

RESOLUTION

CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY RESOLUTION APPROVING CONVERSION OF STATE DISASTER EMERGENCY LOAN AWARD TO COMBINATION LOAN AWARD AND GRANT AWARD FOR SACRED SEEDS ENTERPRISES LLC

A regular meeting of the City of Yonkers Industrial Development Agency was convened in public session on December 28, 2022.

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

Resolution No. 12/2022 - 21

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 (the "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, on June 17, 2020, in response to the COVID-19 Pandemic, the Governor, signed into law Chapter 109 of the Laws of 2020 ("S8181A"), which amends certain sections of the Act to allow industrial development agencies in the State, including the Agency, to provide financial assistance in the form of loans and/or grants to eligible small businesses and not-for-profit corporations in an effort to alleviate the financial hardship causes by the COVID-19 pandemic; and

WHEREAS, pursuant to S8181A the Agency may provide loans (the "State Disaster Emergency Loan") to eligible small businesses and not-for-profit corporations with no more than fifty (50) employees in an amount not to exceed \$25,000.00 (the "State Disaster Emergency Loan Program"); and

WHEREAS, the Board of Directors of the Agency awarded State Disaster Emergency Loans, as recommended by Agency staff and reviewed by the Board of Directors of the Agency; and

WHEREAS, Sacred Seeds Enterprises LLC (hereinafter "Sacred Seeds" or "Borrower") was the recipient of one such loan, in the amount of \$25,000, the terms of which obligated Sacred Seeds to repay the loan in full by one (1) year from the date it became due: and

WHEREAS, the date that the loan became due was set at one (1) year from the end of the grace period, itself set at sixty (60) days after the date on which the Governor declared the State of Emergency to have ended; and

WHEREAS, the date on which the Governor ended the State of Emergency was June 24, 2021, which determined the end date of the grace period to be August 23, 2021; and

WHEREAS, Borrower has repaid \$15,000 as of September 9 2022, leaving a balance of \$10,000 on the loan; and

WHEREAS, Borrower is unable to repay the loan on the terms of the agreement as previously entered into, as the business model of Borrower was based on attending in person events from which a

majority of Borrower's revenue was derived, all of which events were canceled during the COVID-19 Pandemic; and

WHEREAS, while Borrower has experienced an uptick in sales as in person events resume, her business has not yet returned to pre-COVID-19 profitability; and

WHEREAS, S8181A also created a grant program whereby eligible small businesses and not-for-profit corporations could apply and receive grants, in an amount not to exceed \$10,000, provided such funds would be used for the acquisition of personal protective equipment or installation of equipment necessary to prevent the spread of COVID-19 ("Eligible Expenditures"); and

WHEREAS, during the State of Emergency, Borrower incurred Eligible Expenditures; and

WHEREAS, the Borrower has asked the Agency to recast a portion of her loan, up to \$10,000.00, as a grant to enable her to restructure her business so that she may remain a profitable and going concern; and

WHEREAS, for the reasons stated in these recitals, the Agency finds it to be in the best interests of the community to convert a portion of the remaining loan into a grant; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE AGENCY THAT:

Section 1. The Agency hereby determines that is in the interests of the community and within the intent and purpose of the State Emergency Disaster Loan Program to modify the terms of the loan made to Borrower as follows:

\$10,000 of the loan debt will be converted into a grant under the State Disaster Emergency Loan Program, subject to proof being provided of Eligible Expenditures; and

Section 2. The members, representatives, counsel and consultants of the Agency are hereby authorized and directed to take all actions deemed appropriate to effectuate the State Disaster Emergency Loan and administer the State Disaster Emergency Loan Program, including without limitation, amending and restating any loan agreements and negotiating and executing any grant agreements, certificates or instruments, subject to the approval of counsel, and to do and cause to be done any all acts and things necessary and proper for carrying out the transaction contemplated by this resolution, said execution being conclusive evidence of such approval.

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	[✓]	[]	[]	[]
Roberto Espiritu	[]	[]	[]	[x]
Marlyn Anderson	[]	[]	[]	[x]
Melissa Nacerino	[✓]	[]	[]	[]
Hon. Cecile D. Singer	[]	[]	[]	[x]
Henry Djonbalaj	[✓]	[]	[]	[]
Victor Gjonaj	[✓]	[]	[]	[]

The Resolution was thereupon duly adopted.

SECRETARY'S CERTIFICATION

STATE OF NEW YORK)

COUNTY OF WESTCHESTER) ss.:

I, MARLYN ANDERSON, 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 December 28, 2022 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 31 day of December, 2022.



Marlyn Anderson, Secretary

[SEAL]