



**Minutes of
The City of Yonkers Industrial Development Agency
Regular Board of Directors Meeting
June 30, 2020 at 4:00 p.m.**

Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020

suspending the Open Meetings Law, the Yonkers IDA Board Meeting scheduled for June 30, 2020 will be held electronically via conference call instead of a public meeting open for the public to attend in person.

Members of the public may listen to the board meeting by calling into:

1-800-832-0736

When prompted enter:

Room# 1752666#

Code: 0000#

BEFORE:

Mayor Mike Spano – Chairman
Peter Kischak – Vice Chairman
Wilson Kimball – Secretary
Melissa Nacerino – Treasurer
Cecile D. Singer – Member
Henry Djonbalaj – Member
Roberto Espiritu – Member

IDA STAFF:

Jaime McGill – Executive Director
Mary Lyras – CFO
Fiona Rodriguez – Administrative Assistant
Samantha Young – Bookkeeper

OTHERS:

Karly Grosz, Esq. – IDA Counsel
Michael Curti, Esq. - Harris Beach PLLC, Transaction Counsel
Jim Ciliberti – IDA Accountant
Deputy Mayor Jim Cavanaugh – City of Yonkers

MS. MCGILL – I think that’s Melissa now. Melissa are you with us?

MS. NACERINO – Yes I am. Thank you.

MS .MCGILL – Mayor we have all the members on.

MAYOR SPANO: Let’s call this meeting to order - I’m sorry let’s take attendance.

MS. LYRAS – Hi, good afternoon everyone, I’ll start roll call. Mayor Spano? Can everyone hear me?

ALL MEMBERS – Chorus of Ayes.

MS. LYRAS – Sorry. Mayor Spano is here. Peter Kischak?

MR. KISCHAK – Here.

MS. LYRAS – Cecile Singer?

MS. SINGER – Here.

MS. LYRAS – Wilson Kimball?

MS. KIMBALL – Here.

MS. LYRAS – Melissa Nacerino?

MS. NACERINO – Here.

MS. LYRAS – Henry Djonbalaj?

MS. MCGILL – Henry was on.

MAYOR SPANO – Whose on?

MS. MCGILL – Henry. He was on.

MR. DJONBALAJ – I am on, I’m still on.

MS. LYRAS – Thank you and Roberto Espiritu?

MR. ESPIRITU – Here.

MS. LYRAS – Ok, thank you. We have a roll call Mayor, I mean I’m sorry we have a quorum. Excuse me.

MAYOR SPANO – Thank you Mary. I don’t have my agenda in front of me; we are looking at the minutes from the previous meeting. Everyone have their minutes in front of them? Anybody have any questions to these minutes? If you have no questions, I ask someone make a motion to accept the minutes.

MS. SINGER – Move to make the acceptance.

MS. KIMBALL – Second, this is Wilson.

MAYOR SPANO – Who accepted? Who opened?

MS. KIMBALL – Cecile moved it and I accepted it.

MAYOR SPANO – Motion was made by Cecile Singer, seconded by Wilson Kimball. All in favor to accept the minutes - all in favor?

ALL MEMBERS – Chorus of Ayes.

MAYOR SPANO – Hearing no objections, item is passed. Mary lets go through the financials.

MS.LYRAS – Yes, for the month of May we recorded no Agency fees, our cash on hand is \$4.3 million dollars and we have our accountant on the line if anyone has any questions.

MAYOR SPANO – We have the accountant on the line. Everyone has financials, are there any questions? Hearing no questions, somebody want to make a motion we accept the financials?

MR. KISCHAK – I'll make a motion.

MAYOR SPANO – Motion was made by Henry, seconded by Pete to accept the financials. All in favor?

ALL MEMBERS - Chorus of Ayes.

MAYOR SPANO – Any negatives, hearing no negatives – item is passed. Alright, Jaime McGill.

MS. MCGILL – The first resolution is a resolution authorizing the establishment, funding and administration of the State Disaster Emergency loan and grant program. We have Michael Curti on the line, our counsel to discuss the legislation and the program.

MR. CURTI, ESQ. – Hi good morning – good afternoon Mayor and also members of the board. I'm going to present to this resolution which would provide, establish the State Disaster Emergency Loan and Grant Program and I'll give a brief overview of the program. The program aims to ensure the short term viability of both small businesses and not for profit corporations by allowing YIDA to provide grants to small businesses and small not for profit corporations and also make loans through the administration of the State Emergency Disaster Loan Program to small businesses and small not for profit. To qualify for either the grant or the loan the eligible entity has to establish that number one that they were financially viable prior to March 7, 2020 which is the date that Governor Cuomo signed Executive Order to declaring a disaster emergency as a result of the pandemic. Second, that it conducts business in the area served by YIDA which would be the City of Yonkers. Number three, that it is negatively impacted by COVID-19 and so as far as its business operations are concerned. Also, that the not for profit or small business has less than 51 employees. It's either 50 or less.

In terms of the grant program YIDA may provide grants to small business or not for profit corporations in an amount not to exceed \$10,000. However, the use of those funds are limited to purchasing personal protective equipment also known as p.p.e or installing equipment necessary in preventing the spread of COVID-19. The grants obviously do not have to be repaid. However, there is a requirement for us to recapture the money in the event that the grant awardee does not use the monies in accordance with the requirements of the statute which is either to buy p.p.e or also to install equipment necessary to prevent COVID-19. The other program the State Disaster Emergency Loan Program and YIDA through the administration of the loan program and throughout the period in which the State Emergency

Declaration is in effect. That means that however long Governor Cuomo's Emergency Declaration remains from March 7, 2020 we can provide loans to small business and small not for profit in an amount not to exceed \$25,000. The businesses and not for profits have a lot more flexibility in so far as what they can do with those loans proceeds. They're not as restricted as those awardees of the grant program. We will not charge interest with regards to the loans and all interest in any event would be exempt from State taxation but we do have to advise all applicants, that they may be subject to Federal taxation as a result of receiving those funds. The loans are not required to be repaid during what's known as the grace period in the statute and that's 60 days following the end of the State Emergency Declaration. So, for example if the Governor states the emergency ends, at the end of this calendar year no repayment has to be made until 60 days following the end of that date thereafter once the grace period ends the money has to be repaid in full within one year. There can be no fee or pre-penalty payment for the loan and again as I mentioned before there will be no interest that will be charged on the principal amount when reviewing the application the board will have to review all applications brought before them whether it be for the grant or the loans program. But specifically with regard to the loan program. You will have to determine the credit worthiness of the applicants prior to March 7, 2020. You will have to determine the negative impact the shutdown has had on their operations and finances. You can consider on how they plan to use their funds, the ties they have to the City of Yonkers and the impact they have on the City of Yonkers and the assurance efforts will be made to retain jobs as well as other sources of funding available meaning did they receive any IDPL Loan or some other relief through the triple p or Payment Protection Act that was passed by Congress a couple of months ago. Also note small business and small not for profit that are located in highly distressed areas will receive a priority and highly distressed are one of - can follow into three categories the first is areas of high unemployment, areas of high poverty or areas that were previously designate as Empire Zones. Not only is it those census tracks that fall within those guidelines but also census tracks that are continuous to those census tracks that fall under one of those three categories. We do provide for some risk factors and things for the Board to consider as far as the loan program. For example, minimum credit scores. For example, representation that there have been no liens or tax judgments in the previous three years. All those are meant to ensure that those awardees have adequate credit so that they can pay back the loan. However, we did make a provision that the board can waive any one of those requirements in a business judgment upon proper proof. So if someone were to provide evidence they may have some things in their past that harms their credit number but since that time they've engaged in business and they've been profitable that's something the Board can consider an override one of those risk factors. The resolution also provides that we can work with a financial consultant to assist in determining the credit worthiness of all the applicants and there are a couple of paragraphs in the resolution that allows the Agency to engage in such a procurement of course subject to the final approval of the Board. If there are any questions I am happy to entertain them.

MAYOR SPANO – Are there any questions for Michael? Michael that was very thorough by the way. Thank you, also special thanks to Jim Cavanaugh and to Jaime, Wilson Kimball and Lou Albano and the team for putting this together. This is going to be a big help to the community. You guys did a great job, thank you. Are there any other questions?

MS. KIMBALL – No, I'll make a motion Mayor.

MAYOR SPANO – Wilson Kimball made a motion, seconded by?

MR. KISCHAK – Pete Kischak.

MAYOR SPANO – Pete Kischak, Pete. All in favor?

ALL MEMBERS - Chorus of Ayes.

MAYOR SPANO – Any negatives? No negatives the item is passed. Alright Jaime?

MS. MCGILL – The next resolution is a resolution authorizing the Agency to adopt a social media policy.

MR. CURTI, ESQ. – Michael Curti, Harris Beach good afternoon again Mayor and members of the Board. What's before you is a resolution adopting a social media policy for the Agency. The attached proposed policy is the policy that has been implemented by the City of Yonkers Human Resources Department and we thought that was a good model for us. Of course, we'll make changes to the policy itself so that it fits in our Personnel Policies handbook and any reference therein to the City will be reference to the Agency. We believe that it's important to have this policy so that we set certain parameters. Social media is a very important tool for the Agency to advertise its capabilities so we want to make sure that all commentary is authorized and also to avoid personal use of social media utilizing Agency equipment.

MAYOR SPANO – Ok, are there any questions? Everything is straight forward we haven't has a policy, we wanted to make sure we put one in the City and thought appropriate we do one on the IDA. If there are no questions, someone want to make a motion?

MS. SINGER – Cecile Singer.

MAYOR SPANO – Cecile made a motion. Seconded by Wilson Kimball. All in favor?

ALL MEMBERS – Chorus of Ayes.

MAYOR SPANO – Any negatives? Item is passed.

MS. MCGILL – We have no further resolutions, if there are any Legal Updates?

MS. GROSZ, ESQ. – No Legal Updates at this time.

MAYOR SPANO – Is there any Other Business? I guess there's no Other Business. I need someone to make a motion that we adjourn.

MS. KIMBALL – I will.

MS. NACERINO – Seconded by Melissa.

MAYOR SPANO – Motion made by Wilson, seconded by Melissa Nacerino – All in favor?

ALL MEMBERS - Chorus of Ayes.

MAYOR SPANO – Any negatives? No negatives we are adjourned. Thanks everybody.

(Adjournment)