



Yonkers Economic Development Corporation

BOARD MEETING

PRELIMINARY

AGENDA

December 8, 2021

**Immediately Following Yonkers IDA Board Meeting
Via Conference Call**

Agenda Subject to Change

- 1) Roll Call**
- 2) Resolutions for Consideration:**
 - I. Resolution Authorizing the Distribution of Funds for the Yonkers Downtown Business Improvement Holiday Lighting**
 - II. Resolution Authorizing the Distribution of Funds for the Yonkers Downtown Business Improvement District DMX Tribute Event**
- 3) Legal Updates**
- 4) Other Business/and Any Other Business that Comes Before the Board**
- 5) Adjournment**

RESOLUTION

(Distribution of Funds for the Yonkers Downtown Business Improvement District Holiday Lighting)

A regular meeting of the Yonkers Economic Development Corporation was convened on December 8, 2021.

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

Resolution No. 12/2021-10

RESOLUTION OF THE YONKERS ECONOMIC DEVELOPMENT CORPORATION TO (I) APPROVE THE DISTRIBUTION OF FUNDS FOR THE YONKERS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR HOLIDAY LIGHTING AND (II) TO EXECUTE AND DELIVER ANY RELATED DOCUMENTS

WHEREAS, pursuant to the purposes and powers contained within Section 1411 of the Not-for-Profit Corporation Law of the State of New York (the “State”), as amended, and pursuant to its certificate of incorporation filed on May 31, 2007, the **YONKERS ECONOMIC DEVELOPMENT CORPORATION** (the “Corporation”) was established as a not-for-profit local development corporation of the State with the authority and power to own, lease and sell personal and real property for the purposes of, among other things, acquiring, constructing and equipping certain projects exclusively in furtherance of the charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, by encouraging the development of, or retention of, an industry in the community or area, and lessening the burdens of government and acting in the public interest; and

WHEREAS, a healthy downtown is the key to a strong community; and

WHEREAS, since inception, the Corporation has supported a number of residential initiatives aimed at revitalizing the downtown waterfront neighborhood in a way that has become a major stimulator of economic development and job creation; and

WHEREAS, the Yonkers Downtown Business Improvement District (the “BID”) proposes to sponsor holiday lighting from the open space in front of the Apex residential development on Water Grant Street to the Yonkers Downtown Waterfront Amphitheater, also on Water Grant Street, for the 2021 holiday season (the “holiday lighting”); and

WHEREAS, the holiday lighting will create a warm and welcoming ambiance which will activate the street, leading to an increase in foot traffic and patronage that will directly benefit downtown waterfront restaurants and other retail businesses which have been ravaged by the deleterious effects of the COVID-19 pandemic; and

WHEREAS, the Corporation desires to approve the distribution to the BID of an amount not to exceed \$34,587 for the holiday lighting (the “Transfer”); and

WHEREAS, the Transfer will stimulate economic development, lessen the burdens of government, and is in the general public interest; and

WHEREAS, there are sufficient funds in the Corporation account for the Transfer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE YONKERS ECONOMIC DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. The officers, employees and agents of the Corporation are hereby authorized, on behalf of the Corporation, to execute the Transfer and execute and deliver any and all agreements, instruments, contracts, and documents reasonably contemplated by this resolution to accomplish the Transfer and, where appropriate, the Secretary or Assistant Secretary of the Corporation is hereby authorized to affix the seal of the Corporation to any Transfer documents and to attest the same, all with such changes, variations, omissions and insertions as the officers of the Corporation shall approve, the execution thereof by any officer of the Corporation to constitute conclusive evidence of such approval. All acts of the officers, employees and agents of the Corporation in furtherance of the Transfer are hereby ratified and confirmed by the Corporation.

Section 2. The officers, employees and agents of the Corporation are hereby authorized and directed for and in the name and on behalf of the Corporation to do all acts and things required and to execute and deliver all such agreements, 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 resolution and to cause compliance by the Corporation with all of the terms, covenants and provisions of the documents executed for and on behalf of the Corporation.

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	[]	[]	[]	[]
Marlyn Anderson	[]	[]	[]	[]
Melissa Nacerino	[]	[]	[]	[]
Hon. Cecile D. Singer	[]	[]	[]	[]

The Resolution was thereupon duly adopted.

SECRETARY'S CERTIFICATION

*(Distribution of Funds for the for the Yonkers Downtown Business Improvement District for
Holiday Lighting)*

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

I, the undersigned, Secretary of the Yonkers Economic Development Corporation, DO
HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Yonkers
Economic Development Corporation (the "Corporation"), including the resolutions contained
therein, held on December 8, 2021, with the original thereof on file in my office, and that the
same is a true and correct copy of the proceedings of the Corporation and of such resolutions 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 directors of said Corporation 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 directors of the Corporation
present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolutions are in full
force and effect and have not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said
Corporation this ____ day of December, 2021.

Marlyn Anderson, Secretary

RESOLUTION

(Distribution of Funds for the Yonkers Downtown Business Improvement District DMX Tribute Event)

A regular meeting of the Yonkers Economic Development Corporation was convened on December 8, 2021.

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

Resolution No. 12/2021-11

RESOLUTION OF THE YONKERS ECONOMIC DEVELOPMENT CORPORATION TO (I) APPROVE THE DISTRIBUTION OF FUNDS FOR THE YONKERS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR THE DMX TRIBUTE EVENT AND (II) TO EXECUTE AND DELIVER ANY RELATED DOCUMENTS

WHEREAS, pursuant to the purposes and powers contained within Section 1411 of the Not-for-Profit Corporation Law of the State of New York (the “State”), as amended, and pursuant to its certificate of incorporation filed on May 31, 2007, the **YONKERS ECONOMIC DEVELOPMENT CORPORATION** (the “Corporation”) was established as a not-for-profit local development corporation of the State with the authority and power to own, lease and sell personal and real property for the purposes of, among other things, acquiring, constructing and equipping certain projects exclusively in furtherance of the charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, by encouraging the development of, or retention of, an industry in the community or area, and lessening the burdens of government and acting in the public interest; and

WHEREAS, since inception, the Corporation has supported a number of initiatives aimed at utilizing arts as economic drivers and stimulators of job creation; and

WHEREAS, the Yonkers Downtown Business Improvement District (the “BID”) and the Yonkers Chamber of Commerce (“YCC”), in cooperation with the Municipal Housing Authority of the City of Yonkers (“MHACY”) are sponsoring a tribute to a prolific musician, actor, entertainer, and child of the City of Yonkers (“City”), Earl “DMX” Simmons (“DMX”); and

WHEREAS, DMX is one among many in the pantheon of talented, world famous artists who have called Yonkers home, such as Ella Fitzgerald, Mary J. Blige, Gene Krupa, and Jadakiss to name a few; and

WHEREAS, until his untimely passing on April 9, 2021, and apart from achieving international renown and acclaim for his musical and acting prowess, DMX was a proud supporter of his hometown, heavily contributing his time and resources to the youth of the Nepperhan Community Center; and

WHEREAS, the event, which is to be hosted at the MHACY gym at 10 Brook Street, will feature individual performances to be judged by a celebrity panel of DJ Superior, members of the Yonkers hip hop band Sporty Thievz, Def Jam and the Wu Tang Clan (the “Tribute Event”); and

WHEREAS, the Tribute Event is expected to attract hundreds of participants from across the region and will be well publicized by local and national media groups since it will honor the memory and contributions of a rap/hip-hop icon and talented actor; and

WHEREAS, a request has been made by the BID for the Corporation to co-sponsor the event by contribution up to fifteen thousand U.S. dollars (\$15,000.00) towards administrative costs; and

WHEREAS, co-sponsoring the Tribute Event demonstrates the continued commitment of this Corporation towards supporting the rich cultural heritage of the City; and

WHEREAS, the Corporation desires to approve the distribution to the BID of an amount not to exceed fifteen thousand U.S. dollars \$15,000 for such administrative costs (the “Transfer”); and

WHEREAS, the Transfer will stimulate economic development, lessen the burdens of government, and is in the general public interest; and

WHEREAS, there are sufficient funds in the Corporation account for the Transfer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE YONKERS ECONOMIC DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. The officers, employees and agents of the Corporation are hereby authorized, on behalf of the Corporation, to execute the Transfer and execute and deliver any and all agreements, instruments, contracts, and documents reasonably contemplated by this resolution to accomplish the Transfer and, where appropriate, the Secretary or Assistant Secretary of the Corporation is hereby authorized to affix the seal of the Corporation to any Transfer documents and to attest the same, all with such changes, variations, omissions and insertions as the officers of the Corporation shall approve, the execution thereof by any officer of the Corporation to constitute conclusive evidence of such approval. All acts of the officers, employees and agents of the Corporation in furtherance of the Transfer are hereby ratified and confirmed by the Corporation.

Section 2. The officers, employees and agents of the Corporation are hereby authorized and directed for and in the name and on behalf of the Corporation to do all acts and things required and to execute and deliver all such agreements, 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 resolution and to cause compliance by the

Corporation with all of the terms, covenants and provisions of the documents executed for and on behalf of the Corporation.

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	[]	[]	[]	[]
Marlyn Anderson	[]	[]	[]	[]
Melissa Nacerino	[]	[]	[]	[]
Hon. Cecile D. Singer	[]	[]	[]	[]

The Resolution was thereupon duly adopted.

SECRETARY'S CERTIFICATION

(Distribution of Funds for the for the Yonkers Downtown Business Improvement District for the DMX Tribute Event)

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

I, the undersigned, Secretary of the Yonkers Economic Development Corporation, DO
HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Yonkers Economic Development Corporation (the "Corporation"), including the resolutions contained therein, held on December 8, 2021, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Corporation and of such resolutions 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 directors of said Corporation 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 directors of the Corporation present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolutions are in full force and effect and have not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation this ____ day of December, 2021.

Marlyn Anderson, Secretary