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YONKERS DOWNTOWN WATERFRONT  
DEVELOPMENT CORPORATION

BOARD MEETING  
JANUARY 27, 2011 - 5:00 p.m.

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- PRESENT: MAYOR PHIL AMICONE, Chairperson
- HERBERT BLUM, Member (Absent)
- BOB GOTTSCHALL, Member
- WILLIAM MASCETTA, Member
- WILLIAM REGAN, Deputy Mayor
- WILLIAM SHEERIN, Member
- JERROLD GOLDMAN, Member
- PATRICIA McDOW, Member
- KEN JENKINS, Member
- + EDWARD DUNPHY, Law Dept.
- DAN MARSH, National Development Council
- JAMES PINTO, Executive Director
- KATHY KUHNEL, YDWDC

LYNN FARRELL-MILEO  
830 BRONX RIVER ROAD  
YONKERS, NY 10708  
914-776-1318

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2  
3 MAYOR AMICONE: Good afternoon,  
4 today is January 27, 2011, the meeting of the  
5 Yonkers Downtown Waterfront Development  
6 Corporation. Can we have a roll call, please.

7 MR. PINTO: Bill Sheerin?

8 MR. SHEERIN: Here.

9 MR. PINTO: Herb Blum?

10 MR. BLUM: Present.

11 MR. PINTO: Bill Mascetta?

12 MR. MASCETTA: Present.

13 MR. PINTO: Jerry Goldman?

14 MR. GOLDMAN: Here.

15 MR. PINTO: Bob Gottschall?

16 MR. GOTTSCHALL: Here.

17 MR. PINTO: Bill Regan?

18 MR. REGAN: Here.

19 MR. PINTO: Patricia McDow?

20 COUNCILWOMAN McDOW: Here.

21 MR. PINTO: Mayor Amicone?

22 MAYOR AMICONE: Here.

23 MR. PINTO: Ken Jenkins?

24 MAYOR AMICONE: Here.

25 First order of business is  
approval of the minutes of our last meeting, the

1  
2 July 29, 2010 meeting. On the agenda it says the  
3 23rd. On the minutes it says the 29th. I'm  
4 assuming the minutes are correct?

5 MR. PINTO: The 29th is correct.

6 MAYOR AMICONE: July 29th, 2010.

7 Everyone should have a copy of  
8 the minutes in the package. Would you like to  
9 take a few minutes to go through them?  
10 Otherwise, are there any changes or additions? I  
11 will take a motion to accept.

12 COUNCILWOMAN McDOW: Motion to  
13 accept.

14 MAYOR AMICONE: Motion to accept  
15 by Patricia McDow.

16 MR. SHEERIN: It didn't have Ken  
17 Jenkins present. I notice on page three he said,  
18 here.

19 MR. PINTO: One more correction.  
20 On page 14 under something I said, we were  
21 talking about the ferry and the first sentence,  
22 third word says, we even borrowed. That word  
23 needs to be changed to berthed overnight.

24 MAYOR AMICONE: That's line 7 on  
25 page 14. We will show Ken Jenkins as being here.

1  
2 He might have come in during the meeting.

3 MR. SHEERIN: He must have been  
4 here since he said, here, on page three.

5 MAYOR AMICONE: With that do we  
6 have a motion to accept the minutes with those  
7 changes?

8 COUNCILWOMAN McDOW: Motion to  
9 accept.

10 MAYOR AMICONE: Is there a  
11 second?

12 MR. GOLDMAN: Second.

13 MAYOR AMICONE: By Jerry. All in  
14 favor?

15 (Chorus of Ayes)

16 MAYOR AMICONE: Opposed? None,  
17 carried.

18 We will start with Resolution  
19 Number 1, Amending and Restating the By-Laws.  
20 Jim?

21 MR. PINTO: This is the  
22 housekeeping for complying with PAAA  
23 requirements. New York State has been updating  
24 requirements in '09 and '10, the last two years.  
25 I have discussed these requirements with the

1  
2 Board in our prior meetings and it is really  
3 accepting the new requirements that have been  
4 expanded by the Senate. Ed Dunphy is here from  
5 our law department. Ed, if you would say a few  
6 words.

7 MR. DUNPHY: Members of the Board,  
8 this is nothing more than the public equivalent  
9 of the Sarbanes Oxley federal statute, these  
10 rules are standard model practice governance that  
11 has been formulated by a committee upstate and  
12 passed on to all local authorities which the  
13 state is mandating and each authority must adopt  
14 these. So it's in the statute. So it's almost  
15 encumbant on us to pass these new standard  
16 regulations. It's for more transparency for the  
17 operation of every authority. It's not aimed at  
18 us specifically but every authority throughout  
19 the state. That's what this is geared for.

20 COUNCILWOMAN McDOW: Do you  
21 anticipate any changes?

22 MAYOR AMICONE: What in particular  
23 are you looking for? Postponing this?

24 COUNCILWOMAN McDOW: For example,  
25 4A, Time, if there's a postponement of a

1  
2 scheduled meeting it be sent in the mail. I  
3 think it should be sent by e-mail, also.

4 MAYOR AMICONE: Which Resolution?

5 COUNCILWOMAN McDOW: Number 1, add  
6 the word, e-mail.

7 MAYOR AMICONE: If members of the  
8 Board want it e-mailed they should give their  
9 e-mails.

10 Let the record show that  
11 Westchester County Legislator Ken Jenkins is now  
12 present.

13 (County Legislator Ken Jenkins  
14 present)

15 Councilwoman McDOW: Page four, I  
16 just want to know, we don't have dozens of  
17 meetings but if a person misses a certain number  
18 of meetings are they automatically off the Board?  
19 Do we have that?

20 MAYOR AMICONE: Some boards do  
21 have attendance requirements where they would be  
22 off the board or asked to leave.

23 MR. MASCETTA: That would be in  
24 the By-Laws of the corporation.

25 MAYOR AMICONE: Anything else?

1  
2 COUNCILWOMAN McDOW: Page 2,  
3 Section 4-A, says we have regularly scheduled  
4 meetings the third Thursday of June. I don't  
5 think we did that.

6 MAYOR AMICONE: Or as deemed  
7 necessary.

8 MR. PINTO: Or as necessary seems  
9 to be the way that works. There's flexibility.

10 COUNCILWOMAN McDOW: Then on  
11 page 8, the secretary shall have the power to  
12 sign all checks or to countersign checks signed  
13 by the Chairman or Executive Director. I like to  
14 have three signatures on checks as a balance.

15 MR. PINTO: The treasurer does  
16 not sign the checks.

17 MAYOR AMICONE: The treasurer is  
18 not a Board member.

19 MR. PINTO: Kathy is the  
20 treasurer. She does not sign the checks.

21 COUNCILWOMAN McDOW: Page 2,  
22 number 4 describes it as membership meetings and  
23 annual meeting which is a membership meeting and  
24 under Article 3, it's just a regular meeting. I  
25 don't know if the distinction gives birth to

1  
2 different requirements for each meeting if  
3 there's such in our operation.

4 MR. PINTO: It should be the same.  
5 That's Pat's point.

6 MR. GOLDMAN: In the annual  
7 meeting you may have people that get appointed  
8 for different reasons to make it an annual  
9 meeting as opposed to your regular conduct of the  
10 general membership meeting. It's a valid point.  
11 Is there a reason that there would be a  
12 difference in the number of members at an annual  
13 meeting rather than a regular meeting?

14 MR. DUNPHY: I would suggest it be  
15 the same. Majority as a whole.

16 MR. SHEERIN: Unless the main  
17 member means what is defined as business/public  
18 director. Maybe that's what they meant. They  
19 make a distinction here on page 4, Section 2,  
20 should be two categories of directors, Municipal  
21 Directors and Business/Public Directors. I don't  
22 know, as I look at the minutes of the last  
23 meeting, I know there's Chairperson, Deputy  
24 Mayor, member, member, maybe it means that four  
25 of the Business/Public Directors must be present.



1  
2 I don't know, but in any case, it's a little  
3 vague.

4 MR. PINTO: The next page it goes  
5 into six Municipal Directors. Again, probably  
6 right here in this definition --

7 MR. SHEERIN: Maybe by members  
8 they mean the Business/Public Directors. So in  
9 other words, six of you guys couldn't make a  
10 decision without four of the Business/Public  
11 people. Maybe that's what was intended.

12 MR. MASCETTA: The only thing I  
13 would add is when I read paragraph 3 on page 4,  
14 it says, except as herein otherwise provided. And  
15 we do have an exception provided elsewhere in  
16 here. I don't know if there's a purpose.

17 MAYOR AMICONE: Is it absolutely  
18 critical we adopt these tonight?

19 MR. PINTO: The PAAA is looking  
20 that we basically catch up with these rules and  
21 regulations. What happens is, we end up getting  
22 put on a list of agencies that haven't adopted  
23 the list and that raises all kinds of whys.

24 MAYOR AMICONE: There are a couple  
25 ways to do it. The question is what's the

1  
2 appropriate way to amend it? Have the Law  
3 Department work with Jim and correct what has to  
4 be here so it's consistent? And then we have  
5 another meeting or authorize Jim to work with  
6 Corporation Counsel to correct that and we can  
7 notify everybody by phone subject to them  
8 correcting it.

9 MR. MASCETTA: I agree, it's a  
10 housekeeping matter.

11 MAYOR AMICONE: Is everybody okay  
12 with that? Why don't we do that, have you notify  
13 everybody in writing what we have done.

14 COUNCILWOMAN McDOW: I just have  
15 one more item on page 5. Defines who is going to  
16 sit on the Board, and it says member of the City  
17 Council, but I think it should really be a member  
18 of the City Council representing the downtown  
19 waterfront area.

20 MR. PINTO: For the district?

21 COUNCILWOMAN McDOW: Yes, as  
22 opposed to in the first paragraph.

23 MAYOR AMICONE: I don't agree with  
24 that, I think it should be elected by the Council  
25 who should represent on the Board. I think in

1  
2 those cases it would probably be the  
3 Councilperson from the district.

4 COUNCILWOMAN McDOW: I think the  
5 Councilperson of the district may know his or her  
6 district better than anyone else.

7 MAYOR AMICONE: This has much  
8 greater ramifications than just knowing the  
9 district. This Downtown Waterfront Corporation is  
10 representing what will ultimately be and has  
11 already done a significant business initiative in  
12 the entire city. I don't know that it should  
13 just be limited to the Councilperson from the  
14 district. How does everybody else feel? I'm just  
15 one opinion.

16 MR. REGAN: How is the  
17 Councilperson selected now?

18 COUNCILWOMAN McDOW: I don't know.

19 MAYOR AMICONE: I'm not sure if  
20 the Council decided among themselves who it  
21 should be or they run with the district or the  
22 Minority Leader.

23 COUNCILWOMAN McDOW: How do you  
24 determine dependency on the Council?

25 MAYOR AMICONE: There is a

1  
2 specified representative of the County Board of  
3 Legislators. I think they select among  
4 themselves. Likely they selected him because he  
5 represents the City of Yonkers and he's Chairman.

6 MR. GOLDMAN: I think it probably  
7 should be a Council issue, not this Board's  
8 issue.

9 MAYOR AMICONE: As to who should  
10 serve on the Board.

11 MR. GOLDMAN: I personally feel  
12 what you just said is correct, probably the  
13 person to serve would be the person who  
14 represents the district. At the same time, the  
15 Mayor points out there may be reasons why there's  
16 a clash and it's really up to the Council to  
17 figure that out. I don't think we should  
18 determine which Councilmember shows up on the  
19 Board. There's a spot reserved for a  
20 Councilmember and the Council decides which  
21 Councilmember shows up.

22 COUNTY LEGISLATOR JENKINS: The  
23 way we do it on the Board, so you know, for  
24 things like the airport there's a Legislator that  
25 is assigned by the Chairman of the Board. Usually

1  
2 you pick the person who represents that area.  
3 That doesn't necessarily have to be the case.

4 MAYOR AMICONE: That doesn't have  
5 to be. My recommendation would be, leave it as a  
6 member of the City Council and let the Council  
7 decide which member. Obviously, the  
8 Councilperson from the district has a strong  
9 argument to recommend they be the person to  
10 represent them on the Board. We shouldn't  
11 dictate to the Council how they decide who ends  
12 up on the Board. Just like you don't dictate to  
13 the County Legislators or the Assembly.

14 MR. GOLDMAN: It was a good point  
15 and probably should be brought back to the  
16 Council to perhaps codify it.

17 MAYOR AMICONE: If the Council on  
18 their own decides it should always be the  
19 Councilmember from the district, then make the  
20 recommendation to the Board and we can put that  
21 in.

22 COUNTY LEGISLATOR JENKINS: Put  
23 that in your Council rules.

24 MAYOR AMICONE: That's right.  
25 Your rules dictate rather than our rules dictate

1  
2 who it is. We shouldn't tell you who it should  
3 be, just a member of the Council.

4 Are there any other issues we  
5 want to amend or have answered? Any questions  
6 subject to the conditions we talked about before  
7 where the director works with our Corporation  
8 Council rectify the quorum and the voting members  
9 for the sake of any actions that are taken in the  
10 annual meeting, and any other changes the  
11 Councilwoman has already pointed out? Can I have  
12 a motion to accept?

13 MR. SHEERIN: Motion.

14 MAYOR AMICONE: By Bill. Second?

15 MR. MASCETTA: Second.

16 MAYOR AMICONE: By Bob. All in  
17 favor?

18 (Chorus of Ayes)

19 MAYOR AMICONE: Opposed? None,  
20 carried.

21 The next Resolution, Resolution 2  
22 is again Public Authorities Law. What  
23 specifically are you talking about here?

24 MR. PINTO: This is for the  
25 policies and standards and procedures. As it

1  
2 says in the prefix, the Committees. This is more  
3 the guidelines, how the Committees function.  
4 Policies like, travel policy, whistle blower  
5 policy. They update these. This is either the  
6 second or third version of these policies that we  
7 have looked at before. This is the current  
8 version. Is there anything else I need to add to  
9 that?

10 MAYOR AMICONE: He's essentially  
11 right?

12 MR. DUNPHY: Yes.

13 MAYOR AMICONE: Anybody have  
14 anything to add in addition?

15 MR. GOLDMAN: We had talked about  
16 having some training sessions on public policy.

17 MAYOR AMICONE: Under the Public  
18 Authority Law.

19 MR. GOLDMAN: We haven't fulfilled  
20 that yet.

21 MR. PINTO: There was a request I  
22 would say in the last year or so. What they  
23 started to do is video conferences which you can  
24 do at your computer.

25 MR. MASCETTA: I did it. I think

1  
2 it's about three hours and they send you a  
3 certificate.

4 MAYOR AMICONE: If you're on any  
5 other board and already have done it you don't  
6 have to do it again to be on this Board. These  
7 are general training requirements.

8 MR. PINTO: We had done an  
9 outreach at the time, midsummer if I recall,  
10 because we couldn't get everybody.

11 MS. KUHNEL: There were two  
12 different times.

13 MR. PINTO: Two attempts. It's a  
14 matter of when the seminars come up. We don't  
15 control the dates and times.

16 MAYOR AMICONE: I would ask you to  
17 find out any upcoming seminars, preferably  
18 online. But if not online, if they want to  
19 attend them let the Board members know. If you  
20 have done it already for any other board you don't  
21 have to do it again. It's not specific to the  
22 Board.

23 MR. MASCETTA: They send you the  
24 syllabus you follow along with. It's dry.

25 MR. GOLDMAN: It's necessary.



1  
2 MAYOR AMICONE: With Resolution 2  
3 we're discussing now for 2011 is on the  
4 Governance Committee, the various Committees. If  
5 there no other questions can I have a motion to  
6 adopt?

7 MR. GOLDMAN: Motion.

8 MAYOR AMICONE: By Jerry. Is  
9 there a second?

10 MR. MASCETTA: Second.

11 MAYOR AMICONE: By Bill. All in  
12 favor?

13 (Chorus of Ayes)

14 MAYOR AMICONE: Opposed? None,  
15 carried. There's an add on Resolution that is  
16 being passed around. We will take it out of order  
17 and then we will go Item 3 and 4.

18 MR. PINTO: The Board has approved  
19 a request for an extension on our credit line  
20 with Hudson Valley Bank for the Yonkers  
21 Initiative. This is a request by Hudson Valley  
22 Bank to pass the resolution. So this is a  
23 resolution that does that. And it's a bit of  
24 housekeeping because we're a little off the date  
25 on this. They are waiting for the resolution.

1  
2 Since we're using the balance of the funds to  
3 support the Larkin Daylighting, obviously, we  
4 need to continue this line until we're finished  
5 with the last \$3.5 million worth of funding.

6 MAYOR AMICONE: This provides the  
7 cash flow to continue doing the daylighting.

8 MR. MASCETTA: Just one point of  
9 housekeeping. On the third Whereas paragraph,  
10 add another zero in on the 1.5 million.

11 MAYOR AMICONE: With that  
12 amendment, are there any other questions on this?  
13 If there are no other questions, can I have a  
14 motion to approve this?

15 MR. SHEERIN: Motion.

16 MAYOR AMICONE: Made by Bill. Is  
17 there a second?

18 MR. MASCETTA: Second.

19 MAYOR AMICONE: By Bill. All in  
20 favor?

21 (Chorus of Ayes)

22 MAYOR AMICONE: Opposed? None,  
23 carried.

24 Back to Resolution Number 3 now.  
25 This is with respect to the lease on the Gazette

1 Building that we have with Zuppa Restaurant.  
2 They go under the business name of Damaro  
3 Restaurant Group. We were asked, I guess in mid  
4 year of '09 to work with the relief on the rent  
5 because business had dropped, which is no  
6 surprise to anyone. So this is basically a  
7 resolution to get them back on track and catch up  
8 on their rent. We also have Dan March here from  
9 National Development Council who took an audit on  
10 their books to determine what if any we could  
11 adjust their rent, which Dan did recommend. To  
12 that end, Dan is here to discuss a Confidential  
13 Memorandum which Kathy will pass around with  
14 what the recommendations and finances were from  
15 Dan March in order to adjust Zuppa's rent.  
16

17 So we have to go into Executive  
18 Session. Can I have a motion to go into Executive  
19 Session?

20 MR. REGAN: Motion.

21 MAYOR AMICONE: By Bill Regan.

22 Second?

23 COUNTY LEGISLATOR JENKINS:

24 Second.

25 MAYOR AMICONE: All in favor?

(Chorus of Ayes)

MAYOR AMICONE: Opposed? None,  
carried.

(EXECUTIVE SESSION)

MAYOR AMICONE: We are out of  
Executive Session. What we need to do now is take  
votes on and summarize the actions we were  
discussing in Executive Session. So the first  
one is the lease agreement <sup>with Zappa's</sup> ~~down~~ on 55 Main Street  
with that one change.

MR. DUNPHY: There's no need for a  
change. It's drafted the way Jim indicated.

MAYOR AMICONE: Okay, with that  
resolution, do I have a motion to approve?

COUNCILWOMAN McDOW: Motion.

MAYOR AMICONE: By Pat. Second?

COUNTY LEGISLATOR JENKINS:

Second.

MAYOR AMICONE: By Ken. All in  
favor?

(Chorus of Ayes)

MAYOR AMICONE: The second one is  
the lease with the Chamber of Commerce, the same  
location for a portion of the second floor of 55

1  
2 Main Street. Do I have a motion?

3 MR. GOLDMAN: Motion.

4 MAYOR AMICONE: By Jerry. Second?

5 MR. SHEERIN: Second.

6 MAYOR AMICONE: All in favor?

7 (Chorus of Ayes)

8 MAYOR AMICONE: Opposed? None,

9 Carried.

10 Any other business before the  
11 Board?

12 MR. PINTO: Just to repeat very  
13 quickly, PS&S indicated they want to rent the  
14 third floor at \$17 a square foot. They will pick  
15 up the electric bill and cleaning bill. I would  
16 like to be able to offer that to them and get  
17 them to have their real estate group consider it.  
18 We would have to do the fit out which we do have  
19 the funds left over from the Buena Vista property  
20 sales. So we have the funds to do the actual fit  
21 out and that would put them on the map for  
22 probably in May or June and make the building 100  
23 percent rented.

24 COUNTY LEGISLATOR JENKINS: Do we  
25 have an estimate of the cost?

1  
2 MR. PINTO: I'm waiting for their  
3 work letter. It will be very simple, just  
4 looking for a conference room, ceilings with open  
5 duct work. So I expect that the budget should be  
6 adequate to the \$150,000 budget.

7 COUNTY LEGISLATOR JENKINS: What  
8 are the terms of the lease?

9 MR. PINTO: Five years with a five  
10 year renewable.

11 MAYOR AMICONE: Is there a sense  
12 of the Board to authorize Jim to negotiate with  
13 those terms of the lease and he can bring it back  
14 to the Board?

15 (Chorus of Ayes)

16 MAYOR AMICONE: Can I have a  
17 motion?

18 MR. GOLDMAN: Motion.

19 MAYOR AMICONE: By Jerry. Is  
20 there a second?

21 MR. MASCETTA: Second.

22 MAYOR AMICONE: Second by Bob.  
23 All in favor?

24 (Chorus of Ayes)

25 MAYOR AMICONE: Opposed? None,

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carried.

MR. SHEERIN: I was just curious about one thing. I read an article in the paper recently about Teutonia Hall that quoted Ken Dearden saying he's going to move the building. What's he talking about in that article? Can you describe what's proposed for that?

MR. PINTO: I can tell you they are before the Planning Board to get an environmental report. That's where the discussion is going.

MR. SHEERIN: What are they moving, specifically?

MAYOR AMICONE: They are taking the entire facade down, numbering every brick, literally. This company has done that in New York City. They will store it and rebuild their building. They have designed the building to take this facade back again and reassemble the facade as part of the new building.

MR. SHEERIN: He's proposing that?

MAYOR AMICONE: That's part of the negotiations with the Landmarks Board and the Planning Board.

1  
2 MR. SHEERIN: We talked about  
3 preserving the facade. There's pollution on the  
4 site and they wouldn't be able to maintain the  
5 facade.

6 MAYOR AMICONE: They wouldn't be  
7 able to keep the facade. They decided to take it  
8 down, store it and reassemble it as part of the  
9 new building to clean all the contamination under  
10 it.

11 MR. SHEERIN: That was their idea?

12 MAYOR AMICONE: That was their  
13 idea. If there's no other business, can I have a  
14 motion to adjourn?

15 MR. REGAN: Motion.

16 MAYOR AMICONE: By Bill Regan.  
17 Second?

18 COUNTY LEGISLATOR JENKINS:  
19 Second.

20 MAYOR AMICONE: All in favor?

21 (Chorus of Ayes)

22 MAYOR AMICONE: We're adjourned.  
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C E R T I F I C A T I O N

STATE OF NEW YORK )

) SS.

COUNTY OF WESTCHESTER )

I, Lynn Farrell, Court Reporter and Notary Public within and for the County of Westchester, State of New York, do hereby certify:

That I reported the proceedings that are hereinbefore set forth, and that such transcript is a true and accurate record of said proceedings

AND, I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand.

  
Lynn Farrell