

NOTICE OF PUBLIC HEARING ON PROPOSED ISSUANCE OF BONDS

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Yonkers Economic Development Corporation (the "Issuer") on Friday, September 25, 2020, at 2:00 p.m., local time, in connection with matter described below. As more fully set forth below, the public hearing will be held via toll-free telephone conference and by additional remote electronic means only (including Zoom) as set forth below. **PLEASE NOTE THE SPECIAL PUBLIC HEARING LOGISTICS AND INSTRUCTIONS INCLUDED AT THE END OF THIS NOTICE.**

CHARTER SCHOOL OF EDUCATIONAL EXCELLENCE (the "School"), a New York not-for-profit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, has submitted an application (the "Application") to the Issuer, on behalf of itself and its wholly-owned subsidiary Lamartine/Warburton LLC (the "Company" and, collectively with the School, the "Applicant"), to issue its Tax-exempt and/or Taxable Educational Revenue Bonds (Charter School of Educational Excellence Project) Series 2020, in the principal amount of not to exceed \$15,000,000.00 (the "Bonds") pursuant to the provisions of a trust indenture or amendment thereof (the "Indenture") by and between the Issuer and a trustee for the holders of the Bonds issued under the Indenture in connection with the undertaking by the Issuer of a project (the "Project"), which Project consists of the (A) Refunding of the Issuer's Educational Revenue Bonds (Charter School of Educational Excellence Project) Series 2010A Bonds ("Series 2010A Bonds"); (B) financing all or a portion of the costs associated with the acquisition of a leasehold interest in and renovation and equipping of a one-story approximately 5,600 square foot building (currently used as a laundromat) located at 244 Warburton Avenue City of Yonkers, Westchester County, New York ("Expansion Facility"); (C) paying capitalized interest on the portion of the Bonds allocable to the Expansion Facility, if any; (D) funding a reserve fund, if any and such other and necessary funds for the Bonds as described in and required by the Indenture; and (E) and funding certain other costs incidental to the issuance of the Bonds (the costs associated with items (A), through (E) being hereinafter collectively referred to as the "Project Costs").

The proceeds of the Series 2010A Bonds were used to finance the costs of (i) the acquisition, construction, installation and equipping of an approximately 29,000 square foot modular classroom facility constituting an addition to an approximately 22,000 existing facility, all to be operated as a charter school and located on an approximately 2.50 acre parcel of land located at 260 Warburton Avenue in the City of Yonkers, Westchester County, New York (the "2010 Facility and collectively with the Expansion Facility as the "Facility"), (ii) the refinancing of certain existing indebtedness of the School previously incurred in connection with the existing facility, (iii) the funding of a portion of the interest to become due on the Series 2010A Bonds, (iv) the funding of a reserve fund for the Series 2010A Bonds, and (v) the financing of certain costs incurred in connection with the issuance of the 2010 Bonds.

It is intended that the portion of the Bonds issued as tax-exempt obligations will be issued as qualified 501(c)(3) bonds within the meaning of Section 145 of the Code, the interest on

which will not be included in gross income for federal income tax purposes pursuant to Section 103(a) of the Code.

The proceeds of the Bonds will be loaned by the Issuer to the Company pursuant to the terms of a certain loan agreement (the "Loan Agreement"), between the Issuer and the Company to pay the costs of the Project. The Applicant, collectively, will be the initial owner and principal user of the Facility. The Bonds will be special obligations of the Issuer payable solely from loan payments made by the Company to the Issuer pursuant to the Loan Agreement and certain other assets of the Company and School pledged to the repayment of the Bonds.

THE BONDS SHALL NOT BE A DEBT OF THE STATE OF NEW YORK OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY OF YONKERS, AND NEITHER THE STATE OF NEW YORK NOR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY OF YONKERS, SHALL BE LIABLE THEREON.

In addition to the issuance of the Bonds, the Issuer contemplates that it will provide financial assistance to the Institution in connection with the Project in the form of exemptions from mortgage recording taxes in connection with the financing or subsequent refinancing of the Project, consistent with the policies of the Issuer, to be more particularly described in a final Resolution to be adopted by the Issuer prior to the issuance of the Bonds.

The Issuer will hold the public hearing on the proposed issuance of the Bonds, as required by Section 147(f) of the Code. The subject of the hearing will be the nature and location of the Facility and the issuance of Bonds of the Issuer to provide financing. Interested persons are invited to attend and will have an opportunity to make a statement regarding the Project or the financing. Written comments and general inquires may be directed to the Issuer at the address indicated below.

Under the Code, approval of the issuance of the Bonds by the Mayor of the City of Yonkers is necessary under Section 147(f) of the Code in order for the interest on the Bonds to be excluded from the gross income for federal income tax purposes.

PLEASE NOTE SPECIAL PUBLIC HEARING CONDUCT INSTRUCTIONS AND INFORMATION:

Given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Issuer will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, in furtherance of federal regulations requiring interested individuals to have a reasonable opportunity to express their view at this hearing, and in accordance with Executive Order to Executive Order No. 202.15 issued on April 9, 2020, as extended by Executive Order 202.29 issued on May 8, 2020, Executive Order 202.39, issued on June 7, 2020, Executive Order 202.55, issued on August 6, 2020, and Executive Order 202.60, issued on September 4, 2020, by Governor Andrew M. Cuomo, suspending the Open Meetings Law and if the Issuer is able to hold the public hearing remotely authorizing the conduct of public hearings through use of telephone conference, video conference and/or other similar service, the Issuer will provide all interested persons of the public the opportunity, at the

time and on the date indicated above, to provide oral comments with respect to the Project and/or the issuance of the Bonds via a telephone conference by calling into the following toll-free telephone number: 866-804-5312, passcode 914-298-3026; and via Zoom: <https://us02web.zoom.us/j/87210669046?pwd=UFQzUDhJTkJHV1BqTytlQU5DQ3FRQT09>.

Finally, the Issuer also encourages all interested parties to submit written comments to the Issuer, which will be included within the public hearing record. Any written comments may be sent to Yonkers Economic Development Corporation, 470 Nepperhan Avenue, Suite 200, Yonkers, New York 10701, Attention: Executive Director and/or via email at info@yonkersida.com **no later than September 30, 2020**.

A representative of the Issuer will, at the above-stated time and place, hear and accept written comments from all persons with views in favor of or opposed to either the issuance of the Bonds, the granting of other financial assistance contemplated by the Issuer or the location or nature of the Project. For those members of the public desiring to review the application for financial assistance before the date of the hearing, copies of the Application and other related materials will be made available at available for viewing on the Issuer's website at: www.yonkersida.com.

Minutes of the hearing will be made available to Hon. Mike Spano, Mayor of the City of Yonkers. Approval of the issuance of the Bonds by the City of Yonkers, through Hon. Mike Spano, is necessary in order for the interest on the Bonds to be excluded from gross income for federal income tax purposes.

Dated: September 17, 2020

**YONKERS ECONOMIC
DEVELOPMENT CORPORATION**

By: Jaime McGill
Title: Executive Director