.

MR. ROTHMAN: David Rothman, Harris Beach.  
You have a resolution for CPG Phase III Partnership.  
This project was induced at the last meeting, last  
month. Just a reminder, this is the initial phase of  
work-force housing. After the inducement resolution,  
there was a procuring hearing this month. There were  
no adverse comments on this project. This will be a  
sales tax exemption, mortgage recorded tax and a tax  
agreement which will be consistent with the uniform  
tax exemption policies of the IDA.

MAYOR SPANO: Okay. Are there any

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2 questions about -- Robert?

3 MR. MACCIARELLO: On the application, PLA  
4 is to be determined. That's still to be determined.  
5 I want to know if there's been any progress on that?

6 MR. JENKINS: Yes, we did have some  
7 conversations. We did some research around the  
8 states. I understand, both the apprenticeship  
9 programs and the PLA agreements, there has not been  
10 any additional information at this point of time for  
11 the PLA.

12 MS. GERRY: On this particular application?

13 MR. JENKINS: Yes, on this application.

14 MS. MCGILL: Nothing new on this  
15 application. There was none.

16 MR. MACCIARELLO: No negotiation with labor  
17 at all?

18 MR. JENKINS: Not at this particular point  
19 in time, correct, exactly. So, not at this point in  
20 time. After determination from this board on the  
21 final resolution, then we'll sit down and have that  
22 discussion with the developer.

23 MR. MACCIARELLO: Thank you.

24 MR. JENKINS: You're welcome.

25 MAYOR SPANO: Are there any questions?

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2 (No Response.)

3 If there are no questions, anybody want to  
4 make a motion?

5 MR. BALL: (Hand Raised.)

6 MS. GERRY: (Hand Raised.)

7 MAYOR SPANO: Marty. Seconded by the  
8 Deputy Mayor.

9 All in favor?

10 (Chorus of Ayes.)

11 MAYOR SPANO: Any negatives?

12 (No Response.)

13 MAYOR SPANO: There are none.

14 The item is passed.

15 Item II.

16 MR. JENKINS: Thank you, Mr. Mayor. Second  
17 one is the Final Authorizing Resolution for Nepperhan  
18 Farms also known as Key Food.

19 MR. ROTHMAN: That's correct. This  
20 resolution is -- there was a public hearing last  
21 night, I believe. There were no adverse comments.  
22 This would be for a retro-fitting, if you will, of  
23 the existing supermarket for Key Food. I don't think  
24 there is anyone from the company just yet but I know  
25 they were on their way. I talked to them about



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2 twenty minutes ago.

3 This is a sales tax --

4 MAYOR SPANO: Well, do you want to hold  
5 this over until the end?

6 MR. ROTHMAN: We can do that if the board  
7 would like.

8 MAYOR SPANO: Just in case they come in.  
9 We'll give them the courtesy, all right?

10 MR. ROTHMAN: Okay.

11 MAYOR SPANO: Okay. Let's hold over Item  
12 II until the end. We'll take Item III.

13 MR. JENKINS: Thank you, Mr. Mayor. This  
14 is a resolution to approve actions to be taken as a  
15 sole member of Yonkers Empowerment Corporation, Mr.  
16 Serenson.

17 MR YOUNG: I spoke with Alan Fox at length  
18 and this is a dissolution resolution of Yonkers  
19 Empowerment. It is part of the city's and IDA's  
20 endeavor to close down all of the LDCs that are not  
21 useful at this point. And the functions of Yonkers  
22 Empowerment has been taken over by the city. That's  
23 all it was.

24 MS. GERRY: I would only add just because  
25 this was one of the Mayor's big initiatives citywide.

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And for those that are affected by the IDA, that we inherited maybe a dozen or more maybe fifteen LDCs that while they were retrograded for some economic development reason or some specific financing purpose, they now have more obligations associated with them under state law than is necessary. And we found, particularly with this LDC, that we can do this work in-house. With ObamaCare front the planning prep, they've assumed a lot of the responsibilities. There are cut and paste responsibilities for this LDC. We do that work anyway. The AAA requires auditing and legal notices and annual financing --

MR YOUNG: Requirements are very expensive.

MS. GERRY: Yes, \$20,000 a year for each of these, if not more. So, this is part of the Mayor's process. Once your board approves, originally this resolution was processed in the law department. It goes through with getting the Attorney General's office to authorize dissolution. Once it's all final and done -- but it's taking about two years for each one. So, it's part of an overall initiative of the Mayor to clean this up and save some money. Nobody really knows why this was created.

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MAYOR SPANO: Remember some of these things were created for a very good reason. We created Baseball Incorporated. It was about Chicken Island. I don't know if I have the name right, Baseball Incorporated. I'm sure it's a different name. But we did so for a reason, for economic development reasons. When that all went away, the corporations did not go away.

And the state, in their effort to try and eliminate what the government always calls a "shadow government." To eliminate some of these corporations, they put up many different recording mechanisms on the backs of our locality which of course are still up and running. And the other problem that we had too, is that the members of these boards had gotten off or disappeared or moved away. So, it's cleaner to get rid of them. I don't know how many we've got -- how many we've gotten rid of so far.

MS. GERRY: We probably closed six. We're in the process of another four. There are a few that need to stay open like the YEDC which clearly has an active functioning role and purpose. The rest do not, clearly. And I'll say, to the Mayor's point,

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to close some of these LDCs, you have to get the consent of the members. And we're literally calling, you know, people who know people who know people to say, "Where's Joe? We got to get him. Someone has to find him in Arizona to get him to sign this so that the Attorney General won't close the corporation." So, it's really been a long process.

MR. KISCHAK: Was there any money in these LDCs?

MS. GERRY: Most of them, no. Some of them have their own checkbooks or checking accounts. Which when we finally ended up settling the books and paying the accountants and paying the lawyers, it was a -- that's what the agency is checking for. Where did the money go? All of that. You know, the New Main Street Development Corp., they finally acquired the block down there. Everything transferred to the IDA. So, the IDA is sort of supporting the close-out of the New Main Street Development Corp. They are responsible for the condemnation and all that. So, it's very slow and steady work.

And again, with both actually the New York State and the Department of Finance and the Attorney General's office are heavily involved in this. I

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2 only tell you that the legal work involved in  
3 closing these is taking a good bit of work. It's a  
4 great initiative but slow as molasses.

5 MAYOR SPANO: It is slow. And the  
6 liability is extreme for all of us. We're doing  
7 something that's going to have a real benefit for our  
8 future, future administrations, our future IDAs.  
9 Because they're not going to have this to deal with.  
10 I will bet you that there are a very few  
11 municipalities that are actually taking this short  
12 edge step in closing them down. They're probably  
13 just ignoring them. But, ignoring them, is just  
14 going to get you in trouble.

15 You've done great job. I just want to say  
16 thanks.

17 Any questions?

18 (No Response.)

19 MAYOR SPANO: If there are no questions,  
20 anyone want to make a motion?

21 MR. KISCHAK: (Hand Raised.)

22 MAYOR SPANO: Pete made a motion to the  
23 Resolution to approve actions to take as sole member  
24 of Yonkers Empowerment Incorporated.

25 MS. GERRY: (Hand Raised.)

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MAYOR SPANO: Seconded by the Deputy Mayor.

All in Favor?

(Chorus of Ayes.)

MAYOR SPANO: Any negatives?

(No Response.)

MAYOR SPANO: There are none.

The Item is passed.

MR. JENKINS: Thank you Mr. Mayor. The fourth Item is the Resolution to approve distribution of the Yonkers Raceway Corporation restricted funds. Mr. Young is here again for an opportunity we've funded in the past.

MR. YOUNG: The agency holds funds from the account for the Yonkers Raceway Corporation which are dedicated and used for educational and development purposes. This resolution approves the transfer of \$15,000 of those funds to the 2016 Yonkers Arts Weekend.

MR. JENKINS: And again, this is money that we authorized last year. This was authorized last year. There was remaining funds of \$3,000 and that will be pulled over and combined with this amount of money, \$15,000 for this year, Arts Weekend. And it is, as it was last year and the year before, a very

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2 good opportunity to bring the different types of  
3 businesses into the community that ducktails with the  
4 tech and arts hub that the downtown has become. It's  
5 been a good opportunity and it was well attended  
6 year. Money well spent.

7 MS. GERRY: How much did we offer last  
8 year?

9 MS. MEHRA: About 23,000.

10 MR. MACCIARELLO: Is there anyway that we  
11 can know that if any of this money is directly  
12 affecting education? Are any of the companies that  
13 we brought in under this hire or offer some kind type  
14 of apprenticeship program or practice with it where  
15 this actually benefited our children. Because that's  
16 what the money was earmarked for.

17 MS. GERRY: I know that last year we had a  
18 very long conversation about the educational  
19 component of the Yonkers Arts Weekend. It's a very  
20 hands-on program. Louis Albano is here and he could  
21 probably speak to you about those issues. I'm not  
22 sure that it's in the realm of traditional industry  
23 as much as it is art and art education. But we'll  
24 let him know if you want to weigh in, in a little  
25 bit.

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2 MR. ALBANO: Good morning. Louis Albano,  
3 Deputy Commissioner of Yonkers Planning and  
4 Development. As a director of Yonkers Art Weekend,  
5 we were able to secure a commitment from SUNY  
6 Purchase to open up an off-campus Learning Center in  
7 the downtown. They are up and running right now.  
8 And we expect them, this Spring, to start the  
9 programs that we negotiated with them that would help  
10 the lower/moderate income family youth to acquire  
11 educational programs with the Yonkers Arts Program at  
12 the Yonkers Art Weekend. The FIT Urban Studios was  
13 able to expand their operation also as a result of  
14 last year's event. They had such a good reception  
15 and at the end of the day, they were able to get some  
16 additional recognition. So now, they are going to be  
17 able to expand their arts program that they offer a  
18 few days a week as after school programs for the  
19 lower/moderate income youth.

20 MR. MACCIARELLO: So, it's money well  
21 spent. Thank you.

22 MAYOR SPANO: We used to have scholarships  
23 but that got blocked.

24 MS. GERRY: Some of them are tailoring off.  
25 There are some questions on whether there is, in this



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2 day and age, allowed the award of scholarships like  
3 this to just to wind down.

4 MR. JENKINS: There hasn't been any new  
5 activity.

6 MR. KISCHAK: Okay. I love the arts but  
7 there's other things that kids could use the money  
8 for. You know, with scholarships and stuff like  
9 that. I'm just saying why not have more than one  
10 thing.

11 MR. JENKINS: Part of it is utilized in the  
12 STRIVE Program which is all the businesses put  
13 together in a partnership in the Mayor's initiative.  
14 The Yonkers STRIVE Program has been awesome because  
15 it reaches kids everywhere and has a direct  
16 connection to the Yonkers Public Schools.

17 MS. GERRY: Yes. We're actually \$225,000  
18 from that fund just supporting the entire function of  
19 STRIVE this year. They have hired a program manager.  
20 We could certainly bring Margie in to do a briefing  
21 to the board about where we're at.

22 MAYOR SPANO: That's a good idea.

23 MS. GERRY: We're also about to embark on  
24 bringing in President Obama's My Brother's Keeper  
25 Program which kind of ducktails with STRIVE. We're

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2 going to bring it into STRIVE with the help of Dr.  
3 Bozic because that was a focus on educational  
4 opportunities for young men of color and for lower  
5 incomes. Literally a whole city initiative with all  
6 the state holders, CEOs, businesses, healthcare  
7 centers. Everyone kind of coalescing around bringing  
8 our kids from career to career, whatever career,  
9 whatever interest they have. Engineering, plumbing,  
10 whatever it could be to make sure that we're not  
11 losing them at certain high pressure points in their  
12 lives. So, I think it would be good idea to bring  
13 Margie in to let you know where the dollars are  
14 going. Because it's really -- nationally, it's  
15 exploded. Not only has proven increments for  
16 graduation rates but for success after graduation  
17 which is really important. We're by all accounts,  
18 with SUNY's support tracking exactly the same way. I  
19 think it would probably be a real good idea to ask  
20 Margie for an update.

21 MAYOR SPANO: While members of this group  
22 offered the seed money that made it possible for this  
23 to happen, it was then the United Way. The United  
24 Way operates the program. It's suppose to be a  
25 program that's separate independent of the city.

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2 Now, they have the dollars. Our attempt is to bring  
3 them even further and help them start to raise their  
4 own dollars so they don't come back to us or the city  
5 for the dollars to continue the program. That's why  
6 we're pitching it to different federal programs like  
7 My Brother's Keeper to help fund the project.

8 But it is a career to career. It  
9 encourages, obviously, college. But at the same  
10 time, it also -- if someone who wants to choose a  
11 trade. It's dealing with those different bumps in  
12 the road that our kids may have, collectively, from  
13 the moment they're born to the moment they go to  
14 school. Taking a look at those pressure points to  
15 see how can we address them. Each and everyone of  
16 us, whether it's government, non for-profit, we're  
17 all moving in the same direction with the same focus  
18 to get a better outcome. So, that's what STRIVE is  
19 about and that's why STRIVE has been successful. In  
20 all agencies across America, we expect it to be a  
21 success here.

22 MR. MACCIARELLO: That money was a one time  
23 thing?

24 MAYOR SPANO: Yes. We don't plan to give  
25 into that again. I'm going to make -- ask the city

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2 to fund the next round. But our goal is to get them  
3 off on their own so that are independent and  
4 operating on their own, much like WiFi is.

5 MR. KISCHAK: You know, let me just --  
6 years ago, I used to be involved in Yonkers Work  
7 Study Program. I used to get some of my techs right  
8 out of Saunders. And it worked. It was really,  
9 really good. It was good for them, it was good for  
10 me. You teach them, you know, it's mostly trade.  
11 Some of them went on to stay and be auto mechanics.  
12 Others -- one of them became a cop. The other one  
13 became a fireman, both in Yonkers. A couple years  
14 ago, I was very up with one of the senior teachers.  
15 And I think I spoke to you, Mr. Mayor, about this. I  
16 would ask him, "Who's a good tech? Who's your best  
17 tech? Who's the real guy on track, that's the guy I  
18 want." And he gave me two names. Both of them  
19 weren't legal. I couldn't hire them. So, you know,  
20 I kind of strayed away from it because I can't hire a  
21 kid like that. If he gets hurt or something like  
22 that, where do I stand on something like that? Does  
23 this program talk about an issue like that?

24 MR. JENKINS: As far as I know it does not.

25 MAYOR SPANO: That's an issue of -- it's an

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issue we keep on hoping our Congressman would pick up at some point soon. As far as we're concerned, that's something we can deal with. We can give a good education to that child. At the end of the day, it doesn't matter if that child is a citizen or not. It's really the federal government that's lost.

MR. KISCHAK: It's a big problem.

MR. JENKINS: Because they have to be in school. That's not the issue.

MR. KISCHAK: And we have to pay for them to be in school. And then we can't hire them or we can't use them.

MAYOR SPANO: Right.

MS. GERRY: It's a social problem too because the parents if they're concerned about raising red flags about their status are less likely to get their kids healthcare. To complain if their child is being treated unfairly in school or are having problems. And so, it does create a whole host of problems that STRIVE tries to address while in school zone. But I think the biggest issue there is that schools are engaged actively in trying just to encourage families, legal or not legal to participate in the schooling process because those kids are very

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much underserved, if their families are afraid to raise flags about how they're being treated and how their health is or those kinds of things.

MAYOR SPANO: Some similar issues to the STRIVE that we deal with obviously is English proficiency. We want to look at that. That's an indicator, right? English proficiency is one of the biggest things STRIVE will take into account, identify the spot, identify the problem area. Then of course we go to the federal government and say we need help in this age group. One of the other areas, some of them are an immigrant populations that come here. They come here with no formal education. So, it's coming here not just not speaking the language but not knowing how to learn. Because they didn't have any formal education where they came from, from the country where they were at. That proposes an even greater burden on the school district because you not only have to teach them the language, you have to teach them how to learn. That's an extraordinary cost on the localities. But again, what STRIVE will do is identify these things. By identifying it, then you can point to the federal government, point to the state government and say

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2 this is where we need some help.

3 Can I get a motion?

4 All right. We have a motion to accept  
5 Item 4.

6 MR. MACCIARELLO: (Hand Raised.)

7 MAYOR SPANO: Robert's made a motion to  
8 accept Item 4.

9 MR. BALL: (Hand Raised.)

10 MAYOR SPANO: Seconded by Marty.

11 All in favor?

12 (Chorus of Ayes.)

13 MAYOR SPANO: Any negatives?

14 MR. KISCHAK: I have a question. What the  
15 date on the Arts Weekend.

16 MS. MCGILL: May 14th and 15th.

17 MR. JENKINS: And again, just for your  
18 information, Jaime was awesome in her coordination  
19 efforts in the Yonkers Arts Weekend. Not alone,  
20 obviously, but she did a tremendous job doing it.

21 MAYOR SPANO: Just some housekeeping. Any  
22 negatives on that last resolution?

23 (No Response.)

24 MAYOR SPANO: There are none.

25 The Item is passed.

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2 MR. JENKINS: We do have -- they are coming  
3 in right now, Mr. Mayor, so if you want to jump down.  
4 We can do the Legal Updates.

5 MAYOR SPANO: Any Legal Updates?

6 MR YOUNG: There are no Legal Updates, Mr.  
7 Chair.

8 MR. ROTHMAN: I do have one. SunCap, which  
9 is the FedEx property, the FedEx project on Tuckahoe  
10 Road. The application from SunCap -- they are acting  
11 as general contractors constructing included a  
12 portion of equipment and other furnishings within the  
13 application for sales tax exemption benefits. FedEx  
14 Ground, themselves, have asked the IDA if they would  
15 designate FedEx Ground directly as their agent. For  
16 the FedEx Ground portion of the equipment that they  
17 are purchasing. There is no additional benefit being  
18 provided. It was all covered under the original  
19 public hearing. There are no changes. They are just  
20 asking for a break-out so that FedEx Ground for tax  
21 purposes and depreciation is the quote "owner" of  
22 those particular items. So, just as an update if the  
23 board is comfortable with that.

24 MAYOR SPANO: Are there any questions?

25 MR. ROTHMAN: If the board had questions, I



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2 wanted to bring it to your attention.

3 MR. JENKINS: Mr. Mayor, I don't know if  
4 you've watched that movement at the FedEx. It's  
5 amazing. I believe they were putting up the lights  
6 to stop that challenge that we all have going across  
7 Tuckahoe Road, making that left. They've put up stop  
8 signs. They're moving really quickly.

9 MR. KISCHAK: It's a beautiful building.

10 MAYOR SPANO: All right. Let's take now,  
11 Item II.

12 MR. ROTHMAN: Okay. So, we do have some  
13 representatives now for 1233 Nepperhan Farms LLC.  
14 Again, this is going to be the acquisition of the Key  
15 Food and a sales tax exemption only. There are no  
16 other benefits being provided by the IDA. There was  
17 a public hearing last night. There were no adverse  
18 comments on this project. This resolution would  
19 authorize, after we hear from the company, this  
20 resolution would authorize if approved a sales tax  
21 exemption benefit.

22 MR. HASSEN: Good morning, everybody. I'm  
23 Mike Hassen and we're going to be purchasing this  
24 location at 1233 Nepperhan Avenue. We expect to buy  
25 all the equipment new. That's about it.

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2 MR. BALL: Mike, just a question, you're  
3 not purchasing -- you entered into a lease with the  
4 CVS --

5 MR. HASSEN: Yes. It's a lease with the  
6 CVS and we're purchasing all the equipment.

7 MAYOR SPANO: Any questions?

8 MR. KISCHAK: Yes. How long is the lease?

9 MR. HASSEN: 30 years.

10 MS. GERRY: When are you opening? I know  
11 there's a lot of people curious.

12 MR. HASSEN: We're waiting on CVS  
13 application to be approved. I heard it got rejected.  
14 They have to modify a few things. We're doing the  
15 over out layout of the interior design. We're  
16 already in the project of, you know, of doing all the  
17 layouts. So, as soon as they get approved, we're  
18 ready. It's basically wall-to-wall space.

19 MR. KISCHAK: Do you have a estimation of  
20 when you're going to open up?

21 MR. HASSEN: Once they get their permit, I  
22 would say eight to ten weeks.

23 MR. MACCIARELLO: I'd like to go on record  
24 that I oppose any IDA support to any job that has  
25 "open shop" on the application. For the reasons that

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2 I've mentioned numerous times.

3 MAYOR SPANO: There were several hundred  
4 people that obviously showed up at that public event  
5 we had. A lot of support to keep a supermarket in  
6 that location. What are you guys going to be  
7 offering there? I know you got the CVS that's going  
8 to take a significant piece of the landscaping. Are  
9 you offering more of a mini-mart?

10 MR. HASSEN: No. It's a full service  
11 operation, 14,000 square foot. We're going to have a  
12 full service. Everything, meat, deli, prepared  
13 foods, fish, groceries, dairy, frozen, produce. I  
14 gave -- I don't have it with me but I gave a layout  
15 to Councilman Larkin. I don't know if he shared it  
16 with anybody. He was concerned also but I showed  
17 him. We're going to have about 700 foot, I mean  
18 feet, for grocery, 500, foot produce. We ordered or  
19 will be ordering all cases. We're going to treat  
20 this like a Manhattan store. The reason why is  
21 because we're trying to go this way, you know, to  
22 have all the varieties --

23 MAYOR SPANO: Is CVS going to be in a  
24 separate location under itself or --

25 MR. HASSEN: No. They're going to have a

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wall in the middle. So, they're taking about 12,000. We're taking 14. And we're not including in the 14 the service, compact area, loading bays and the back room. So, it's a little bigger than 14. But 14 is all we have to work with beside the loading areas. So, it's probably a little over 16, 17,000 total.

MR. SOPERAKIS: Can I just say something? The store is right now -- Mr. Hassen is used to working in smaller units. In the city of New York, we don't have as much space and 15,000 square feet, the amount projected for this unit will make a full service, full-line supermarket. You don't need 30,000 square feet. And most of Mr. Hassen's customers enjoy the fact that it's a convenience based store that has all of a big supermarket.

And the reason why Mr. Hassen is taking over locations formally occupied by A&P is because he's running them with an efficiency of scale and can serve and do a much better job serving the community than the former A&P that was 30,000 square feet. He's very experienced and will attack the marketplace the way it should be and deal with the demographics of the area.

MS. GERRY: Excuse me, sir. Could we have

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2 your name for the record.

3 MR. SOPERAKIS: My name is Severin  
4 Soperakis. S-O-P-E-R-A-K-I-S. And I represent Mr.  
5 Hassen.

6 MR. KISCHAK: Did you hire a general  
7 contractor yet?

8 MR. HASSEN: We have somebody that we use  
9 for all our locations, Out-Post Store Development.

10 I don't know if you want me to address  
11 what you mentioned. Your concern was --

12 MR. MACCIARELLO: I would like you to, yes.

13 MR. HASSEN: What's your concern?

14 MR. MACCIARELLO: My concern was that you  
15 have "open shop" down as how you're going to hire  
16 people for construction on this project.

17 MR. HASSEN: Well, the reason why we do  
18 that is because we on a time essence. And I'll give  
19 you a perfect example. We use AAA which is a union  
20 shop for refrigeration. They only want to work until  
21 3:00. And, you know, if you want to get a job done,  
22 you know, in a significant amount of time, they don't  
23 want to be there until 5, 6, 7, 8:00. They want to  
24 charge double time after 3 p.m. And, you know, the  
25 project will take 18 weeks instead of 8 to 10 weeks.

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Some of the contractors are, some aren't, but they're mainly concerned about time essence. They want to get the store open. So, if I have a choice of working 10 weeks instead of 4 weeks, I'd rather do it in a decent amount of time. It's not that, you know, we don't want to, you know, put them out but, you know, if they have certain restrictions, that they have clauses. They can't do this. They can't do that. What do I tell my customer?

MR. MACCIARELLO: Well, my answer to that was that your customer should be able to afford to shop in your store.

MR. HASSEN: Well, just to let you know, I don't know if you know, we do a pricing comparison for A&P. Key Food has 217 stores. There took away 24 stores. Our prices were between 8 to 10 percent cheaper than A&P. Just on one item --

MR. MACCIARELLO: I'm not doubting your prices. I'm just doubting -- I'm not even doubting. I'd just like that your clientele could be the people that work for you.

MR. HASSEN: I don't understand what you're saying.

MR. MACCIARELLO: I want the people that do

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2 the work for you to be able to afford shopping with  
3 you. Not because your prices are too high but  
4 because their salaries are too low.

5 MR. HASSEN: I can assure you we're going  
6 to hire local people. Of course of our -- I can't  
7 say all at least 16, 17 percent of the people are  
8 neighborhood people. You don't want your cashiers  
9 coming from two towns over.

10 MR. MACCIARELLO: You also put  
11 non-prevailing wage. So, even if you didn't hire a  
12 union contractor because of that so called "double  
13 time" which I never heard of, but because you said  
14 that, non-prevailing wage and open shop, you could  
15 hire somebody for minimum wage.

16 MR. HASSEN: Yes, we can. I mean --

17 MR. MACCIARELLO: That's why I oppose your  
18 job.

19 MR. HASSEN: I'm not saying that we are. I  
20 said we can. You know, basically, most of your --  
21 you got to understand. I've been doing this for 22  
22 years. It's 70 to 80 percent of your staff is local  
23 kids that come in and you know, high school, college,  
24 and they stay there for a while and then they leave.  
25 And you know, your -- basically, your management and

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2 your senior help, are full timers that are going to  
3 stay there. They're not getting paid mini um wages.  
4 But, you know, the part time help, you know, change  
5 like the weather.

6 MR. MACCIARELLO: I'm more concerned with  
7 the construction aspect of the job than I am with the  
8 people that you use to stock your shelves.

9 MR. HASSEN: You know, not everybody is  
10 going to be unionized. But if they do come in and  
11 say, "Hey. We're going to charge you the same price  
12 and get it done without the double time, et cetera."  
13 We'll give them the job. We have no problem. We're  
14 doing a job on 92nd Avenue in the city and basically  
15 we had a lot of issues where the building didn't want  
16 us to work at night. They wanted it done during the  
17 day and, you know, we had no choice. But we got it  
18 done.

19 MR. KISCHAK: You see yourself open 24  
20 hours?

21 MR. HASSEN: No. I would say they would  
22 stay open until 11. I would say we'd probably stay  
23 open to match the same hours. Because we have CVS  
24 who has their own separate hours, we not cleared --  
25 no, we wouldn't be involved. The reason why we might



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2 close at 10 or 11 because we'd want to pack out at  
3 night so not to interrupt the customers. During the  
4 day, they come in everything is stocked and full and  
5 clean.

6 MR. SOPERAKIS: Excuse me, Mike. If the  
7 community needs arise that it's open. Because CVS is  
8 planning 24 hour, right?

9 MR. HASSEN: No, I didn't know that.

10 MAYOR SPANO: CVS has to pass City Council  
11 on that one. I don't think that's going to happen.

12 MR. KISCHAK: The Beauty aides and stuff  
13 like that, that's usually in the A&P, are you going  
14 to carry that kind of stuff?

15 MR. HASSEN: We're limited in our means to  
16 carry certain amount of footage. But we also limited  
17 them not to carry perishables, fresh produce, fresh  
18 diary. So this way we don't conflict with each  
19 other.

20 MR. BALL: Have you ever had a working  
21 relationship with CVS before?

22 MR. HASSEN: Not before but we have  
23 locations that have CVSs or Rite-Aids or Walgreens  
24 within a block.

25 MAYOR SPANO: I'm sure there's a lot of

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2 things that they sell and you sell.

3 MR. HASSEN: Yes. There are general  
4 products, let's say for example, soaps, snack items.  
5 They could force us to do the opposite. But, you  
6 know, I think that with a working relationship, you  
7 know, someone drops off their prescription, they come  
8 in, do their grocery shopping. They come back, it's  
9 ready. I think it's going to be a good fit.

10 MR. SOPERAKIS: We spent a lot of time  
11 negotiating the definition between what they can sell  
12 and what we can sell. And they were anxious to have  
13 Mike in because they knew their deal was in jeopardy  
14 if we didn't put a grocery store there. So, we got a  
15 lot of concessions in both directions.

16 MAYOR SPANO: And you're right. Their deal  
17 was in jeopardy if you guys didn't come on board.

18 MR. HASSEN: Actually, we bid on the  
19 location but they outbid us.

20 MAYOR SPANO: There were people in the  
21 community who wanted that supermarket opened. We got  
22 a little nervous, at least Councilman Larkin and the  
23 rest of us because there appeared there were no  
24 takers.

25 MR. SOPERAKIS: Mike's group was prevailing

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2 at the A&P auction.

3 MR. HASSEN: We went 17 rounds.

4 MR. SOPERAKIS: We went quite a few rounds  
5 and CVS had more money and more power and they outbid  
6 us. And with the help of the city council, we were  
7 able to negotiate a decent deal with them.

8 MR. ROTHMAN: And if I may, I should have  
9 said it before. For those who are wondering about  
10 any retail exception for IDA's assistance, this  
11 particular assistance is a little bit unique because  
12 of the location and the underserved community.  
13 That's why the IDA is able to provide benefits in  
14 this instance. I should have said that before.

15 MAYOR SPANO: Are there any other  
16 questions?

17 MR. KISCHAK: Have we done this before with  
18 leases?

19 MR. JENKINS: I'm sorry, Pete. I didn't --

20 MR. KISCHAK: Have we done this before with  
21 leases?

22 MR. ROTHMAN: Where the applicant was a  
23 tenant?

24 MR. KISCHAK: Yes.

25 MR. ROTHMAN: Yes.

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2 MAYOR SPANO: Any other questions?

3 (No response.)

4 MAYOR SPANO: There are none.

5 Does anybody want to make a motion?

6 MS. GERRY: (Hand Raised.)

7 MAYOR SPANO: Deputy Mayor made a motion.

8 MR. KISCHAK: (Hand Raised.)

9 MAYOR SPANO: Seconded by Pete.

10 All in favor?

11 (Chorus of Ayes.)

12 MAYOR SPANO: One negatives.

13 Robert's a negative.

14 Item is passed.

15 Thank you. We ask that you while we are  
16 not going -- we're going to propose that you deal  
17 with a union shop. We do strongly, strongly,  
18 strongly, strongly ask you to look at our union  
19 shops. They've shown themselves to be willing to  
20 negotiate. We prefer -- we have a preference to use  
21 union shops.

22 MR. HASSEN: No, I understand.

23 MAYOR SPANO: So we ask that you keep that  
24 in mind and ask that you take what Robert, you know,  
25 his comments, when hiring.

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2 MR. HASSEN: I appreciate it.

3 MR. SOPERAKIS: Thank you for your help.  
4 Mr. Hassen will not disappoint you. It will be a  
5 place you'll be proud of.

6 MAYOR SPANO: Thank you. I hope so.

7 MR. HASSEN: Come visit us and you'll see  
8 the difference.

9 MR. KISCHAK: Hurry up and get it done.

10 MR. JENKINS: Just to follow up on this.  
11 My son actually works at the ShopRite. We didn't  
12 realize that there is no other supermarket on that  
13 corner at all. ShopRite is the only supermarket.  
14 There's nothing on Central Avenue anymore. So, this  
15 is very helpful and is necessary.

16 Let's see. I wanted to go back and answer  
17 a quick question on Other Business. We were able to  
18 reach out to the community -- to Mr. Busic, Jesse,  
19 they still have not bid out the work yet. So, that  
20 is still an opportunity and he was aware that we had  
21 called and spoken to him.

22 MR. MACCIARELLO: They were fair with the  
23 first stages.

24 MR. JENKINS: Right.

25 MR. MACCIARELLO: I just wanted to go on

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2 record that we're still paying attention to what they  
3 do. And we're hoping for that same fairness in all  
4 the jobs that they continue.

5 MR. JENKINS: And I just want to go over  
6 the rolling budget, the big sheet. We are in  
7 excellent shape for 2016, the rolling budget. If you  
8 look at the projections, we are going to be well  
9 ahead of the back budget plan. We're suppose to  
10 receive \$2,000,000 shortly from several projects that  
11 are closing. So, we are in really, really good shape  
12 from a rolling budget perspective. And thank you to  
13 the board for its direction. Jaime and Deepika are  
14 taking care of business that's necessary to get this  
15 stuff continuing to roll.

16 MAYOR SPANO: Special thanks to Ken for all  
17 his hard work. Jaime and Deepika and the entire team  
18 on board for all your work. We're doing the right --  
19 we're making the right decisions right now. That's  
20 good. Let's keep it moving.

21 I apologies, I'd like to end this quickly  
22 because we have to go to Albany. What we're going  
23 to Albany for is to fight for that School  
24 Reconstruction Plan. If we're successful, it will  
25 mean rebuilding all 39 of our schools, building two

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2 additional schools. It would be a thirteen year  
3 project. It's probably in excess of \$2,000,000,000,  
4 four phases. And, you know, PLA is part of the  
5 legislation. So, what I'd like to ask for, if you  
6 don't mind, I don't know if we're going to put it  
7 forth in a resolution, but it is to be able to ask  
8 that we at least put a letter of support in our  
9 package of supporters to get this legislation passed  
10 at the State Capitol. If we're successful, it means  
11 a lot of jobs but it also means our kids are going  
12 to be in a good, clean learning environment which  
13 statistically has shown that grades always go up  
14 when kids are in the right environment. Schools are  
15 just falling down around them. And we have watched  
16 Buffalo get rebuilt, Rochester, Syracuse. They're  
17 the three big cities outside of New York. We are  
18 the fourth. So, it's our turn. We want to make  
19 sure that we get on that. That why I'm going to  
20 spend the few days in Albany lobbying that.

21 MS. GERRY: Put it in motion?

22 MR YOUNG: Yes. Let's do a motion to  
23 authorize the letter.

24 MAYOR SPANO: Robert, a motion to authorize  
25 the letter of support of rebuild Yonker's schools.

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MR. MACCIARELLO: (Hand Raised.)

MAYOR SPANO: And Robert has made a motion.

MR. KISCHAK: (Hand Raised.)

MAYOR SPANO: Seconded by Pete.

All in favor?

(Chorus of Ayes.)

MAYOR SPANO: Item is passed. Thank you.

Anyone want to make a motion we --

MR. MACCIARELLO: I have a question on  
Other Business that I just want to clarify. At the  
last meeting I told you that when I came down the  
hill from Ridge Hill, there was a no trucking sign.  
Well, when I went home, if you're traveling eastbound  
on Tuckahoe Road, there is a small no trucking sign.  
If you're coming from the west, you can't see it.  
But the sign is there to answer your question. But  
maybe we can put one at both entrances.

MR. ALBANO: I'll speak to traffic  
engineering about it. I had done the research on it  
and gone back to 2005 to the initial scoping section  
and the environmental impact studies for Ridge Hill  
that restricted trucking traffic on Ridge Hill  
Boulevard. That truck were not allowed to enter and  
or exist Ridge Hill Boulevard and Tuckahoe Road.



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2 I'll talk to traffic engineering about some of these  
3 signs.

4 MR. MACCIARELLO: Thank you. I just wanted  
5 to make that -- I did go back and check my word and  
6 there was a sign. It's just very hard to see  
7 traveling westbound.

8 MAYOR SPANO: So, you'll take care of that  
9 one, right?

10 Just another point to Rebuild Schools.  
11 The way Rochester, Buffalo and Syracuse have worked,  
12 we'll bring them in to brief us. The bottoms are  
13 overbloated in those three communities with the  
14 IDAs. The state backed me up on this. It's a  
15 unique kind of way of financing so that it allows  
16 the schools to get rebuilt. It's kind of -- instead  
17 of them paying us -- they way it was described to  
18 me. Instead of them paying us money every year to  
19 fill a pothole, they'll pay us \$10,000,000 year's  
20 worth of money so we can rebuild a school. The IDA  
21 is very much a part of the financing structure. How  
22 so? It remains to be part of the negotiations,  
23 we'll go get another look at this as we go forward.  
24 So, we'll talk about it more as we move forward.

25 Anyone make a motion to adjourn?

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MR. MACCIARELLO: (Hand Raised.)

MR. BALL: (Hand Raised.)

MAYOR SPANO: Robert. Seconded by Marty.

All in favor?

(Chorus of Ayes.)

(Whereupon, the Board Meeting

concludes at 9:55 a.m.)

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

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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 8th day of March, 2016.

\_\_\_\_\_  
MARGARET PRENDERGAST

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