

AUTHORIZING RESOLUTION
(Omnibus Sales Tax Extensions – Various Projects)

A regular meeting of the City of Yonkers Industrial Development Agency was convened on December 23, 2019.

The following resolution was duly offered and seconded, to wit:

Resolution No. 12/2019 - 39

RESOLUTION AUTHORIZING THE CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY TO TAKE ADMINISTRATIVE ACTION AFTER STAFF REVIEW TO EXTEND SALES TAX EXEMPTION BENEFITS PERIODS FOR THE PROJECT BENEFICIARIES LISTED ON SCHEDULE A ATTACHED HERETO

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 83 of the Laws of 1982 of the State of New York, as amended (hereinafter collectively called the "Act"), the **CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, pursuant to resolutions (the "Resolution") previously adopted by the Agency, the Agency appointed the companies listed on Schedule "A" (the "Companies") the true and lawful agents of the Agency to undertake certain projects, each located in the City of Yonkers; and

WHEREAS, in connection with the projects and to effectuate the agent status of the Companies, the Agency executed, among other things, a certain sales tax exemption package, as extended from time to time (as so extended, the "Sales Tax Exemption Package") and an NYS Form ST-60, "IDA Appointment of Project Operator or Agent", as extended from time to time and currently expiring December 31, 2019 (as so extended from time to time, the "NYS Form ST-60"); and

WHEREAS, the Agency has spoken with the Companies whose projects are ongoing and have not exceeded their approved sales tax exemptions, so that the Agency desires to adopt a resolution extending the agent status of the Companies to December 31, 2020, and authorizing the execution and delivery of a Sales Tax Exemption Package and NYS Form ST-60 expiring on December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Executive Director of the Agency is hereby authorized, on behalf of

the Agency, to extend the agent status of the Companies from December 31, 2019, to December 31, 2020; and the Executive Director, President, Vice President, Chairman, Vice Chairman and/or Secretary of the Agency are hereby authorized to execute and deliver a Sales Tax Exemption Package and NYS Form ST-60 expiring December 31, 2020. The Agency is further authorized to file the NYS Form ST-60 expiring December 31, 2020, with New York State Tax Department's IDA Unit.

Section 2. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 3. These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Mayor Mike Spano	[✓]	[]	[]	[]
Peter Kischak	[✓]	[]	[]	[]
Wilson Kimball	[✓]	[]	[]	[]
Melissa Nacerino	[✓]	[]	[]	[]
Hon. Cecile D. Singer	[✓]	[]	[]	[]
Henry Djonbalaj	[✓]	[]	[]	[]
Roberto Espiritu	[✓]	[]	[]	[]

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION
(Omnibus Sales Tax Extensions – Various Projects)

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

I, the undersigned, Secretary of the City of Yonkers Industrial Development Agency DO
HEREBY CERTIFY:


That I have compared the annexed extract of minutes of the meeting of the City of
Yonkers Industrial Development Agency (the "Agency"), including the resolution contained
therein, held on December 23, 2019, with the original thereof on file in my office, and that the
same is a true and correct copy of the proceedings of the Agency and of such resolution set forth
therein and of the whole of said original insofar as the same related to the subject matters therein
referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting,
that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public
Officers Law (Open Meetings Law), said meeting was open to the general public, and that public
notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present
throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force
and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said
Agency this 23rd day of December, 2019.



Wislon Kimball, Secretary

[SEAL]

Schedule "A"

Extensions Through December 31, 2020

- 1) The Plant Manor LLC**
- 2) L&A Acquisition dba Adira at Riverside Rehabilitation and Nursing**
- 3) Thethi Realty LLC**
- 4) CCNA Realty LLC**
- 5) FC Yonkers Associates LLC (Ridge Hill)**
- 6) R&M Realty Enterprises LLC**
- 7) 411 Bronx River Development LLC**
- 8) Stagg Construction LLC**
- 9) Yonkers Waterfront Properties LLC (Collins III)**
- 10) Cross County Shopping Center (Macerich)**
- 11) RXR SoYo Exalta Owner LLC**
- 12) 70 Jackson Street (Alma)**
- 13) Avalonbay ATI**
- 14) Avalon Bay Sunsites**

AUTHORIZING RESOLUTION

(Reimbursement to City of Yonkers for Yonkers Pier Energy Audit)

A regular meeting of the City of Yonkers Industrial Development Agency was convened on Monday, December 23, 2019. The following resolution was duly offered and seconded, to wit:

Resolution No. 12/2019 -40

RESOLUTION AUTHORIZING THE CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY TO REIMBURSE THE CITY OF YONKERS FOR COSTS INCURRED IN PROCEEDING WITH A COMPREHENSIVE ENERGY AUDIT OF THE PIER FACILITY

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 83 of the Laws of 1982 of the State of New York, as amended (hereinafter collectively called the "Act"), the **CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to among other things, to acquire, construct, reconstruct, lease, improve, maintain, equip and sell land and any building or other improvement, and all real and personal properties, including, but not limited to, machinery and equipment deemed necessary in connection therewith, whether or not now in existence or under construction, which shall be suitable for manufacturing, warehousing, research, commercial or industrial facilities, in order to advance job opportunities, health, general prosperity and the economic welfare of the people of the State and to improve their standard of living as authorized by the Act; and

WHEREAS, the Master License from the City of Yonkers to the Agency, dated March 24, 2005, including all amendments, modifications, restatements, and extensions thereto ("Master Lease"), and the related Sublicense, dated March 24, 2005 to HCC Caterers, Inc. d/b/a Xavier's or X20 ("X20"), including all amendments, modifications, restatements, and extensions thereto ("Sublicense"), relate to an Agency "project", as that term is defined in the Act, consisting of a first class restaurant operated by X20 at the pier facility on the waterfront in the downtown section of the City of Yonkers (the "Pier Facility"); and

WHEREAS, the Agency holds an interest in the Master Lease subject to the Sublicense to X20 and uses the payments received under the Sublicense to pay all "project" related expenses; and

WHEREAS, the Pier Facility has been in operation for over a decade and may not be energy efficient; and

WHEREAS, the New York Power Authority ("NYPA") has offered to assess the Pier Facility under the existing City of Yonkers-NYPA agreement by performing a comprehensive energy audit which will serve as a resource to the Agency in making energy efficiency capital project decisions at the Pier Facility ("Audit"); and

WHEREAS, the cost of the Audit shall not exceed four thousand one hundred and fifty seven dollars and 09/100 (\$4,157.09); and

WHEREAS, the Agency believes that it is in the “project” best interest to perform the Audit; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Chairman, Vice Chairman, President, Executive Director, Secretary, and/or the Chief Fiscal Officer of the Agency are hereby authorized, on behalf of the Agency, to enter into the Reimbursement Agreement with the City of Yonkers, attached hereto as Exhibit A, to be rendered in connection with the Audit for an amount not to exceed four thousand one hundred and fifty seven dollars and 09/100 (\$4,157.09), which shall be paid from “project” funds, and execute and deliver any and all documents reasonably contemplated by this resolution to accomplish the Audit and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to any documents and to attest the same, all with such changes, variations, omissions and insertions as the Chairman, Vice Chairman, President, Executive Director, Secretary, and/or the Chief Fiscal Officer of the Agency shall approve, the execution thereof by the Chairman, Vice Chairman, President, Executive Director, Secretary, and/or the Chief Fiscal Officer of the Agency to constitute conclusive evidence of such approval.

Section 2. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 3. This resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Mayor Mike Spano	[✓]	[]	[]	[]
Peter Kischak	[✓]	[]	[]	[]
Wilson Kimball	[✓]	[]	[]	[]
Melissa Nacerino	[✓]	[]	[]	[]
Hon. Cecile D. Singer	[✓]	[]	[]	[]
Henry Djonbalaj	[✓]	[]	[]	[]
Roberto Espiritu	[✓]	[]	[]	[]

SECRETARY'S CERTIFICATION
(Reimbursement to City of Yonkers for Yonkers Pier Energy Audit)

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

I, the undersigned, Secretary of the City of Yonkers Industrial Development Agency DO
HEREBY CERTIFY:


That I have compared the annexed extract of minutes of the meeting of the City of
Yonkers Industrial Development Agency (the "Agency"), including the resolution contained
therein, held on December 23, 2019, with the original thereof on file in my office, and that the
same is a true and correct copy of the proceedings of the Agency and of such resolution set forth
therein and of the whole of said original insofar as the same related to the subject matters therein
referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting,
that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public
Officers Law (Open Meetings Law), said meeting was open to the general public, and that public
notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present
throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force
and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said
Agency this 23rd day of December 2019.



Wilson Kimball, Secretary

[SEAL]

Resolution No. 12/2019-40

Authorizing Resolution: Reimbursement to City of Yonkers for Yonkers Pier Energy Audit

December 23, 2019

TC: Harris Beach PLLC

Exhibit A

(Reimbursement Agreement for Energy Audit)

AUTHORIZING RESOLUTION
(Acceptance of Yonkers Downtown Waterfront Development Funds)

A regular meeting of the City of Yonkers Industrial Development Agency was convened on Monday, December 23, 2019.

The following resolution was duly offered and seconded, to wit:

Resolution No. 12/2019 - 41

RESOLUTION AUTHORIZING THE CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY TO APPROVE AND ACCEPT THE REMAINING ASSETS OF THE YONKERS DOWNTOWN WATERFRONT DEVELOPMENT CORPORATION FOR THE PURPOSE OF REPAIRING, MAINTAINING AND IMPROVING THE YONKERS CITY PIER

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 83 of the Laws of 1982 of the State of New York, as amended (hereinafter collectively called the "Act"), the **CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, the Yonkers Downtown Waterfront Development Corporation ("Corporation"), with the assistance of the Yonkers Community Development Agency, caused to be prepared the Yonkers Downtown Waterfront Master Plan (the "Master Plan") for the redevelopment of a major portion of the downtown waterfront area of the City of Yonkers, which includes the Yonkers City Pier; and

WHEREAS, on March 24, 2005, in furtherance of the Master Plan, the Agency was granted a concession to make certain improvements to the Yonkers City Pier, or cause the same to be improved as an Agency project, as that term is defined in the Act ("Project"); and

WHEREAS, on December 2, 2019, the Corporation, by way of Resolution 2019-01 ("Corporation Resolution"), approved and authorized a voluntary, non-judicial dissolution of the Corporation; and

WHEREAS, the Corporation Resolution includes the adoption of a distribution of the remaining assets of the Corporation ("Plan of Dissolution"); and

WHEREAS, the Plan of Dissolution provides that the Corporation wishes to distribute to the Agency all of the Corporation's assets that remain after the Corporation pays and discharges all of the ordinary and necessary expenses associated with winding up its affairs that it incurs and all of its liabilities; and

WHEREAS, it is projected that the Corporation's remaining assets will be approximately \$326,463.27 ("Corporation Assets"); and

WHEREAS, the Corporation Resolution states that Corporation Assets are to be used by the Agency for the purpose of rehabilitating, repairing, or improving the Yonkers City Pier; and

WHEREAS, by resolutions previously adopted by the Agency, including, but not limited to Resolution 02/2018-02, the Agency committed to participate in the repair, maintenance and improvements to the Yonkers City Pier in furtherance of the Project; and

WHEREAS, the Agency desires to accept the Corporation Assets for the purposes stated in the Corporation Resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Chairman, Vice Chairman, President, Executive Director, Secretary and/or the Chief Fiscal Officer of the Agency are hereby authorized, on behalf of the Agency, to take whatever steps are necessary to accept the Corporation Assets, and execute and deliver any and all documents reasonably contemplated by these resolutions to accomplish the purposes hereof and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to any documents and to attest the same, all with such changes, variations, omissions and insertions as the Chairman, Vice Chairman, President, Executive Director and/or the Chief Fiscal Officer of the Agency shall approve, the execution thereof by the Chairman, Vice Chairman, President, Executive Director and/or the Chief Fiscal Officer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 2. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Mayor Mike Spano	[✓]	[]	[]	[]
Wilson Kimball	[✓]	[]	[]	[]
Melissa Nacerino	[✓]	[]	[]	[]
Hon. Cecile D. Singer	[✓]	[]	[]	[]
Peter Kischak	[✓]	[]	[]	[]
Henry Djonbalaj	[✓]	[]	[]	[]
Roberto Espiritu	[✓]	[]	[]	[]

The Resolution was thereupon duly adopted.

SECRETARY'S CERTIFICATION
(Funding of repairs to the Yonkers City Pier)

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

I, the undersigned, Secretary of the City of Yonkers Industrial Development Agency DO
HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the City of
Yonkers Industrial Development Agency (the "Agency"), including the resolution contained
therein, held on December 23, 2019, with the original thereof on file in my office, and that the
same is a true and correct copy of the proceedings of the Agency and of such resolution set forth
therein and of the whole of said original insofar as the same related to the subject matters therein
referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting,
that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public
Officers Law (Open Meetings Law), said meeting was open to the general public, and that public
notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present
throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force
and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said
Agency this 23rd day of December, 2019.



Wilson Kimball, Secretary

[SEAL]