

# White Plains Urban Renewal Agency

## 2020-2021-2022 Annual Reports



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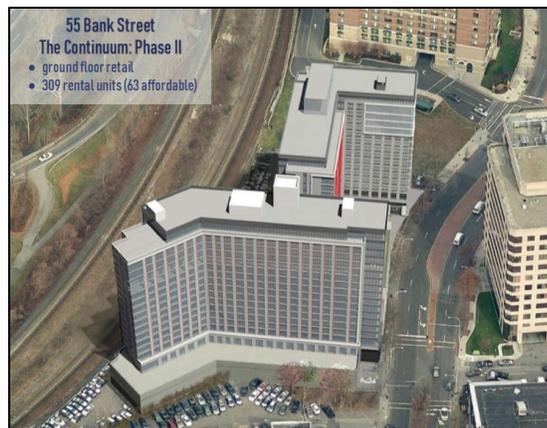
Appendices

- A: Agency Resolutions
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## 1. Introduction

The following Annual Report for the White Plains Urban Renewal Agency (the “Agency”) has been completed pursuant to the Public Authorities Reform Act (PARA) of 2009. The White Plains Urban Renewal Agency constitutes a “local authority”; therefore, this annual report follows the reporting requirements for local authorities, pursuant to Chapter 506 of the laws of 2009. This report summarizes the activities of the Agency for the Fiscal Years of 2020 to 2021 and 2021 to 2022.



The PARA of 2009 requires local authorities to submit annually to the Authorities Budget Office, a complete and detailed report or reports setting forth the following:

- Operations and accomplishments
- Financial reports
- Mission statement and performance measurements
- Schedule of debt issuance
- Compensation schedule
- Projects undertaken/underway
- Property acquisitions and dispositions in excess of \$15,000
- Code of ethics
- Assessment of internal control structure and procedures
- Legislation that forms statutory basis for Agency
- Agency and board structure description
- By-laws
- Material changes in operations and programs
- Four-year financial plan
- Board performance evaluations
- Description of total assets
- Pending litigation

The following report provides detailed information about these 17 reporting requirements in the order that they are listed in the 2009 PARA.



## 2. Operations and Accomplishments

### A. Administrative Accomplishments

The Agency’s administrative activities are summarized in the Table 1 below. Copies of Resolutions can be found in Appendix A.

Table 1: Administrative Accomplishments		
Date	Resolution #	Action Taken
January 28, 2021	01-2021	RESOLUTION ADOPTING THE URBAN RENEWAL AGENCY ANNUAL ADMINISTRATIVE BUDGET FOR FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022
	02-2021	RESOLUTION AMENDING THE ADOPTED COMBINED FEDERAL "INCEPTION-TO-DATE" BUDGET
	03-2021	RESOLUTION OF THE WHITE PLAINS URBAN RENEWAL AGENCY REAFFIRMING THE MISSION STATEMENT AND PERFORMANCE MEASURES AND APPROVING THE 2019-20 ANNUAL REPORT
March 18, 2021	09-2021	RESOLUTION AMENDING THE COMMUNITY DEVELOPMENT POSITION TITLE AND SALARY SCHEDULE FOR FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020, AND ESTABLISHING THE COMMUNITY DEVELOPMENT TITLE AND SALARY SCHEDULE FOR FISCAL YEAR JULY 1, 2021 to JUNE 30, 2022

### B. Project Accomplishments

Table 2 summarizes the Agency’s active projects during this reporting period.

Table 2: Project Accomplishments		
Date	Resolution #	Action Taken
September 3, 2020	06-2020	RESOLUTION APPROVING THE EXCHANGE AGREEMENT BY AND BETWEEN THE WHITE PLAINS URBAN RENEWAL AGENCY (“AGENCY”) AND 1 WATER STREET LLC (“WATER LLC”) FOR THE EXCHANGE OF TWO COMPARABLY SIZED PARCELS BETWEEN THE AGENCY AND WATER LLC AND APPROVING AN ACCESS AND STORM WATER DRAINAGE AGREEMENT BETWEEN WATER LLC AND THE AGENCY OVER ADJOINING AGENCY PROPERTY
January 28, 2021	04-2021	RESOLUTION APPROVING MODIFICATIONS TO THE EXTERIOR DESIGN FOR THE CITY CENTER PROJECT LOCATED IN PHASE I OF THE MAIN-MAMARONECK URBAN RENEWAL PROJECT, PROJECT NO. WPUR-13.
March 18, 2021	05-2021	RESOLUTION OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY AUTHORIZING THE ACQUISITION OF TITLE TO PROPERTY LOCATED AT 26-28 EAST POST ROAD, WHITE PLAINS, NEW YORK
	06-2021	RESOLUTION OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY AUTHORIZING THE ACQUISITION OF TITLE TO PROPERTY LOCATED AT 60 EAST POST ROAD, WHITE PLAINS, NEW YORK.
	07-2021	RESOLUTION OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY AUTHORIZING COUNSEL TO ENTER INTO A SETTLEMENT AGREEMENT WITH THE OWNERS OF 42 EAST POST ROAD AND TO COMMENCE PROCEEDINGS UNDER EDPL ARTICLE IV SEEKING TO VEST TITLE IN PROPERTY LOCATED AT 42 EAST POST ROAD, WHITE PLAINS, NEW YORK.
	08-2021	A RESOLUTION OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY (THE “AGENCY”) PROVIDING FOR THE SALE AND ISSUANCE OF ITS BOND ANTICIPATION NOTES (EAST POST ROAD URBAN RENEWAL PROJECT), SERIES 2021 (THE “SERIES 2021 NOTES”), IN THE MAXIMUM

		AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,800,000, PURSUANT TO AND IN CONFORMITY WITH THE CONSTITUTION AND STATUTES OF THE STATE OF NEW YORK, DELEGATING AUTHORITY TO NEGOTIATE AND EXECUTE ALL DOCUMENTS; AND RELATED MATTERS
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More information including detailed summaries of the Agency’s operations and milestones with respect to specific urban renewal projects is provided in Section 8 of this Annual Report.

**3. Financial Reports**

**A. Audited Financials**

The Agency audited financials in accordance with Generally-Accepted Accounting Practices (“GAAP”) per section 2 (10) of the NY State Finance Law are prepared as part of the City’s (Certified Accounting Financial Reports (“CAFR”) and are posted on the City’s website when available.

**B. Grants and Subsidy Programs**

The Agency receives no direct grant or subsidy program funds. Funding to pay Community Development Block Grant employees is received by the City of White Plains and all allocations of funds are as authorized by the City of White Plains Common Council.

**C. Operating and Financial Risks**

The Agency has not identified any operating or financial risks.

**D. Current Bond Ratings**

On March 18, 2021, the Agency approved a Resolution (08-2021) to finance certain urban renewal projects described in the Urban Renewal Plan for the East Post Road Urban Renewal Area, including the acquisition of various parcels of land located along East Post Road.

**E. Long-term Liabilities**

*Liabilities*

The Agency has no long term liabilities.

*Leases*

The Agency leases four of its properties - Bronx Street Lot, Water Street Lot, and Franklin-Windsor Lot to the City for municipal parking, and leases the land on which the City Center Municipal Parking Garage is located to the City of White Plains and LC White Plains, LLC as tenants in common which own the City Center Municipal Parking Garage.

*Employee Benefit Plans*

The Agency has no employees for which it directly provides employee benefit plans or incurs liabilities. Employee benefits and liabilities for the Community Development Program employees and retirees are provided through the Federal funding for those respective programs which programs are maintained and implemented by the City of White Plains.



## 4. Mission Statement and Performance Measures

The Mission Statement for the Agency, as originally adopted on March 31, 2010, and reaffirmed in subsequent years, reads as follows:

“It is the mission of the Agency to accomplish its goals of eliminating substandard and insanitary conditions and areas, and revitalizing municipally designated distressed areas; promoting redevelopment of these areas with safe, sanitary and economically viable residential, non-residential, commercial, and industrial properties and uses; and enabling in these areas the redevelopment of, conservation, restoration or improvements of private and public facilities and infrastructure in a manner benefiting the citizens, residents, businesses, government and community objectives of the City of White Plains as expressed in the White Plains Comprehensive Plan.”

The Mission Statement of the Agency has not been changed and continues to be relevant and serves the needs of the Agency. The Mission Statement and Performance Measurements Report are provided in Appendix A.

## 5. Schedule of Debt Issuance

On March 18, 2021, the Agency approved a Resolution (08-2021) to finance certain urban renewal projects described in the Urban Renewal Plan for the East Post Road Urban Renewal Area, including the acquisition of various parcels of land located along East Post Road.

## 6. Compensation Schedule

### A. Members

The members of the Agency serve with no compensation of any kind.

### B. Staff

There are no officers, directors or employees whose Agency salaries are in excess of \$100,000. The Agency employs no direct full or part-time administrative staff on urban renewal matters.

Pursuant to the 1990 Cooperation Agreement between the Agency and the City of White Plains, the Agency employs the staff of the White Plains Community Development Program who works exclusively on eligible federally funded Community Development Block Grant Program projects and activities, according to project and activity funding allocations approved by the Common Council. Within the approved project and activity budgets, the Agency approves the salary and compensation schedule for these employees.

The Agency reimburses the City of White Plains for time spent by the following city staff on Agency business, according to the compensation schedule provided in Table 3.

- Commissioner of Planning
- Environmental Officer
- Drafter 2
- Corporation Counsel/Law Department Attorney
- Deputy Commissioner of Finance and Senior Accountant

<b>Table 3.</b>		
<b>Agency Compensation Schedule (Reimbursement to City of White Plains)</b>		
<b>Title/Position</b>	<b>Hourly Rate</b>	<b>Total</b>
<i>Planning and Environmental</i>		
Executive Director	<b>\$113.88</b>	
Drafter 2	<b>\$57.13</b>	
Deputy Commissioner	<b>\$87.23</b>	
Subtotal		<b>\$3,346.05</b>
<i>Legal</i>		
Attorney	<b>\$100</b>	
Subtotal		<b>\$800.00</b>
<i>Finance/Audit</i>		
Deputy Finance Commissioner	<b>\$94.96</b>	
Subtotal		<b>\$2,337.31</b>
Total Agency Reimbursement to City		<b>\$6,483.36</b>

## 7. Biographical Information

Biographical information including salary reporting is required for all Directors and Officers and Employees whose salary is in excess of \$100,000. There were no Agency Directors, Officers, or Employees who met these criteria.

## 8. Projects Undertaken/Underway During Fiscal Year

The Agency's project accomplishments during this reporting period are summarized below:

## A. 55 and 57 Bank Street - Central Renewal Project NY-R 37 (Phase 2)

Construction is complete for both the North and the South Tower of the project. Leasing is ongoing. LCOR is in the process of converting its construction loan to permanent financing, as the construction loan has matured. An estoppel certificate concerning the Land Disposition Agreement, executed on June 28, 2007, will also be signed to authorize an extension of time for LCOR to install parking stackers to comply with required parking requirements.

## B. City Center Signage

The Main-Mamaroneck Phase I Urban Renewal Plan (Project No. WPUR-13) was adopted by the White Plains Urban Renewal Agency (the Agency) on April 20, 1998 (Resolution 4-98) and modified on February 7, 2003 (Resolution 02-03) and August 8, 2006 (Resolution 14-2006). Section B.3(a)(3) of the WPUR-13 Plan specifically provides that the Agency must approve the exterior materials of all buildings proposed, as follows:

*The site plan and exterior design of all buildings and development proposed for the Project Area, including notes and samples of color and material of all exterior portions of buildings and structures, shall be subject to the approval of the White Plains Urban Renewal Agency. Such plans and designs shall be reviewed with respect to architectural style, general design, arrangement, location, and materials affecting exterior appearance.*

On January 4, 2021, One City DE LLC, One City Place LP and AJH Management LLC, (the Applicant), proposed to install two (2) projecting signs on the building façade at the corner of Main Street and City Place to enhance identification of the building to both vehicular and pedestrian traffic. Based on its review of the proposed design changes to the exterior building and at its meeting of January 28, 2021, the Agency found that the proposed design changes did not constitute a substantial change to the overall character of the approved City Center Project, pursuant to Section E of the WPUR-13 Plan and approved the exterior changes to City Center and the plaza.

## C. 1 Water Street

1 Water Street is located on the northeast corner of the intersection of Ferris Avenue and Water Street, and is situated within the CB-4 Zoning District and Central Parking Area. The site currently contains a vacant office building that will be demolished to construct a 22-story mixed-use residential and commercial building consisting of 301 dwelling units (5 affordable), approximately 1,212 square feet of retail/commercial space, and 307 parking spaces located in a four level on-site parking structure. The project will include an approximately 8,800 square foot, publically accessible open space area at the southeast corner of the Development Site.

The 1 Water Street property was a triangular-shaped lot bisected east-west by a Con Edison utility. To facilitate a proposed development, a Land Exchange Agreement (the “Exchange Agreement”) between the White Plains Urban Renewal Agency and 1 Water Street LLC was proposed. The purpose was to create a rectangular shaped site by swapping approximately 12,610 square feet of triangular property fronting on Ferris Avenue (“the Water Swap Parcel”) with approximately 12,328 square feet of the bed of unimproved North Lexington Avenue owned by the Agency (“the Agency Swap Parcel”). The proposed land exchange of comparable-sized parcels improved the project site plan, and created a separate development parcel with frontage on Ferris Avenue across from the City’s existing firehouse for potential City use (see diagram below).



In addition to the Exchange Agreement, an Access and Storm Water Drainage Easement (“the Easement Agreement”) is proposed to be added to the remaining 30 foot right-of-way-within the paper street of North Lexington Avenue to maintain access from Water Street to the Water Swap Parcel and beyond.

In September 2020, the Agency agreed to exchange the Agency Swap Parcel with the aforementioned access and storm water drainage easement for the Water Swap Parcel resulting in a trade of two equivalent sized and valued parcels to provide a better development at 1 Water Street for the benefit of the City of White Plains and allow for more flexibility for future development of the area by the Agency (See Resolution 06-2020).



## D. East Post Road

In December 2019, the Agency adopted a Resolution to exercise its power of eminent domain for the potential acquisition of certain real property located in the City of White Plains, pursuant to Article 2 of the New York Eminent Domain Procedure Law. As of March 18, 2021, the Agency authorized the acquisition of the following properties:

- 26-28 East Post Road (\$1,500,000) (Resolution 05-2021);
- 60 East Post Road (\$2,900,000) (Resolution 06-2021)

Further, the Agency authorized its legal counsel to enter into a settlement agreement with the owners of 42 East Post Road and to commence proceedings under the New York Eminent Domain Procedure Law to acquire title to the property for \$5,200,000 (Resolution 07-2021).

## 9. Acquisition or Disposal of Real Property

PARA requires local authorities to report all real property having an estimated fair market value in excess of \$15,000 that was acquired or disposed of during the fiscal year.

### A. Real Property and Price Received

The Agency acquired the following parcels:

1. 26-28 East Post Road (\$1,500,000) (Resolution 05-2021);
2. 60 East Post Road (\$2,900,000) (Resolution 06-2021)
3. The Agency authorized its legal counsel to enter into a settlement agreement with the owners of 42 East Post Road and to commence proceedings under the New York Eminent Domain Procedure Law to acquire title to the property for \$5,200,000 (Resolution 07-2021).

### B. Property Sold by Agency

The Agency did not sell any property during the subject fiscal year.

## 10. Code of Ethics

The Code of Ethics of the City of White Plains includes and makes reference to the White Plains Urban Renewal Agency. The City of White Plains Code of Ethics is contained in the Municipal Code of the City of White Plains Article V and appears on the City's website [https://library.municode.com/ny/white\\_plains/codes/code\\_of\\_ordinances](https://library.municode.com/ny/white_plains/codes/code_of_ordinances). Disclosure Filings by Agency members must be made annually and submitted to the Westchester County Ethics Board as required by Public Authorities Law.

Agency members have also executed Acknowledgements of Fiduciary Duty which are on file in the Agency offices in the Planning Department.

## 11. Internal Controls and Procedures Assessment

For financial reporting and audit purposes, the Urban Renewal Agency is treated as a “Component Unit” of the City of White Plains. The Agency audit is submitted annually to the NYS Office of the Comptroller as a component unit of the City in the Annual Update Document (AUD). The Agency audit is contained in the City’s Comprehensive Annual Finance Report (CAFR) as a component unit.

The Agency section of the OSC Annual Update Document and City CAFR are shown on the Agency’s website at: <https://www.cityofwhiteplains.com/159/Financial-Reports>. The Agency’s section is posted on the Agency’s website each year as soon as the OSC Annual Update Document and City CAFR are completed for the fiscal year.

## 12. Statutory Basis of the Agency

The Agency’s enabling legislation is General Municipal Law (“GML”) Article 15-A Section 554, and is attached as Appendix B to this report.

## 13. Agency Description and Board Structure

### A. Description

The White Plains Urban Renewal Agency (WPURA) is a public benefit corporation authorized by Title 14, Article 15-B of New York State General Municipal Law to exercise certain powers to carry out urban renewal projects approved by the Common Council which conform to and promote the goals and objectives of the City’s Comprehensive Plan.

### B. Board Structure

#### *Committees and committee members*

Governance Committee

John Martin  
Christopher N. Gomez, Executive Director

Audit Committee

Dan Moriarty  
Sergio Sensi, Treasurer

#### *Board meetings and attendance*

Meeting Date	Attendance	
September 3, 2020	<p><u>URA Members</u> Mayor Thomas Roach, Chair James Glatthaar Walter Eddie</p>	<p><u>Other</u> Christopher N. Gomez, Executive Director John Callahan, Corporation Counsel Arthur Gutekunst, Corporation Counsel Kristi Knecht, Planner</p>



January 28, 2021	<u>URA Members</u> Mayor Thomas Roach, Chair Dan Moriarty Walter Eddie John Martin	<u>Other</u> Christopher N. Gomez, Executive Director Arthur Gutekunst, Corporation Counsel Kristi Knecht, Planner
March 18, 2021	<u>URA Members</u> Mayor Thomas Roach, Chair Dan Moriarty Walter Eddie John Martin	<u>Other</u> Christopher N. Gomez, Executive Director John Callahan, Corporation Counsel Sergio Sensi, Commissioner of Finance

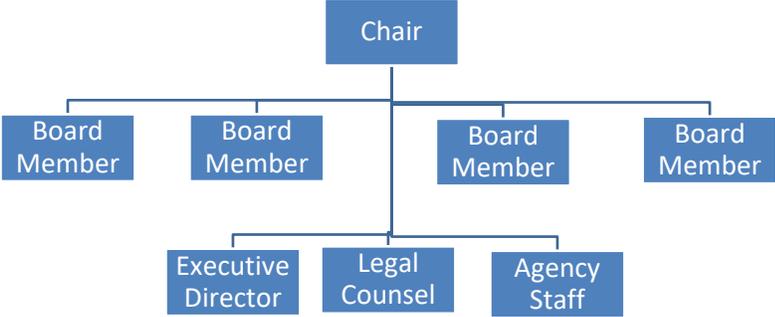
**Major Agency units, subsidiaries**

The Agency is comprised of a five-member board including the Mayor and four other members appointed by the Mayor. The Agency does not have any subsidiaries.

**Number of Employees**

The Agency has no full or part time administrative employees funded by the Agency. All work is performed under an Agreement with the City of White Plains for reimbursement of City staff time spent on Agency matters. During the subject fiscal year, there were three (3) full time and four (4) part time employees funded through the Federal Community Development Program. The Position, Title and Salary Schedule for the subject fiscal year was adopted by Agency Resolution 09-2021 and is attached as Appendix A.

**Organizational Chart**



## 14. Charter and Bylaws

See Appendix C.

## 15. Material Operating or Program Changes

There has been no material operating or program changes during the subject fiscal year.

## 16. 4 -Year Financial Plan

The Agency's administrative budget is provided in Table 4, below.

**Table 5: Administrative Budget**

White Plains Urban Renewal Agency		
FY 2021-22 Proposed Administrative Budget		
Org. 2639		Proposed
		Modified
OBJECT	DESCRIPTION	Budget
4.005	Financial & Auditing	5,932
4.008	Legal Services	3,000
4.023	Program Services	15,000
4.095	Workers' Compensation Premium	2,500
4.096	Unemployment Insurance	2,200
4.101	Liability Insurance	10,000
	Total	<u>38,632</u>

The current and projected capital budget is provided in Table 6 below.

**Table 6: Combined Federal Inception-to-Date Budget**

<b>WPURA - BUDGET REPORT</b>				
<b>COMBINED FEDERAL BUDGET, NYR-37</b>				
<b>Proposed Modified Budget July 31, 2022</b>				
		Modified	Proposed	
		Budget	Modified	Increase
<b>CODE</b>	<b>REVENUES</b>	<b>7/31/2022</b>	<b>Budget</b>	<b>(Decrease)</b>
02203	HUD CD Block Grant	\$ 3,480,800	\$ 3,480,800	\$ -
02204	Project Capital Grant	55,524,997	55,524,997	-
02214	HUD Financial Setlmnt Grant:	10,672,053	10,672,053	-
02282	WPURA State Grant	1,721,275	1,721,275	-
02286	WPURA-7 Contributions	94,238	94,238	-
06614	Land Sale Proceeds	10,756,729	10,756,729	-
06619	Other Minor Sales	600	600	-
06694	Rental Income/NYR-37	2,214,933	2,382,662	167,729
06696	Commissions	22,497	22,497	-
06698	Refund P/Y Expenses	69,370	69,370	-
06699	Miscellaneous	123,915	123,915	-
077XX	Interest Income	4,816,334	4,817,038	704
	<b>Total Revenues</b>	<b>\$ 89,497,741</b>	<b>\$ 89,666,174</b>	<b>\$ 168,433</b>
<b>CODE</b>	<b>EXPENDITURES</b>			
4.801	Total Survey & Planning-Pt. 1	\$ 441,530	\$ 441,530	\$ -
4.810	Administrative Overhead	11,990,459	11,990,459	-
4.815	Legal Services	1,070,000	1,070,000	-
4.818	Project Consultants	309,466	309,466	-
4.820	Interest Expense	12,225,033	12,225,033	-
4.830	Survey & Planning	263,495	263,495	-
4.840	Real Estate Acquisition	597,753	597,753	-
4.841	Acquisition Costs	44,091,214	44,091,214	-
4.843	Relocation Costs	32,671	32,671	-
4.844	Relocation Expenses	4,125,339	4,125,339	-
4.845	Disposal Costs	793,329	793,329	-
4.846	Temp Op Acq Prop/NYR-37	663,860	832,293	168,433
4.850	Site Clearance	2,601,889	2,601,889	-
4.855	Project Improvements	10,291,703	10,291,703	-
	<b>Total Expenditures</b>	<b>\$ 89,497,741</b>	<b>\$ 89,666,174</b>	<b>\$ 168,433</b>

## 17. Board Performance Evaluations

The aggregated results of the Annual Board of Directors Evaluation Questionnaire will be provided to the ABO.

The Evaluation Questionnaire is attached as Appendix D; however, the results are not included with this Annual Report because, according to the ABO, board discussion of its performance “would constitute a matter made confidential, by state law that, therefore, could be conducted in private.”

## 18. Buying or Selling Without Competitive Bidding

PARA requires local authorities to disclose any assets and services bought or sold without competitive bidding, including their nature, names of parties involved, contract price compared to fair market value, a detailed explanation justifying the purchase or sale without competitive bidding, certification by the CEO and CFO that terms of purchase or sale were reviewed and comply with procurement guidelines.

No assets were bought or sold by the Agency without competitive bidding.

## 19. Description of Material Pending Litigation

There is pending litigation pertaining to the Eminent Domain Procedure on East Post Road, mentioned in Section 8.0 above.

# APPENDICES

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# APPENDIX A

WHITE PLAINS URBAN RENEWAL AGENCY

RESOLUTION NO. 6 -2020

RESOLUTION APPROVING THE EXCHANGE AGREEMENT BY AND BETWEEN THE WHITE PLAINS URBAN RENEWAL AGENCY ("AGENCY") AND 1 WATER STREET LLC ("WATER LLC") FOR THE EXCHANGE OF TWO COMPARABLY SIZED PARCELS BETWEEN THE AGENCY AND WATER LLC AND APPROVING AN ACCESS AND STORM WATER DRAINAGE AGREEMENT BETWEEN WATER LLC AND THE AGENCY OVER ADJOINING AGENCY PROPERTY.

A. 1 Water Street (Section 125.66, Block 2, Lot 1) is located in the Central Renewal Area which plan has lapsed. The existing office building at 1 Water Street was developed under that urban renewal plan. The AGENCY still owns several parcels within that plan area including a paper street extension of North Lexington Avenue, part of which is immediately adjacent to 1 Water Street.

B. WATER LLC is proposing to demolish the existing office building at 1 Water Street and is proposing a mixed use retail and residential building containing approximately 300 residential units, neighborhood retail space, publicly accessible open space and parking on the site ("the Project"). WATER LLC has applied to the Common Council for site plan approval for the Project with the permission of the AGENCY authorized by Resolution No. 3-2019.

C. In connection with the development, WATER LLC proposed to swap an approximately 12,610 square foot triangular parcel on the north end of the 1 Water Street ("the Water Swap Parcel") for a 12,328 square foot parcel within the bed of the paper street extension of North Lexington Avenue ("the Agency Swap Parcel"). Such a swap would create two more regular parcels, 1 Water Street fronting on Water Street and another fairly regular parcel fronting on Ferris Avenue when combined with another portion of the paper street extension of North Lexington Avenue. WATER LLC is the only party with which land could be swapped to create two reasonably regular parcels for redevelopment - one owned by WATER LLC and one owned by the AGENCY.

D. The City of White Plains has proposed to discontinue the 12,328 square foot portion of the paper street extension of North Lexington Avenue and retain a 30 foot right of way within the paper street extension adjacent to the discontinued portion. WATER LLC would be granted an access and storm water drainage easement over that adjacent remaining portion of the paper street extension of North Lexington Avenue. This allows for the eventual development of the remaining paper street portion of North Lexington Avenue as a public street if so desired.

E. The Water Swap Parcel will be conveyed by WATER LLC to the AGENCY in consideration of the AGENCY conveying the Agency Swap Parcel to WATER LLC along with an access and storm water drainage easement over the remaining portion of the paper street extension of North Lexington Avenue easterly from the Agency Swap Parcel. A diagram showing the two parcels to be swapped is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED THAT

1. Based on its review of the proposal, the AGENCY finds that agreeing to exchange the Agency Swap Parcel with the aforementioned access and storm water drainage easement for the Water Swap Parcel will result in a trade of two equivalent sized and valued parcels and provide a better development at 1 Water Street for the benefit of the City of White Plains and allow for more flexibility for future development of the area by the AGENCY.

2. Based on its review of the proposal, the AGENCY authorizes its Chair to execute the Exchange Agreement and Access and Storm Water Drainage Easement Agreement, each in a form subject to the approval of the Agency's Counsel, subject to the following actions:

a. Publication of a notice in the official newspaper of the City of White Plains of a Notice of Availability for Public Examination of the Exchange Agreement and Access and Storm Water Drainage Easement Agreement, and notice of public hearing before the Common Council.

b. A duly noticed public hearing before the Common Council of the City of White Plains regarding the approval of the Exchange Agreement and Access and Storm Water Drainage Easement Agreement.

c. Action by the Common Council to declare itself lead agency for the discontinuance of a portion of the paper street extension of North Lexington Avenue, approval of the terms of the Exchange Agreement and Access and Storm Water Drainage Easement Agreement and the site plan for the Project and to make the appropriate environmental findings. Since the Common Council has the final approval on all three actions, the AGENCY agrees that the Common Council is the appropriate lead agency.

d. Approval by the Common Council of the Exchange Agreement and Access and Storm Water Drainage Easement Agreement.

3. To enable the necessary actions to be taken, the Executive Director is hereby authorized and directed, pursuant to Section 507 (2) (c) and (d) of the General Municipal Law, to request the Common Council to cause to be published in the official newspaper of the City of White Plains "A Notice of Availability for Public Examination" which notice shall include the notice of the availability for review of the Exchange Agreement and Access and Storm Water Drainage Easement.

4. The Executive Director is further authorized and directed to request the Common Council to hold a duly noticed public hearing on the Exchange Agreement and Access and Storm Water Drainage Easement not less than ten days after the publication of the notice described in Section 3 herein above.

Dated: August 28, 2020

Approved: September 3, 2020

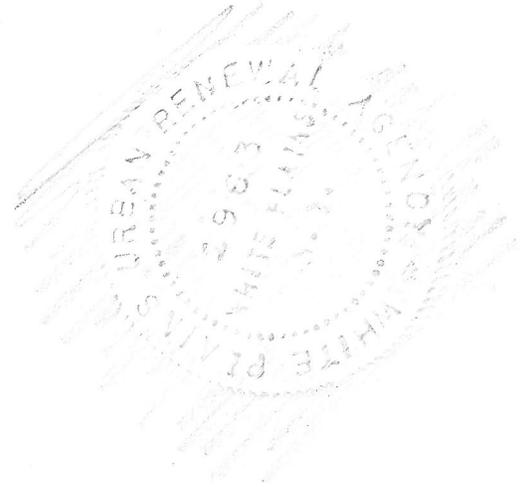
**WHITE PLAINS URBAN RENEWAL AGENCY**

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(914) 422-1300 Fax: (914) 422-1301

CERTIFIED COPY

1. I am the duly qualified and acting Assistant Secretary of the White Plains Urban Renewal Agency (the "Agency"). I am the custodian of the minutes of the meetings of the Agency and am authorized to execute this certificate.
2. Attached hereto is a correct copy of **Resolution 06-2020**, (the "Resolution"), adopted at a meeting of the Agency held on **September 3, 2020** (the "Meeting"), which Resolution is now in full force and effect.
3. The Meeting was duly convened and held in accordance with law and the by-laws of the Agency, and proper notice of the Meeting was given. A legal quorum of the Agency was present throughout the Meeting and a legally sufficient number of members of the Agency duly voted for the adoption of the Resolution.
4. The authority delegated to the Chairman and the Resolution has not been altered or revoked in any way.
5. The seal that appears below is the official seal of the Agency and was duly affixed by me at the time I executed this certificate on **September 3, 2020**.

  
Christopher N. Gomez  
Executive Director



**WHITE PLAINS URBAN RENEWAL AGENCY**

**RESOLUTION 01-2021**

**RESOLUTION ADOPTING THE URBAN RENEWAL AGENCY ANNUAL  
ADMINISTRATIVE BUDGET  
FOR FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022**

**WHEREAS:**

- A. The administrative budget of the Agency was last amended by Resolution 01-2020 on February 24, 2020.
- B. Each year the Agency has adopted a detailed administrative budget to provide for a systematic control of the administrative expenses of the White Plains Urban Renewal Agency on an annual basis.
- C. The Agency has been advised by its Treasurer and Legal Counsel to provide for unemployment insurance, workers' compensation insurance and liability insurance in its proposed Administrative Budget.
- D. A proposed Administrative Budget which includes funding for requirements for the fiscal year beginning July 1, 2021 and ending June 30, 2022 (FY 2021-22) has been prepared by Agency staff, a copy of which is attached hereto as Exhibit A.
- E. The Agency has reviewed the proposed Administrative Budget for FY 2021-22.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

- 1. The Agency hereby determines that the proposed Administrative Budget for the Fiscal Year represents a reasonable projection of expenditures necessary to carry out the urban renewal program for the Fiscal Year.
- 2. The proposed Administrative Budget for the Fiscal Year attached hereto as Exhibit A and made a part hereof, be and it hereby is, approved and adopted for the Agency's fiscal year beginning July 1, 2021 and ending June 30, 2022.
- 3. This Resolution shall take effect July 1, 2021.

Dated: January 25, 2021  
Adopted: January 28, 2021

**Exhibit A**

**WHITE PLAINS URBAN RENEWAL AGENCY**

**2021-2022 ADMINISTRATIVE BUDGET**

Effective July 1, 2021

Resolution # 01-2021

<b>White Plains Urban Renewal Agency</b>			
<b>FY 2021-22 Proposed Administrative Budget</b>			
Org. 2639			Proposed
			Modified
OBJECT	DESCRIPTION		Budget
4.005	Financial & Auditing		5,932
4.008	Legal Services		3,000
4.023	Program Services		15,000
4.095	Workers' Compensation Premium		2,500
4.096	Unemployment Insurance		2,200
4.101	Liability Insurance		10,000
	Total		<u>38,632</u>

Dated: January 25, 2021

Adopted: January 28, 2021

**WHITE PLAINS URBAN RENEWAL AGENCY**

70 Church Street, White Plains, New York 10601

(914) 422-1300 Fax: (914) 422-1301

CERTIFIED COPY

1. I am the duly qualified and acting Assistant Secretary of the White Plains Urban Renewal Agency (the "Agency"). I am the custodian of the minutes of the meetings of the Agency and am authorized to execute this certificate.
2. Attached hereto is a correct copy of **Resolution 01-2021**, (the "Resolution"), adopted at a meeting of the Agency held on **January 28, 2021** (the "Meeting"), which Resolution is now in full force and effect.
3. The Meeting was duly convened and held in accordance with law and the by-laws of the Agency, and proper notice of the Meeting was given. A legal quorum of the Agency was present throughout the Meeting and a legally sufficient number of members of the Agency duly voted for the adoption of the Resolution.
4. The authority delegated to the Chairman and the Resolution has not been altered or revoked in any way.
5. The seal that appears below is the official seal of the Agency and was duly affixed by me at the time I executed this certificate on **January 28, 2021**.



Christopher N. Gomez  
Executive Director

WHITE PLAINS URBAN RENEWAL AGENCY

RESOLUTION 02-2021

RESOLUTION AMENDING THE ADOPTED COMBINED FEDERAL  
"INCEPTION-TO-DATE" BUDGET

WHEREAS:

- A. The White Plains Urban Renewal Agency ("the Agency") last amended the Federal Inception-To-Date Budget by Resolution 02-2020, adopted February 24, 2020.
- B. Due to the substantial decrease in interest rates and the increase in costs related to the temporary operation of acquired property, being the payment of County sewer and refuse charges for Agency owned property, the Agency has earned very little unencumbered income in the Federal-Inception-To-Date account since it was last amended.
- C. The Agency continues to incur limited expenses for the administrative operation of the Agency, including costs of the services of the Finance, Law and Planning Departments, and audit fees.
- D. In order to continue to fund the Agency's expenses, which primarily represent the reimbursement of the City for professional services, it is necessary and appropriate to amend the Combined Federal Budget to increase revenues and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Combined Federal Inception-To-Date Budget for the Agency, reflecting revenues and expenditures of the Agency including, among other things, funding for Administrative Overhead and Temporary Operation of Acquired Property, last amended February 24, 2020, is hereby amended and approved as shown in Exhibit A, attached hereto and made a part hereof, and be it further resolved that
2. This Resolution shall take effect January 31, 2021.

Dated: January 25, 2021

Adopted: January 28, 2021

Exhibit A

WPURA - BUDGET REPORT  
COMBINED FEDERAL BUDGET, NYR-37

Proposed Modified Budget to be Effective January 31, 2021

<b>WPURA - BUDGET REPORT</b>				
<b>COMBINED FEDERAL BUDGET, NYR-37</b>				
<b>Proposed Modified Budget January 31, 2021</b>				
		Modified	Proposed	
		Budget	Modified	Increase
<b>CODE</b>	<b>REVENUES</b>	1/15/2021	Budget	(Decrease)
02203	HUD CD Block Grant	\$ 3,480,800	\$ 3,480,800	\$ -
02204	Project Capital Grant	55,524,997	55,524,997	-
02214	HUD Financial Setlmnt Grant:	10,672,053	10,672,053	-
02282	WPURA State Grant	1,721,275	1,721,275	-
02286	WPURA-7 Contributions	94,238	94,238	-
06614	Land Sale Proceeds	10,756,729	10,756,729	-
06619	Other Minor Sales	600	600	-
06694	Rental Income/NYR-37	2,111,750	2,214,933	103,183
06696	Commissions	22,497	22,497	-
06698	Refund P/Y Expenses	69,370	69,370	-
06699	Miscellaneous	123,915	123,915	-
077XX	Interest Income	4,813,156	4,816,334	3,178
	<b>Total Revenues</b>	<b>\$ 89,391,380</b>	<b>\$ 89,497,741</b>	<b>\$ 106,361</b>
<b>CODE</b>	<b>EXPENDITURES</b>			
4.801	Total Survey & Planning-Pt. 1	\$ 441,530	\$ 441,530	\$ -
4.810	Administrative Overhead	11,894,098	11,990,459	96,361
4.815	Legal Services	1,070,000	1,070,000	-
4.818	Project Consultants	309,466	309,466	-
4.820	Interest Expense	12,225,033	12,225,033	-
4.830	Survey & Planning	263,495	263,495	-
4.840	Real Estate Acquisition	597,753	597,753	-
4.841	Acquisition Costs	44,091,214	44,091,214	-
4.843	Relocation Costs	32,671	32,671	-
4.844	Relocation Expenses	4,125,339	4,125,339	-
4.845	Disposal Costs	793,329	793,329	-
4.846	Temp Op Acq Prop/NYR-37	653,860	663,860	10,000
4.850	Site Clearance	2,601,889	2,601,889	-
4.855	Project Improvements	10,291,703	10,291,703	-
	<b>Total Expenditures</b>	<b>\$ 89,391,380</b>	<b>\$ 89,497,741</b>	<b>\$ 106,361</b>

**WHITE PLAINS URBAN RENEWAL AGENCY**

70 Church Street, White Plains, New York 10601

(914) 422-1300 Fax: (914) 422-1301

CERTIFIED COPY

1. I am the duly qualified and acting Assistant Secretary of the White Plains Urban Renewal Agency (the "Agency"). I am the custodian of the minutes of the meetings of the Agency and am authorized to execute this certificate.
2. Attached hereto is a correct copy of **Resolution 02-2021**, (the "Resolution"), adopted at a meeting of the Agency held on **January 28, 2021** (the "Meeting"), which Resolution is now in full force and effect.
3. The Meeting was duly convened and held in accordance with law and the by-laws of the Agency, and proper notice of the Meeting was given. A legal quorum of the Agency was present throughout the Meeting and a legally sufficient number of members of the Agency duly voted for the adoption of the Resolution.
4. The authority delegated to the Chairman and the Resolution has not been altered or revoked in any way.
5. The seal that appears below is the official seal of the Agency and was duly affixed by me at the time I executed this certificate on **January 28, 2021**.



Christopher N. Gomez  
Executive Director

**WHITE PLAINS URBAN RENEWAL AGENCY**

**RESOLUTION 03-2021**

**I. RESOLUTION OF THE WHITE PLAINS URBAN RENEWAL AGENCY REAFFIRMING THE MISSION STATEMENT AND PERFORMANCE MEASURES AND APPROVING THE 2019-20 ANNUAL REPORT**

**WHEREAS:**

- A. Chapter 506 of the Laws of 2009, known as the 2009 Public Authorities Reform Act or “PARA,” requires that State and local public authorities subject to PARA develop and adopt a mission statement. The Act further requires that such authorities and agencies develop performance measures to assist the Authorities Budget Office (“ABO”) in determining how well such authorities and agencies are doing in carrying out their missions (together “Mission Statement and Performance Measures”).
- B. PARA also requires such State and local public authorities to prepare and make publicly available an Annual Report which documents the extent to which the agency is furthering its mission and meeting its performance measures.
- C. The White Plains Urban Renewal Agency (“Agency”), established under General Municipal Law (“GML”) Article 15-B Section 583, is a local public authority subject to the requirements of PARA.
- D. In response to ABO Policy Guidance and in compliance with PARA, the Agency originally adopted the “Mission Statement and Performance Measures,” attached hereto as Exhibit A.
- E. Agency staff has prepared an Annual Report for fiscal year 2019-20, attached hereto as Exhibit B, which includes responses to all of the annual reporting requirements of PARA.
- F. All members of the Agency have received, reviewed and executed the “Acknowledgement of Fiduciary Duties and Responsibilities” statement provided by the NYS Authorities Budget Office pursuant to Public Authorities Law Section 2824(1)(h), attached hereto as Exhibit C.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

- 1. All Agency Board members present at this Agency meeting hereby acknowledge that they have read and understand the “Mission Statement and Performance Measures,” the 2019-20 Annual Report, and this Resolution 03-2021.
- 2. Based on the foregoing, the Agency Board, hereby finds the “Mission Statement and Performance Measures,” originally adopted on March 31, 2010, continues to be an accurate statement of the mission of the Agency and an accurate description of the measures available to the Agency to assess and evaluate its performance in the implementation of its mission.

3. The Agency Board further finds that the 2019-20 Annual Report is an accurate description of the Agency as required under PARA.
4. The Agency finds that each member of the Board has provided a signed “Acknowledgement of Fiduciary Duties and Responsibilities”.
5. Based on the above findings, the Agency hereby adopts Resolution 03-2021 and its attachments, reaffirming the (1) “Mission Statement and Performance Measures,” and (2) approving the 2019-20 Annual Report.

Dated: January 25, 2021

Adopted: January 28, 2021

**WHITE PLAINS URBAN RENEWAL AGENCY**

70 Church Street, White Plains, New York 10601

(914) 422-1300 Fax: (914) 422-1301

CERTIFIED COPY

1. I am the duly qualified and acting Assistant Secretary of the White Plains Urban Renewal Agency (the "Agency"). I am the custodian of the minutes of the meetings of the Agency and am authorized to execute this certificate.
2. Attached hereto is a correct copy of **Resolution 03-2021**, (the "Resolution"), adopted at a meeting of the Agency held on **January 28, 2021** (the "Meeting"), which Resolution is now in full force and effect.
3. The Meeting was duly convened and held in accordance with law and the by-laws of the Agency, and proper notice of the Meeting was given. A legal quorum of the Agency was present throughout the Meeting and a legally sufficient number of members of the Agency duly voted for the adoption of the Resolution.
4. The authority delegated to the Chairman and the Resolution has not been altered or revoked in any way.
5. The seal that appears below is the official seal of the Agency and was duly affixed by me at the time I executed this certificate on **January 28, 2021**.



Christopher N. Gomez  
Executive Director

## EXHIBIT A

### White Plains Urban Renewal Agency Mission Statement and Performance Measurements

**Name of Public Authority:** White Plains Urban Renewal Agency

**A. Public Authority's Mission Statement:**

*Section I. Legal Authority and Purpose of the Agency*

The purpose of the White Plains Urban Renewal Agency ("Agency") is to exercise its powers under General Municipal Law ("GML") Article 15-A Section 554 to carry out urban renewal projects approved by the Common Council of the City of White Plains ("Common Council of the City" or "City") which projects and the plans therefor conform to and promote the effectuation of the goals and objectives of the Comprehensive Plan of the City of White Plains, as the same may from time to time be amended. Pursuant to GML Section 502(6) a plan for an urban renewal project must conform to the "comprehensive community plan." This term is interchangeable with "master plan" or "general plan." In White Plains, an active urban renewal plan must be in conformance with the City's 1997 Comprehensive Plan, as amended to date ("White Plains Comprehensive Plan").

Pursuant to GML Section 554 and Section 583, the Agency was created and is authorized to "plan and undertake one or more urban renewal projects and shall have the powers necessary or convenient to carry out and effectuate such project or projects and the purposes and provisions of this article fifteen of this chapter." The purpose of providing an urban renewal agency, and specifically here the Agency with such powers is to enable such agency to carry out, within the City of White Plains an urban renewal program which is defined in Article 15 Section 502(3) as "a program established, conducted and planned by a municipality for the redevelopment, through clearance, re-planning, reconstruction, rehabilitation, and concentrated code enforcement, or a combination of these and other methods, of substandard and insanitary areas of such municipalities, and for recreational and other facilities incidental or appurtenant thereto, pursuant to and in accordance with article eighteen of the constitution and this article. The terms "clearance, re-planning, reconstruction and rehabilitation" shall include renewal, redevelopment, conservation, restoration or improvement or any combination thereof as well as relocation activities and the testing and reporting of methods and techniques for the arrest, prevention and elimination of slums and blight; the term "program" may mean or include and be interchangeable with the term "project."

**Section II. Agency Stakeholders**

The stakeholders of the Agency are the citizens and businesses of the City of White Plains. Within each designated urban renewal project area the direct stakeholders are those affected by and the beneficiaries of the particular urban renewal project in that designated area, and those outside the designated project area who are most directly impacted by the implementation of an urban renewal project plan within the designated project area, including any and all residents of the City of White Plains.

**Section III. Goals of the Agency**

The goals of the Agency are to work with the City to:

- (1) eliminate substandard and insanitary conditions and areas, and revitalize municipally designated distressed areas;
- (2) promote redevelopment of these areas with safe, sanitary and economically viable residential, non-residential, commercial, and industrial properties and uses; and
- (3) enable in these areas the redevelopment of, conservation, restoration or improvements of private and public facilities and infrastructure.

(Substandard or insanitary areas include under General Municipal Law Section 502(4) “a slum, blighted, deteriorated or deteriorating area, or an area which has a blighting influence on the surrounding area. . .”)

**Section IV: Mission of the Agency**

It is the mission of the Agency to accomplish its goals of eliminating substandard and insanitary conditions and areas, and revitalizing municipally designated distressed areas; promoting redevelopment of these areas with safe, sanitary and economically viable residential, non-residential, commercial, and industrial properties and uses; and enabling in these areas the redevelopment of, conservation, restoration or improvements of private and public facilities and infrastructure in a manner benefitting the citizens, residents, businesses, government and community objectives of the City of White Plains as expressed in the White Plains Comprehensive Plan.

Originally Adopted: March 31, 2010 (Agency Resolution 01-2010)

Reaffirmed: September 30, 2011 (Agency Resolution 08-2011)  
September 24, 2012 (Agency Resolution 04-2012)  
April 14, 2014 (Agency Resolution 02-2014)  
November 24, 2014 (Agency Resolution 10-2014)  
December 10, 2015 (Agency Resolution 08-2015)  
November 21, 2016 (Agency Resolution 05-2016)  
December 5, 2017 (Agency Resolution 05-2017)  
November 28, 2018 (Agency Resolution 04-2018)  
February 24, 2020 (Agency Resolution 03-2020)

**B. List of Performance Goals:**

***Performance Goals:***

To accomplish the goals of the Agency as expressed in its Mission Statement, the Agency works with the City to exercise its powers under GML Section 554 for the benefit of the community of White Plains, to establish for each area designated by the Common Council of the City as a substandard or insanitary area, as defined in General Municipal Law Section 502(4), a planned program of urban renewal including:

- (1) the formal designation of an urban renewal project area by the Agency and Common Council of the City, pursuant to General Municipal Law Section 504.
- (2) the adoption, or amendment of an existing urban renewal plan for the redevelopment of the designated area, such plan being subject to the review and report of the White Plains Planning Board and approval of the Common Council of the City pursuant to GML Section 505. The approval of the urban renewal plan shall include how it conforms to the White Plains Comprehensive Plan.
- (3) specification in the urban renewal plan, or amendments thereto, of the powers of the Agency to be exercised in the implementation of the approved plan.
- (4) implementation of the urban renewal plan, which may include but is not limited to:
  - a. acquisition of public or private property within the designated project area as specifically identified in the adopted urban renewal plan for the designated area as approved by the City,
  - b. designation of private or public entities for the redevelopment, as defined under GML Section 503(3), of public or private property within the designated project area as specifically provided for in the adopted urban renewal plan,
  - c. disposition of acquired property within the designated project area for redevelopment, as specifically identified in the adopted urban renewal plan for the designated project area, and
  - d. authorizing a redevelopment program as defined under GML 502(3) for public or private infrastructure specifically identified in the adopted urban renewal plan for the designated project area,
  - e. redevelopment as defined under GML 502(3) of the disposed property within the designated project area as specifically identified in the adopted urban renewal plan.

### *Assessment of Implementation of Goals*

All goals, objectives and strategies for the redevelopment of a particular designated urban renewal project area are specified in the adopted urban renewal plan which is subject to the approval of the Common Council of the City after review and report from the Planning Board and after a public hearing before both the Planning Board and the Common Council of the City. Any amendments to such plans or project area boundaries are also subject to public hearings. The urban renewal plans are public documents. The notice of all meetings, all urban renewal agency resolutions and the urban renewal plans are available for public review and are posted on the Agency's website. Any member of the public can monitor and assess the implementation of each urban renewal plan and the effect of each urban renewal project by visiting the project sites, reviewing the enabling legislation for each project and project modification, reviewing the urban renewal plans, and reviewing all project documents, including site plans and building plans which are available for public review during regular office hours at the offices of the Agency located in the City Hall Annex.

As a small public benefit corporation, the Agency is not involved in projects spread out over multiple jurisdictions or involving substantial financial resources, as is the case with many public authorities. As such, the monitoring of its performance by the Agency can be and is performed on a level very close to the projects in which it is involved. The following are performance measures for the Agency in assessing its implementation of its mission goals and objectives.

1. Is the urban renewal plan for a designated urban renewal project area moving forward consistent with the time frame established in the urban renewal plan?
2. Is the urban renewal plan for a designated urban renewal project area being implemented as specified in the urban renewal plan? Are the powers designated in the adopted urban renewal plan to be used by the Agency being used and are the results of using such powers achieving the objectives specified in the urban renewal plan?
3. Have there been any changes to the White Plains Comprehensive Plan since the adoption of the urban renewal plan which affect the plans conformance with the Comprehensive Plan or necessitate adjustments to the urban renewal plan?
4. Have there been any changes within the designated project area which necessitate a reevaluation of the area designated, either necessitating the inclusion of more or fewer properties?
5. Each redevelopment, reconstruction, rehabilitation or other plan for the redevelopment of a component of the urban renewal project is reviewed by the Agency management and by the Agency members ("Agency Board") to assess its conformance to the adopted urban renewal plan and the land use requirements of the City of White Plains.

6. The budget for each urban renewal project is reviewed by Agency management on a monthly basis and by the Agency Board at least twice a year to determine if the urban renewal project is on budget and at what rate funds are being expended under the budget.
7. A status report of each open urban renewal project is presented to the Agency Board at Agency meetings as part of the Director's Report.
8. All meetings of the Agency are noticed and open to the public.

**EXHIBIT B**  
**2019-20 ANNUAL REPORT**  
**(Under Separate Cover)**

## EXHIBIT C

ACKNOWLEDGEMENT OF FIDUCIARY DUTIES AND RESPONSIBILITIES  
EXECUTED STATEMENTS OF BOARD MEMBERS*Acknowledgement of Fiduciary Duties and Responsibilities*

As a member of the Authority's board of directors, I understand that I have a fiduciary obligation to perform my duties and responsibilities to the best of my abilities, in good faith and with proper diligence and care, consistent with the enabling statute, mission, and by-laws of the Authority and the laws of New York State. The requirements set forth in this acknowledgement are based on the provisions of New York State law, including but not limited to the Public Authorities Reform Act of 2009, Public Officers Law, and General Municipal Law. As a member of the board of directors:

**I. Mission Statement**

I have read and understand the mission of the Authority; and the mission is designed to achieve a public purpose on behalf of the State of New York. I further understand that my fiduciary duty to this Authority is derived from and governed by its mission.

I agree that I have an obligation to become knowledgeable about the mission, purpose, functions, responsibilities, and statutory duties of the Authority and, when I believe it necessary, to make reasonable inquiry of management and others with knowledge and expertise so as to inform my decisions.

**II. Deliberation**

I understand that my obligation is to act in the best interests of the Authority and the People of the State of New York whom the Authority serves.

I agree that I will exercise independent judgment on all matters before the board.

I understand that any interested party may comment on any matter or proposed resolution that comes before the board of directors consistent with the laws governing procurement policy and practice, be it the general public, an affected party, a party potentially impacted by such matter or an elected or appointed public official. However, I understand that the ultimate decision is mine and will be consistent with the mission of the Authority and my fiduciary duties as a member of the Authority's board of directors.

I will participate in training sessions, attend board and committee meetings, and engage fully in the board's and committee's decision-making process.

**III. Confidentiality**

I agree that I will not divulge confidential discussions and confidential matters that come before the board for consideration or action.

**IV. Conflict of Interest**

I agree to disclose to the board any conflicts, or the appearance of a conflict, of a personal, financial, ethical, or professional nature that could inhibit me from performing my duties in good faith and with due diligence and care.

I do not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of my duties in the public interest.

Signature:

Print Name:

Authority Name:

Date:

*Daniel P. Moriarty*  
DANIEL P. MORIARTY  
URBAN RENEWAL AGENCY  
1/28/2021

EXHIBIT C

ACKNOWLEDGEMENT OF FIDUCIARY DUTIES AND RESPONSIBILITIES  
EXECUTED STATEMENTS OF BOARD MEMBERS



*Acknowledgement of Fiduciary Duties and Responsibilities*

As a member of the Authority's board of directors, I understand that I have a fiduciary obligation to perform my duties and responsibilities to the best of my abilities, in good faith and with proper diligence and care, consistent with the enabling statute, mission, and by-laws of the Authority and the laws of New York State. The requirements set forth in this acknowledgement are based on the provisions of New York State law, including but not limited to the Public Authorities Reform Act of 2009, Public Officers Law, and General Municipal Law. As a member of the board of directors:

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I do not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of my duties in the public interest.

Signature:

  
\_\_\_\_\_  
JOHN M. MARTIN

Print Name:

\_\_\_\_\_  
WHITE PLAINS URBAN RENEWAL AGENCY

Authority Name:

Date:

\_\_\_\_\_  
1-29-2021

EXHIBIT C

ACKNOWLEDGEMENT OF FIDUCIARY DUTIES AND RESPONSIBILITIES  
EXECUTED STATEMENTS OF BOARD MEMBERS



*Acknowledgement of Fiduciary Duties and Responsibilities*

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**II. Deliberation**

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I agree that I will exercise independent judgment on all matters before the board.

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**III. Confidentiality**

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**IV. Conflict of Interest**

I agree to disclose to the board any conflicts, or the appearance of a conflict, of a personal, financial, ethical, or professional nature that could inhibit me from performing my duties in good faith and with due diligence and care.

I do not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of my duties in the public interest.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Authority Name: \_\_\_\_\_

Date: \_\_\_\_\_

  
\_\_\_\_\_  
Thomas M. Roche  
City of White Plains  
\_\_\_\_\_  
1/28/21  
\_\_\_\_\_

EXHIBIT C

ACKNOWLEDGEMENT OF FIDUCIARY DUTIES AND RESPONSIBILITIES  
EXECUTED STATEMENTS OF BOARD MEMBERS



*Acknowledgement of Fiduciary Duties and Responsibilities*

As a member of the Authority's board of directors, I understand that I have a fiduciary obligation to perform my duties and responsibilities to the best of my abilities, in good faith and with proper diligence and care, consistent with the enabling statute, mission, and by-laws of the Authority and the laws of New York State. The requirements set forth in this acknowledgement are based on the provisions of New York State law, including but not limited to the Public Authorities Reform Act of 2009, Public Officers Law, and General Municipal Law. As a member of the board of directors:

**I. Mission Statement**

I have read and understand the mission of the Authority; and the mission is designed to achieve a public purpose on behalf of the State of New York. I further understand that my fiduciary duty to this Authority is derived from and governed by its mission.

I agree that I have an obligation to become knowledgeable about the mission, purpose, functions, responsibilities, and statutory duties of the Authority and, when I believe it necessary, to make reasonable inquiry of management and others with knowledge and expertise so as to inform my decisions.

**II. Deliberation**

I understand that my obligation is to act in the best interests of the Authority and the People of the State of New York whom the Authority serves.

I agree that I will exercise independent judgment on all matters before the board.

I understand that any interested party may comment on any matter or proposed resolution that comes before the board of directors consistent with the laws governing procurement policy and practice, be it the general public, an affected party, a party potentially impacted by such matter or an elected or appointed public official. However, I understand that the ultimate decision is mine and will be consistent with the mission of the Authority and my fiduciary duties as a member of the Authority's board of directors.

I will participate in training sessions, attend board and committee meetings, and engage fully in the board's and committee's decision-making process.

**III. Confidentiality**

I agree that I will not divulge confidential discussions and confidential matters that come before the board for consideration or action.

**IV. Conflict of Interest**

I agree to disclose to the board any conflicts, or the appearance of a conflict, of a personal, financial, ethical, or professional nature that could inhibit me from performing my duties in good faith and with due diligence and care.

I do not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of my duties in the public interest.

Signature:

Walter J. Eddie

Print Name:

Walter J. Eddie

Authority Name:

W.P.U.R.D.A.

Date:

January 28, 2021

**WHITE PLAINS URBAN RENEWAL AGENCY**

**RESOLUTION 04-2021**

RESOLUTION APPROVING MODIFICATIONS TO THE EXTERIOR DESIGN FOR THE CITY CENTER PROJECT LOCATED IN PHASE I OF THE MAIN-MAMARONECK URBAN RENEWAL PROJECT, PROJECT NO. WPUR-13.

WHEREAS:

The Main-Mamaroneck Phase I Urban Renewal Plan (Project No. WPUR-13) was adopted by the White Plains Urban Renewal Agency (the Agency) on April 20, 1998 (Resolution 4-98) and modified on February 7, 2003 (Resolution 02-03) and August 8, 2006 (Resolution 14-2006);

WHEREAS:

Section B.3(a)(3) of the WPUR-13 Plan specifically provides that the Agency must approve the exterior materials of all buildings proposed, as follows:

*The site plan and exterior design of all buildings and development proposed for the Project Area, including notes and samples of color and material of all exterior portions of buildings and structures, shall be subject to the approval of the White Plains Urban Renewal Agency. Such plans and designs shall be reviewed with respect to architectural style, general design, arrangement, location, and materials affecting exterior appearance.*

WHEREAS:

By Resolutions 34-01 and 36-01, adopted September 5, 2001 and September 17, 2001 respectively, the Agency approved the Preliminary Plans for the White Plains City Center Project (“City Center Project”) and recommended that the Common Council approve the site plans for the Project.

WHEREAS:

By Resolution 37-01 adopted December 3, 2001, the Agency approved the final exterior design and materials for the two residential towers and the parking garage.

WHEREAS:

Section 201(b) of the Second Amended Land Disposition Agreement dated April 24, 2002 between the White Plains Urban Renewal Agency, the City of White Plains, and LC White Plains, LLC states: “The Redeveloper may, but shall not be obligated to, make amendments or modifications thereto, provided that such amendments or modifications comply with the requirement of the Phase I Plan [WPUR-13 Plan] and are approved by the City of White Plains.” (LDA pg. 32).

WHEREAS:

By Resolution 12-03, adopted July 18, 2003, the Agency approved the design and exterior materials for the development of up to approximately 60,000 square feet of development rights over the city center municipal garage in the city center project located in Phase I of the Main-Mamaroneck Urban Renewal Project, Project no. WPUR-13.

WHEREAS:

By Resolution 12-05, adopted August 10, 2005, the Agency approved the installation of tenant signage on the north side of the Garage Commercial Building pursuant to the July 20, 2005 Sign Plan, but denied the installation of signage on the east side of the Garage Commercial Building because such signage would detract from the open space and residential character of the South Broadway neighborhood.

WHEREAS:

By Resolution 02-2016, adopted February 24, 2016, the Agency approved changes to the exterior of the City Center including, upgrading the pedestrian plaza and courtyard, implementing a valet service along Mamaroneck Avenue, installing escalators at the Mamaroneck Avenue entrance, and, revising and updating certain exterior signage on the City Center and the skyway bridge.

WHEREAS:

On January 4, 2021, One City DE LLC, One City Place LP and AJH Management LLC, (the Applicant), proposed to install two (2) projecting signs on the building façade at the corner of Main Street and City Place to enhance identification of the building to both vehicular and pedestrian traffic.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Based on its review of the proposed design changes to the exterior building and at its meeting of January 28, 2021, the Agency finds that the proposed design changes do not constitute a substantial change to the overall character of the approved City Center Project, pursuant to Section E of the WPUR-13 Plan.
2. The Agency hereby approves the changes to the exterior of the City Center and the plaza;
3. The Agency hereby directs the Executive Director to forward a copy of this resolution to the Common Council.

Dated: January 25, 2021

Adopted: January 28, 2021

**WHITE PLAINS URBAN RENEWAL AGENCY**

70 Church Street, White Plains, New York 10601

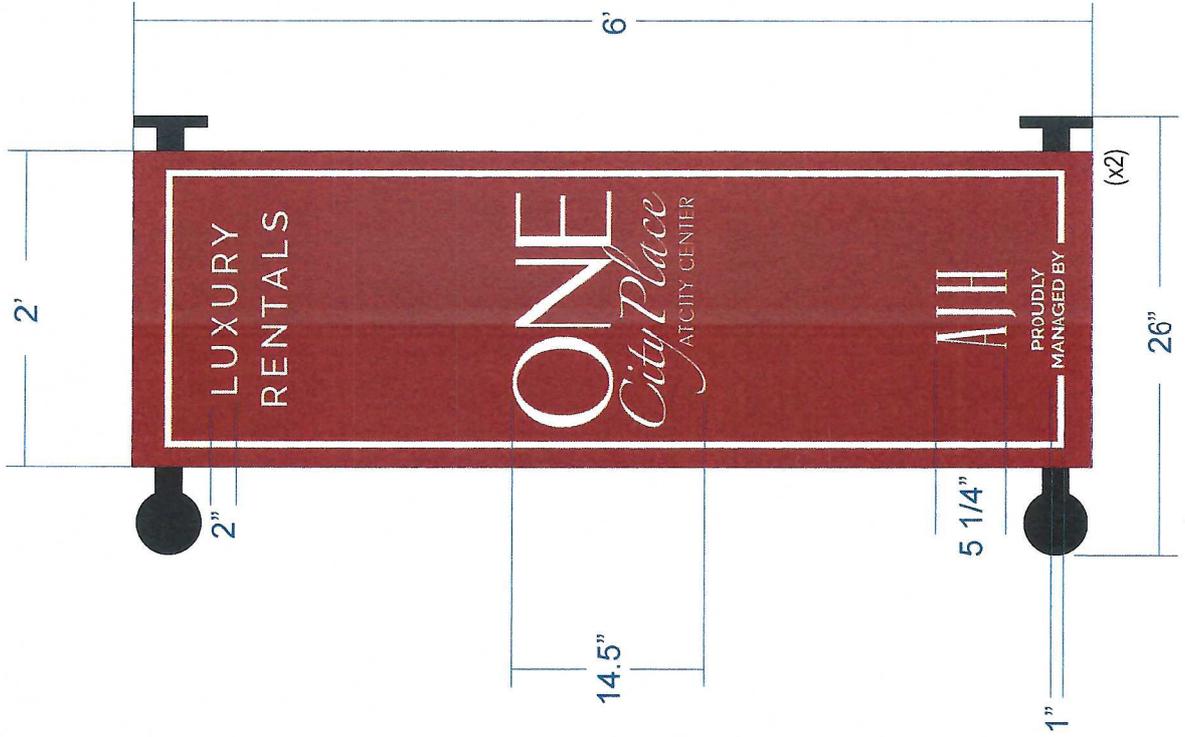
(914) 422-1300 Fax: (914) 422-1301

CERTIFIED COPY

1. I am the duly qualified and acting Assistant Secretary of the White Plains Urban Renewal Agency (the "Agency"). I am the custodian of the minutes of the meetings of the Agency and am authorized to execute this certificate.
2. Attached hereto is a correct copy of **Resolution 04-2021**, (the "Resolution"), adopted at a meeting of the Agency held on **January 28, 2021** (the "Meeting"), which Resolution is now in full force and effect.
3. The Meeting was duly convened and held in accordance with law and the by-laws of the Agency, and proper notice of the Meeting was given. A legal quorum of the Agency was present throughout the Meeting and a legally sufficient number of members of the Agency duly voted for the adoption of the Resolution.
4. The authority delegated to the Chairman and the Resolution has not been altered or revoked in any way.
5. The seal that appears below is the official seal of the Agency and was duly affixed by me at the time I executed this certificate on **January 28, 2021**.



Christopher N. Gomez  
Executive Director



**Product:**

Banners

**Client:**

One City Place at City Center

**Material:**

Sunbrella

**Color/Finish:**

Burgundy

**Graphics:**

White Graphics

**Font:**

Raleway

**Mounting:**

Steel Textured Black Powder Coated Brackets

WO#: 00000

**File:**

One City Place.CDR

**Created:** 7/1/20

**Updated:** 11/23/20

**Scale:**

I have verified the accuracy of all graphics shown with respect to sizes and content. The specifications are correct and represent our order requirements exactly. I authorize release to production according to this approved submittal.

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_ P1

# signworks

Telephone 914.592.0700  
Fax 914.592.4971

# signworks

150 Clearbrook Road, Elmsford, New York 10523



**Product:**

Banners

**Client:**

One City Place at City Center

**Material:**

Sunbrella

**Color/Finish:**

Burgundy

**Graphics:**

White Graphics

**Font:**

Raleway

**Mounting:**

Steel Textured Black Powder Coated Brackets

WO#: 00000

**File:**

One City Place.CDR

**Created:** 8 / 19 / 20

**Updated:** 11 / 23 / 20

**Scale:**

I have verified the accuracy of all graphics shown with respect to sizes and content. The specifications are correct and represent our order requirements exactly. I authorize release to production according to this approved submittal.

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_ P2

This rendering was prepared by your salesperson:

 **Bryan@TheSignworks.com**

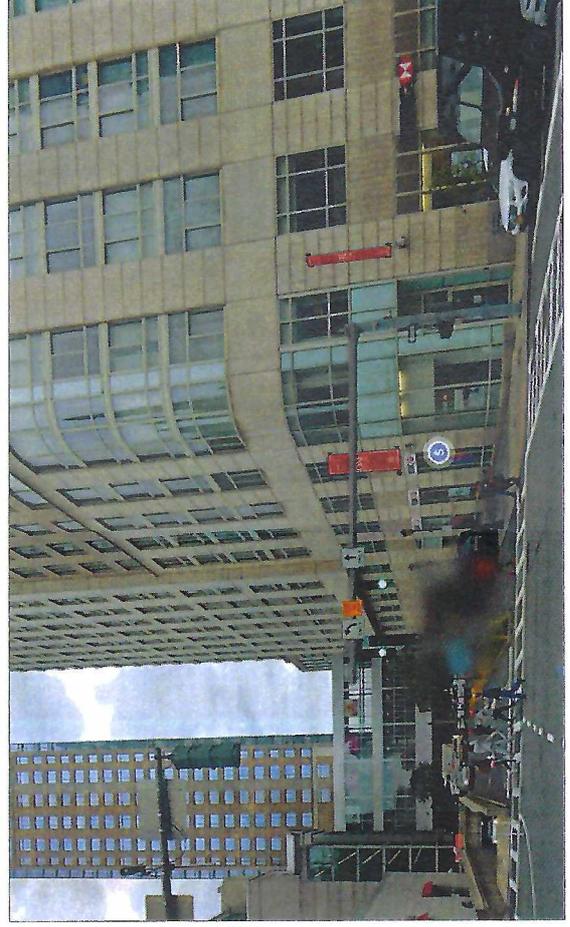
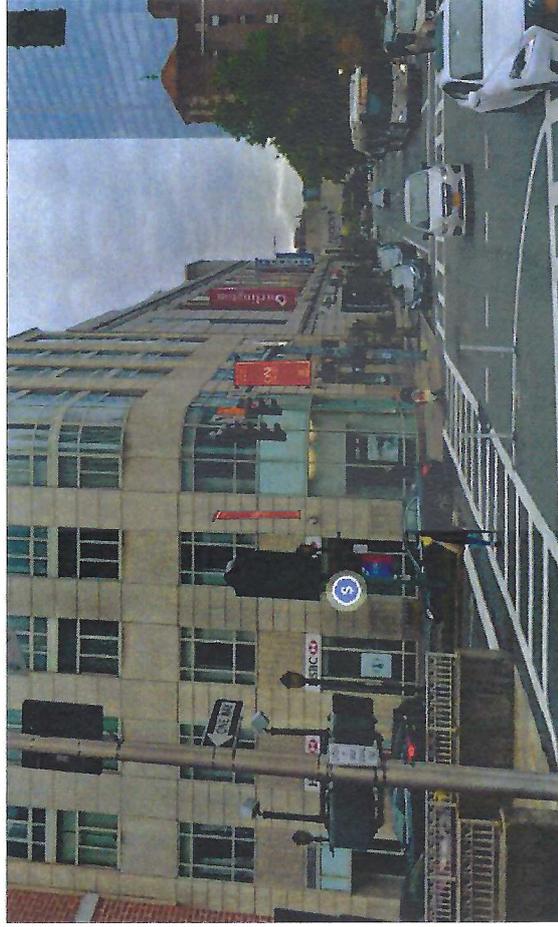
# signworks

Telephone 914.592.0700  
Fax 914.592.4971

# signworks

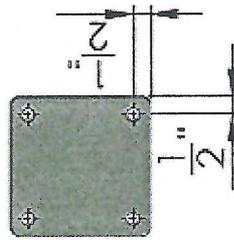
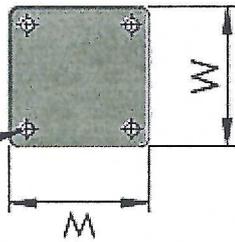
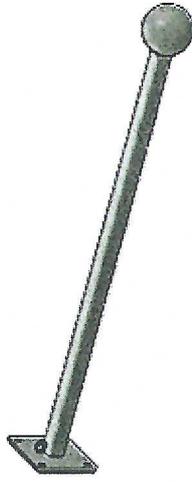
150 Clearbrook Road, Elmsford, New York 10523

<b>Product:</b> Banners
<b>Client:</b> One City Place at City Center
<b>Material:</b> Sunbrella
<b>Color/Finish:</b> Burgundy
<b>Graphics:</b> White Graphics
<b>Font:</b> Raleway
<b>Mounting:</b> Steel Textured Black Powder Coated Brackets
<b>File:</b> One City Place.CDR
<b>WO#:</b> 00000
<b>Created:</b> 11 / 24 / 20
<b>Updated:</b>
<b>Scale:</b>
I have verified the accuracy of all graphics shown with respect to sizes and content. The specifications are correct and represent our order requirements exactly. I authorize release to production according to this approved submittal.
APPROVED BY: _____ DATE: _____ P3



This rendering was prepared by your salesperson:  
**Bryan@TheSignworks.com**

	Standard Sizes	
Arm Length (L)	20", 26"	32", 38"
Mounting Plate Width (W)	4"	6"

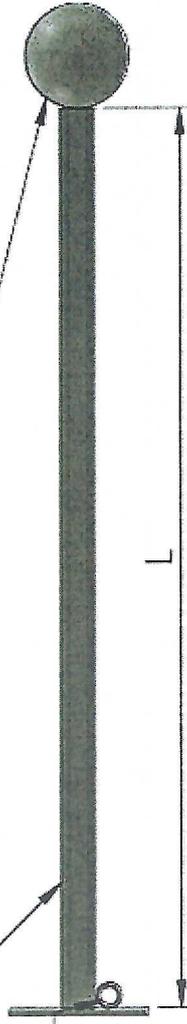


$\phi \frac{3}{8}$ " THRU TYP

$\phi 3$ " STEEL  
BALL FINIAL

1" STEEL  
SQUARE TUBE

BANNER  
TIE-DOWN RING



FRONT VIEW

SIDE VIEW

## **RESOLUTION 5-2021**

### RESOLUTION OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY AUTHORIZING THE ACQUISITION OF TITLE TO PROPERTY LOCATED AT 26-28 EAST POST ROAD, WHITE PLAINS, NEW YORK.

WHEREAS, pursuant to Section 583 of the General Municipal Law of the State of New York, the City of White Plains Urban Renewal Agency (hereinafter the “Agency”) was established for the accomplishment of any or all of the objectives or purposes specified in General Municipal Law Articles 15 and 15-a (each as may be amended from time to time and hereinafter collectively called the “Act”) which authorizes the Agency “to acquire or contract to acquire from any person, firm, corporation or government, by subsidy, contribution, gift, grant, bequest, devise, purchase, pursuant to the provisions of the eminent domain procedure law, or otherwise, real or personal property or any interest therein...” necessary or convenient to carry out and effectuate the purposes and provisions of the Act; and

WHEREAS, upon information and belief 26-28 E. Post, LLC, Inc. holds fee interest to real property located at 26-28 East Post Road which is identified on the City of White Plains’ Assessment Roll as Section 130.27, Block 2, Lot 5 (hereinafter the “Property”); and

WHEREAS, after giving due notice pursuant to EDPL § 202 (A), the Agency held a public hearing in accordance with EDPL § 201 on September 5, 2019 regarding its proposed acquisition of the Property, as well as, twelve (12) other properties in the area; and

WHEREAS, on December 5, 2019 the Agency adopted Resolution 5-2019 to make a finding pursuant to the State Environmental Quality Review Act (“SEQRA”) regarding the potential acquisition of the Property and other properties; and

WHEREAS, on December 5, 2019 the Agency adopted Resolution 6-2019 making a Determination and Findings regarding the potential acquisition of the Property, as well as others, to facilitate and promote the productive use of the Property, which is currently underutilized, and/or nearby lands through municipal and/or economic development projects (and/or such other projects as may be authorized under the Title I of Article 18-A of the General Municipal Law as amended), and Chapter 632 of the Laws of 1980 of the State of New York, as amended; and

WHEREAS, the Agency presently seeks to take title to three (3) of the thirteen (13) properties previously considered as part of a larger project, and reserves the right to later seek title to such other properties by eminent domain or otherwise; and

WHEREAS, the owners of the Property have agreed to sell the Property to the Agency for a price of One Million Five Hundred Thousand Dollars (\$1,500,000);

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY AS FOLLOWS: that the Agency is authorized to acquire the Property located at 26-28 East Post Road for a sale price of One

Million Five Hundred Thousand Dollars (\$1,500,000) and the Agency authorizes its Chair to execute a Sale and Purchase Agreement, in a form subject to the approval of the Agency's Counsel and upon the condition that all additional necessary approvals required by law, if any, are obtained.

RESOLVED, that the Agency finds that the acquisition of this Property was included within the findings made in Resolution 5-2019 pursuant to SEQRA regarding the potential acquisition of the Property and other properties.

This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Hon. Thomas M. Roach, Chair	[ X ]	[ ]	[ ]	[ ]
Walter Eddie	[ X ]	[ ]	[ ]	[ ]
John M. Martin	[ X ]	[ ]	[ ]	[ ]
Daniel Moriarty	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**CERTIFICATION**  
*(EDPL Article IV Authorization)*

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

The undersigned, being the acting Assistant Secretary and Executive Director of the City of White Plains Urban Renewal Agency, DOES HEREBY CERTIFY THAT:

I have compared the foregoing extract of the minutes of the meeting of the City of White Plains Urban Renewal Agency (the "Agency") including the resolution contained therein, held on March 18, 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 Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject in 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, pursuant to Article 7 of the Public Officers Law (Open Meetings Law). This meeting was closed to in-person attendance due to the COVID-19 public health emergency. It took place as a Zoom Video Meeting, and was aired on the White Plains Cable Access Channels (Channel 75 on Altice and Channel 47 on FIOS) and streamed on the City's website, 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, if any, of said Agency this 18th day of March, 2021.



---

Christopher N. Gomez, AICP  
Executive Director & Acting Assistant Secretary

## **RESOLUTION 6-2021**

### RESOLUTION OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY AUTHORIZING THE ACQUISITION OF TITLE TO PROPERTY LOCATED AT 60 EAST POST ROAD, WHITE PLAINS, NEW YORK.

WHEREAS, pursuant to Section 583 of the General Municipal Law of the State of New York, the City of White Plains Urban Renewal Agency (hereinafter the “Agency”) was established for the accomplishment of any or all of the objectives or purposes specified in General Municipal Law Articles 15 and 15-a (each as may be amended from time to time and hereinafter collectively called the “Act”) which authorizes the Agency “to acquire or contract to acquire from any person, firm, corporation or government, by subsidy, contribution, gift, grant, bequest, devise, purchase, pursuant to the provisions of the eminent domain procedure law, or otherwise, real or personal property or any interest therein...” necessary or convenient to carry out and effectuate the purposes and provisions of the Act; and

WHEREAS, upon information and belief Bridgestone Retail Operations LLC holds fee interest to real property located at 60 East Post Road which is identified on the City of White Plains’ Assessment Roll as Section 130.27, Block 2, Lot 2 (hereinafter the “Property”); and

WHEREAS, after giving due notice pursuant to EDPL § 202 (A), the Agency held a public hearing in accordance with EDPL § 201 on September 5, 2019 regarding its proposed acquisition of the Property, as well as, twelve (12) other properties in the area; and

WHEREAS, on December 5, 2019 the Agency adopted Resolution 5-2019 to make a finding pursuant to the State Environmental Quality Review Act (“SEQRA”) regarding the potential acquisition of the Property and other properties; and

WHEREAS, on December 5, 2019 the Agency adopted Resolution 6-2019 making a Determination and Findings regarding the potential acquisition of the Property, as well as others, to facilitate and promote the productive use of the Property, which is currently underutilized, and/or nearby lands through municipal and/or economic development projects (and/or such other projects as may be authorized under the Title I of Article 18-A of the General Municipal Law as amended), and Chapter 632 of the Laws of 1980 of the State of New York, as amended; and

WHEREAS, the Agency presently seeks to take title to three (3) of the thirteen (13) properties previously considered as part of a larger project, and reserves the right to later seek title to such other properties by eminent domain or otherwise; and

WHEREAS, the owners of the Property have agreed to sell the Property to the Agency for a price of Two Million Nine Hundred Thousand Dollars (\$2,900,000);

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY AS FOLLOWS: that the Agency is authorized to acquire the Property located at 60 East Post Road for a sale price of Two Million Nine Hundred Thousand Dollars (\$2,900,000) and the Agency authorizes its Chair to execute a

Sale and Purchase Agreement, in a form subject to the approval of the Agency's Counsel and upon the condition that all additional necessary approvals required by law, if any, are obtained.

RESOLVED, that the Agency finds that the acquisition of this Property was included within the findings made in Resolution 5-2019 pursuant to SEQRA regarding the potential acquisition of the Property and other properties.

This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Hon. Thomas M. Roach, Chair	[ X ]	[ ]	[ ]	[ ]
Walter Eddie	[ X ]	[ ]	[ ]	[ ]
John M. Martin	[ X ]	[ ]	[ ]	[ ]
Daniel Moriarty	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**CERTIFICATION**  
*(EDPL Article IV Authorization)*

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

The undersigned, being the acting Assistant Secretary and Executive Director of the City of White Plains Urban Renewal Agency, DOES HEREBY CERTIFY THAT:

I have compared the foregoing extract of the minutes of the meeting of the City of White Plains Urban Renewal Agency (the "Agency") including the resolution contained therein, held on March 18, 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 Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject in 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, pursuant to Article 7 of the Public Officers Law (Open Meetings Law). This meeting was closed to in-person attendance due to the COVID-19 public health emergency. It took place as a Zoom Video Meeting, and was aired on the White Plains Cable Access Channels (Channel 75 on Altice and Channel 47 on FIOS) and streamed on the City's website, 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, if any, of said Agency this 18 day of March, 2021.



---

Christopher N. Gomez, AICP  
Executive Director & Acting Assistant Secretary

## **RESOLUTION 7-2021**

RESOLUTION OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY AUTHORIZING COUNSEL TO ENTER INTO A SETTLEMENT AGREEMENT WITH THE OWNERS OF 42 EAST POST ROAD AND TO COMMENCE PROCEEDINGS UNDER EDPL ARTICLE IV SEEKING TO VEST TITLE IN PROPERTY LOCATED AT 42 EAST POST ROAD, WHITE PLAINS, NEW YORK.

WHEREAS, pursuant to Section 583 of the General Municipal Law of the State of New York, the City of White Plains Urban Renewal Agency (hereinafter the “Agency”) was established for the accomplishment of any or all of the objectives or purposes specified in General Municipal Law Articles 15 and 15-a (each as may be amended from time to time and hereinafter collectively called the “Act”) which authorizes the Agency “to acquire or contract to acquire from any person, firm, corporation or government, by subsidy, contribution, gift, grant, bequest, devise, purchase, pursuant to the provisions of the eminent domain procedure law, or otherwise, real or personal property or any interest therein...” necessary or convenient to carry out and effectuate the purposes and provisions of the Act; and

WHEREAS, upon information and belief I.R. 42-44 E. Post Rd., LLC holds fee interest to real property located at 42 East Post Road which is identified on the City of White Plains’ Assessment Roll as Section 130.27, Block 2, Lot 3 (hereinafter the “Property”); and

WHEREAS, after giving due notice pursuant to EDPL § 202 (A), the Agency held a public hearing in accordance with EDPL § 201 on September 5, 2019 regarding its proposed acquisition of the Property, as well as, twelve (12) other properties in the area; and

WHEREAS, on December 5, 2019 the Agency adopted Resolution 5-2019 to make a finding pursuant to the State Environmental Quality Review Act (“SEQRA”) regarding the potential acquisition of the Property and other properties; and

WHEREAS, on December 5, 2019 the Agency adopted Resolution 6-2019 making a Determination and Findings regarding the potential acquisition of the Property, as well as others to facilitate and promote the productive use of the Property, which is currently underutilized, and/or nearby lands through municipal and/or economic development projects (and/or such other projects as may be authorized under the Title I of Article 18-A of the General Municipal Law as amended), and Chapter 632 of the Laws of 1980 of the State of New York, as amended; and

WHEREAS, on or about January 2, 2020, the Owners of the Property filed a verified petition with the Supreme Court of the State of New York, Appellate Division, Second Judicial Department, under EDPL § 207 for the annulment and rejection of the Determination and Findings of the Agency which is currently pending; and

WHEREAS, the Owners of the Property have agreed to settle and withdraw their proceeding in the Supreme Court of the State of New York, Appellate Division, Second Judicial Department upon the conditions that the Agency commences an action under EDPL Article 4 in

New York State Supreme Court, Westchester County authorizing the filing of an acquisition map by the Agency to acquire title to the Property by Eminent Domain as soon as practicable and upon vesting of title to the Property with the Agency, the parties would enter into an EDPL Article 5 Settlement Agreement to settle any claims the Owners of the Property would have under EDPL Article 5 related to compensation for the condemnation of the Property in the amount of Five Million Two Hundred Thousand Dollars (\$5,200,000.00);

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY AS FOLLOWS: that the Agency authorizes its legal counsel, upon the condition that all additional necessary approvals required by law, if any, are obtained, to execute a Settlement Agreement with the Owners of the Property, in a form subject to the approval of the Agency's Counsel, that would provide for the withdrawal of the proceeding in Supreme Court of the State of New York, Appellate Division, Second Judicial Department; that the Agency commences an action under EDPL Article 4 in New York State Supreme Court, Westchester County authorizing the filing of an acquisition map by the Agency to acquire title to the Property by Eminent Domain as soon as practicable and upon vesting of title to the Property with the Agency, the parties would enter into an EDPL Article 5 Settlement Agreement to settle any claims the Owners would have under EDPL Article 5 related to compensation for the condemnation of the Property in the amount of Five Million Two Hundred Thousand Dollars (\$5,200,000.00) as well as authorizing the Agency's legal counsel, upon obtaining a fully executed settlement agreement as outlined above, to perform all the actions required by the approved, executed settlement agreement and that the Agency finds that the acquisition of this Property was included within the findings made in Resolution 5-2019 pursuant to SEQRA regarding the potential acquisition of the Property and other properties.

This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Hon. Thomas M. Roach, Chair	[ X ]	[ ]	[ ]	[ ]
Walter Eddie	[ X ]	[ ]	[ ]	[ ]
John M. Martin	[ X ]	[ ]	[ ]	[ ]
Daniel Moriarty	[ X ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.

**CERTIFICATION**  
*(EDPL Article IV Authorization)*

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

The undersigned, being the acting Assistant Secretary and Executive Director of the City of White Plains Urban Renewal Agency, DOES HEREBY CERTIFY THAT:

I have compared the foregoing extract of the minutes of the meeting of the City of White Plains Urban Renewal Agency (the "Agency") including the resolution contained therein, held on March 18, 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 Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject in 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, pursuant to Article 7 of the Public Officers Law (Open Meetings Law). This meeting was closed to in-person attendance due to the COVID-19 public health emergency. It took place as a Zoom Video Meeting, and was aired on the White Plains Cable Access Channels (Channel 75 on Altice and Channel 47 on FIOS) and streamed on the City's website, 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, if any, of said Agency this 18 day of March, 2021.



---

Christopher N. Gomez, AICP  
Executive Director & Acting Assistant Secretary

## NOTE RESOLUTION

A RESOLUTION OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY (THE "AGENCY") PROVIDING FOR THE SALE AND ISSUANCE OF ITS BOND ANTICIPATION NOTES (EAST POST ROAD URBAN RENEWAL PROJECT), SERIES 2021 (THE "SERIES 2021 NOTES"), IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,800,000, PURSUANT TO AND IN CONFORMITY WITH THE CONSTITUTION AND STATUTES OF THE STATE OF NEW YORK, DELGATING AUTHORITY TO NEGOTIATE AND EXECUTE ALL DOCUMENTS; AND RELATED MATTERS

### Resolution No. 8 of 2021

WHEREAS pursuant to Section 583 of the General Municipal Law of the State of New York, the CITY OF WHITE PLAINS URBAN RENEWAL AGENCY (the "Agency") was established for the accomplishment of any or all of the objectives or purposes specified in General Municipal Law Article 15 and 15-a (each as may be amended from time and hereinafter collectively called, the ("Act"));

WHEREAS, the Act authorizes and empowers the Agency to issue bonds and notes to provide sufficient funds to carry out its purposes;

WHEREAS, the Agency finds it desirable to issue the Series 2021 Notes to finance the costs of certain urban renewal projects described in the Urban Renewal Plan (the "Plan") for the East Post Road Urban Renewal Area, including the acquisition of various parcels of land located along East Post Road, as further described in the Plan and in various resolutions adopted by the Agency approving said acquisition March 18, 2021 (the "Project");

WHEREAS, the Project has a probable usefulness of fifty years pursuant to subdivision 41-a of Section 11 of the Local Finance Law and Section 559 of Article 15-A of the Act;

WHEREAS the Agency has not previously issued any indebtedness with respect to the Project;

NOW THEREFORE, THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY RESOLVES AS FOLLOWS:

Section 1. Authorization of Series 2021 Notes. The Agency hereby authorizes the issuance of its Series 2021 Notes in a principal amount not to exceed \$9,800,000 to finance the Project and pay the costs of issuance, including legal, financial, and other expenses of the Agency in connection with the Project and incidental to the issuance of the Series 2021 Notes.

Section 2. Sale of Series 2021 Notes. The Series 2021 Notes may be sold at either public or private sale as determined by the Chairman (sometimes referred to herein as the "Chief Fiscal Officer") of the Agency. The Agency also hereby authorizes the execution and delivery of one or

more bond purchase agreements with an underwriter or underwriters of the Agency's choosing, specifying the terms under which the Series 2021 Notes are to be issued.

Section 3. Security for the Series 2021 Notes. The Series 2021 Notes shall be general obligations of the Agency payable out of any revenues or moneys of the Agency, subject to any agreements with the holders of the Series 2021 Notes pledging any particular receipts or revenues and shall be guaranteed by the City of White Plains (the "Guaranty") in accordance with Subdivision 3 of Section 503-a of the Act. The Series 2021 Notes shall not constitute a debt or obligation of the City (except to the extent of the Guarantee).

Section 4. Delegation. (a) The Chairman of the Agency may, on behalf of the Agency and without further action by the Agency:

- (i) establish the dated date, final principal amount, maturity, interest rate, sale price, redemption terms, and other terms of the Series 2021 Notes;
- (ii) negotiate and enter into an agreement to sell the Series 2021 Notes to one or more underwriters or purchasers;
- (iii) execute and deliver the Series 2021 Notes;
- (iv) enter into covenants regarding the use of proceeds of the Series 2021 Notes and the Project;
- (v) pledge or covenant to pledge all or any part of the rents, fees, revenues, subsidies, grants or contributions of the Agency to payment of the Series 2021 Notes;
- (vi) designate any portion of the Series 2021 Notes as "qualified tax-exempt obligations" pursuant to Section 265 of the Code, if applicable; and, execute any documents and take any other action in connection with the Series 2021 Notes which the Chief Fiscal Officer finds will be advantageous to carry out this resolution;
- (vii) covenant in a tax compliance certificate of the Agency to maintain the excludability of interest on the Series 2021 Notes from gross income under the Code, if applicable (the "Tax Compliance Certificate");
- (viii) execute and deliver the Tax Compliance Certificate, a certificate specifying the actions taken pursuant to this section 4, and any other certificates, documents, or agreements that the Chief Fiscal Officer of the Agency determines are desirable to issue, sell and deliver the Series 2021 Notes in accordance with this Resolution, (hereinafter referred to as the "Financing Documents").

(b) The Chairman, Vice Chairman, and Secretary of the Agency, each of them without the other, are hereby authorized, on behalf of the Agency, to negotiate, approve, execute (by manual or facsimile signature), and deliver the Financing Documents and all other agreements, documents, certificates, and instruments with respect to the issuance of the Series 2021 Notes, and the Secretary of the Agency is hereby authorized to impress the seal (or a facsimile thereof) of the Agency to them and to attest to all of them, with such terms, covenants, and provisions as the Chairman, Vice Chairman, or Secretary shall approve. The execution of the Financing Documents by the Chairman, Vice Chairman or Secretary shall constitute conclusive evidence of that approval.

(c) The Financing Documents are approved with changes which are not inconsistent with this Resolution, which are not substantially adverse to the Agency, which are permitted by the Act, and which are approved by the officer or officers executing the respective Financing Documents. The approval of those changes by the officer or officers and the character of those changes, as not being substantially adverse to the Agency, shall be evidenced conclusively by the execution of the respective Financing Documents by the officer or officers.

(d) The officers, directors, members, employees, and agents of the Agency are hereby authorized and directed for, and in the name and on behalf of, the Agency to do all acts and things required or provided for by any of the provisions of the Financing Documents, and to execute and deliver all additional agreements, certificates, instruments, and documents with respect to the issuance of the Series 2021 Notes, and to pay all fees, charges, and expenses and to do all other acts as may be necessary, or in the opinion of the officer, director, member, employee, or agent, desirable or proper to effectuate the purposes of this Resolution and to cause compliance by the Agency with all of the terms, covenants, and provisions of the Financing Documents binding upon the Agency. None of the officers, members, directors, employees, representatives, or agents of the Agency, however, shall have any personal liability under the Series 2021 Notes or the Financing Documents.

Section 5. Reimbursement. The Agency hereby declares its official intent pursuant to Section 1.150-2 of the Income Tax Regulations to reimburse itself from the proceeds of the Series 2021 Notes for any expenditures that it makes on the Project prior to issuing the Series 2021 Notes.

Section 6. SEQRA Compliance. By resolution adopted on December 5, 2019, the Agency has made certain findings pursuant to the State Environmental Quality Review Act (“SEQRA”) and has determined that the Project will have no adverse environmental impact and will have no adverse impact on climate change, and the Agency authorized a negative declaration with respect to the Project.

Section 7. Effective Date of Resolution. This resolution shall take effect immediately upon its adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Hon. Thomas M. Roach, Chair	[ X ]	[ ]	[ ]	[ ]
Walter Eddie	[ X ]	[ ]	[ ]	[ ]
John M. Martin	[ X ]	[ ]	[ ]	[ ]
Daniel Moriarty	[ X ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**CERTIFICATION**  
*(EDPL Article IV Authorization)*

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

The undersigned, being the acting Assistant Secretary and Executive Director of the City of White Plains Urban Renewal Agency, DOES HEREBY CERTIFY THAT:

I have compared the foregoing extract of the minutes of the meeting of the City of White Plains Urban Renewal Agency (the "Agency") including the resolution contained therein, held on March \_\_, 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 Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject in 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, pursuant to Article 7 of the Public Officers Law (Open Meetings Law). This meeting was closed to in-person attendance due to the COVID-19 public health emergency. It took place as a Zoom Video Meeting, and was aired on the White Plains Cable Access Channels (Channel 75 on Altice and Channel 47 on FIOS) and streamed on the City's website, 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, if any, of said Agency this 18 day of March, 2021.



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Christopher N. Gomez, AICP  
Executive Director & Acting Assistant Secretary

WHITE PLAINS URBAN RENEWAL AGENCY

RESOLUTION 09-2021

RESOLUTION ESTABLISHING THE COMMUNITY DEVELOPMENT TITLE AND SALARY SCHEDULE FOR FISCAL YEAR JULY 1, 2021 to JUNE 30, 2022

WHEREAS:

- A. General Municipal Law (“GML”) Article 15 provides in the definition of urban renewal at Section 501.3, “a program established, conducted and planned by a municipality for the redevelopment, through clearance, re-planning, reconstruction, rehabilitation, and concentrated code enforcement, or a combination of these and other methods, of substandard and insanitary areas of such municipalities, and for recreation and other facilities incidental or appurtenant thereto . . .The terms ‘clearance, re-planning, reconstruction and rehabilitation’ shall include renewal, redevelopment, conservation, restoration or improvement or any combination thereof as well as relocation activities and the testing and reporting of methods and techniques for the arrest, prevention and elimination of slums and blight; the term ‘program’ may mean or include and be interchangeable with the term ‘project’”.
- B. Among its powers under GML Article 15-A, an urban renewal agency has the authority, pursuant to Section 554(7) “to appoint officers, agents and employees, prescribe their duties, fix their compensation and delegate to one or more of such officers, agents or employees such powers or duties as it may deem proper”.
- C. Among its powers under GML Article 15-A, an urban renewal agency has the further authority, pursuant to GML Section 554(8) “with the consent of the municipality to use agents, employees and facilities of the municipality, paying to the municipality its agreed proportion of the compensation or costs”.
- D. Further among its powers under GML Article 15-A, pursuant to GML Section 554(1) an urban renewal agency has the power “to cooperate with the federal government and apply for and accept advances, loans, grants, subsidies, contributions and any other form of financial assistance from the federal government, or from the state, county, municipality or other public body or from sources public or private, for the purposes of this article and article fifteen of this chapter”.
- E. Further among the purposes of an urban renewal agency under GML Article 15 and 15-A, pursuant to GML Section 554(16) is the power “to prepare or cause to be prepared a general neighborhood renewal plan for an area consisting of an urban renewal area or areas, together with any adjoining areas having specially related problems”.
- F. Pursuant to GML Section 554(7) and (11), and in cooperation with the City of White Plains (“City”) and the Federal Government, particularly the U.S. Department of Housing and Urban Development (“HUD”), the White Plains Urban Renewal Agency (“Agency”) with Community Development Block Grant Program grant funds directed to the Agency by the City, employs certain persons whose positions are directly involved in:

1. The preparation of general neighborhood renewal plans, pursuant to GML Section 554(16).
  2. The preparation of specific urban renewal plans, pursuant to GML Section 502.7.
  3. Implementing a program of rehabilitation and concentrated code enforcement in areas determined to be substandard and insanitary areas of the City, pursuant to GML Section 502.3.
  4. The review and implementation of certain public facility plans in substandard and insanitary areas, including the oversight of park improvements and historic buildings, pursuant to GML Section 502.3.
  5. Testing and reporting to the Agency and the City on methods and techniques for the arrest, prevention and elimination of slums and blight, pursuant to GML Section 502.3.
- G. Historically the Agency has, to the extent feasible and subject to funding availability, maintained parity of its Community Development funded employees with the City's Civil Service Employee's Association ("CSEA")-represented employees.
- H. Based on work undertaken by the Agency's Community Development funded employees, it is anticipated that, during its 2019-20 fiscal year the Agency staff will (1) continue to provide rehabilitation and housing assistance to low and moderate income families, (2) administer grants to public service agencies which provide services to low and moderate income families and the homeless, and (3) implement all other activities to achieve the goals and outcomes of the 2020-2024 Consolidated Plan, as specified in the document. It is anticipated that the 2021-22 Annual Action Plan will contain these activities as well.
- I. To undertake this workload for 2021-2022 within the funding availability of the Community Development Block Grant Program and the Federal program regulations therefor, the Executive Director has presented to the Agency a new Position Title and Salary Schedule for fiscal year 2021-22 for Agency employees to be effective July 1, 2021 (Exhibit A).
- J. The Agency has reviewed the proposed 2021-22 Community Development Program Position Title and Salary Schedule and have reviewed the Community Development Program funding and regulations with regard to the funding allocations.

NOW, THEREFORE, BE IT RESOLVED:

1. The Agency hereby finds that:
  - a. The continued employment of Agency employees funded by the Community Development Program to assist the Agency in the carrying out of its program of urban renewal pursuant to GML Articles 15 and 15-A at the highest level for the residents of White Plains is necessary and in the public interest;
  - b. Federal funding through the Community Development Program for Agency employees for fiscal year 2021-22 is expected to be available from HUD at the current level of appropriation, subject to HUD regulations and continued approval of the Community Development Block Grant Program Budget by the Common Council
2. The Agency hereby approves the 2021-22 Community Development Program Position Title and Salary Schedule in its entirety, effective July 1, 2021 as attached hereto as Exhibit A and made a part hereof.
3. The Agency hereby determines that all personnel costs shall be allocated and charged to the Community Development according to the percentage of salary allocation shown in Exhibits A hereof.
4. This Resolution shall take effect July 1, 2021.

Dated: March 15, 2021

Adopted: March 18, 2021

**Exhibit A**  
**WHITE PLAINS URBAN RENEWAL AGENCY**  
**Community Development Program**  
**POSITION TITLE AND SALARY SCHEDULE**  
**Effective July 1, 2021**

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<b>FULL TIME POSITIONS</b>			
<b>Position Title</b>	<b>Funding Source</b>	<b>Grade/Step</b>	<b>Annual Salary</b>
Rehabilitation Officer	CD 005 - 100%	12/6	\$76,034
Community Development Assistant	CD 090 – 30% CD 005 - 70%	10/4	\$19,260 \$44,940
Code Enforcement Officer	CD 314 – 100%	10/21 Longevity	\$81,735 \$1,100
<b>PART TIME POSITIONS</b>			
<b>Position Title</b>	<b>Funding Source</b>	<b>Grade/Step</b>	<b>Annual Salary</b>
PT Rehabilitation Program Representative	CD 005	Hourly	\$30/hour, up to an annual maximum of \$10,000
PT Code Enforcement Officer	CE 314	Hourly	Up to \$37.50/hour, up to an annual maximum of \$19,500
PT CD Analyst	CD 090	Hourly	Up to \$30/hour up to an annual maximum of \$24,000
PT Clerk	CD 005	Hourly	Up to \$20/hour, up to an annual maximum of \$24,000

**WHITE PLAINS URBAN RENEWAL AGENCY**

70 Church Street, White Plains, New York 10601

(914) 422-1300 Fax: (914) 422-1301

CERTIFIED COPY

1. I am the duly qualified and acting Assistant Secretary of the White Plains Urban Renewal Agency (the "Agency"). I am the custodian of the minutes of the meetings of the Agency and am authorized to execute this certificate.
2. Attached hereto is a correct copy of **Resolution 09-2021**, (the "Resolution"), adopted at a meeting of the Agency held on **March 18, 2021** (the "Meeting"), which Resolution is now in full force and effect.
3. The Meeting was duly convened and held in accordance with law and the by-laws of the Agency, and proper notice of the Meeting was given. A legal quorum of the Agency was present throughout the Meeting and a legally sufficient number of members of the Agency duly voted for the adoption of the Resolution.
4. The authority delegated to the Chairman and the Resolution has not been altered or revoked in any way.
5. The seal that appears below is the official seal of the Agency and was duly affixed by me at the time I executed this certificate on **March 18, 2021**.



Christopher N. Gomez  
Executive Director

## **APPENDIX B**

Subject to the provisions of article fifteen of this chapter, an agency is authorized to plan and undertake one or more urban renewal projects and shall have the powers necessary or convenient to carry out and effectuate such project or projects and the purposes and provisions of this article and article fifteen of this chapter, including but not limited to the following powers: (1) to sue and be sued; (2) to have a seal and alter the same at pleasure; (3) to have perpetual succession; (4) to make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions; (5) to make and alter by-laws for its organization and internal management; (6) to acquire or contract to acquire from any person, firm, corporation or government, by subsidy, contribution, gift, grant, bequest, devise, purchase, pursuant to the provisions of the eminent domain procedure law, or otherwise, real or personal property or any interest therein, including but not limited to air rights, and easements or other rights of user, necessary for the use and development of such air rights, to be developed as air rights sites for the elimination of the blighting influences over an area or areas consisting principally of land in streets, alleys, highways, and other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences, provided, however, that the acquisition of any air rights over railroad tracks, rights-of-way or facilities and easements or other rights of user necessary for the use and development of such air rights are to be subject to the provisions of section fifty-one-a of the railroad law; (7) to appoint officers, agents and employees, prescribe their duties, fix their compensation and delegate to one or more of such officers, agents or employees such powers or duties as it may deem proper; (8) with the consent of the municipality to use agents, employees, and facilities of the municipality, paying to the municipality its agreed proportion of the compensation or costs; (9) to insure or provide for the insurance of its property or operations as required by law and also against such other risks as it may deem advisable; (10) to invest any moneys held in reserve or sinking funds or any moneys not required for immediate use or disbursement at the discretion of the agency in obligations of the state or the United States government or obligations of which the principal and interest are guaranteed by the state or the United States government; (11) to cooperate with the federal government and apply for and accept advances, loans, grants, subsidies, contributions and any other form of financial assistance from the federal government, or from the state, county, municipality or other public body or from any sources public or private, for the purposes of this article and article fifteen of this chapter; and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; provided, however, that any application for a loan, subsidy or grant to the federal government or the state shall be subject to the prior approval of the governing body; and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project, or with respect to any other program authorized under the federal housing act of nineteen hundred forty-nine, and all other federal laws amendatory and supplemental thereto, such conditions imposed pursuant to federal laws as the agency may deem reasonable and appropriate and which are not inconsistent with the purposes of this article or article fifteen of this chapter. Such conditions may include but shall not be limited to (a) provisions requiring payments of not less than certain minimum salaries and wages to architects, engineers, technicians, laborers, mechanics and other personnel; (b) provisions prohibiting rebates and kickbacks; and (c) provisions requiring contractors and subcontractors to furnish reports and other data to the secretary of labor; (d) provisions requiring payment of actual reasonable moving and related expenses as well as supplemental and additional payments, to individuals, families, business concerns or non-profit organizations due to displacement, so that disproportionate injuries are not suffered as a result of such program, as may be required by and pursuant to a federal financial assistance contract. (12) to apply for and accept the local grants-in-aid required under such federal laws, in the form of appropriations, cash, municipal services and facilities, or any other form; (13) to borrow money and issue bonds or other obligations; (14) to provide for demolition and clearance of property, improvement of property, or development and use of air rights and concomitant easements or other rights of user necessary for the use and development of such air rights and air rights sites, including the remedying

of unsuitable topographical, subsoil or other physical conditions which impede development within the urban renewal area, and construction of foundations and platforms as well as other necessary sitework, by the agency or by the municipality or by the persons, firm or corporation to whom such property, air rights and easements or air rights site, is sold or leased, provided, however, that any such work upon or affecting railroad property, right-of-way or facilities shall be subject to the approval of and joint supervision by the railroad company or companies affected. No work upon or affecting railroad property, right-of-way or facilities shall be progressed without the approval of the railroad company or companies, and in connection with all such projects upon or affecting railroad property, right-of-way or facilities appropriate standards for safety of operations, ventilation and lighting shall be subject to the approval of the railroad company or companies affected; (15) to develop, test and report methods and techniques and carry out demonstration and other activities in relation to or in connection with one or more programs of urban renewal or other programs relating to the arrest and prevention of conditions of deterioration or blight. In carrying out such demonstration and other activities an agency may itself reconstruct, repair, rehabilitate or otherwise improve such real property or may sell, lease or otherwise dispose of real property, for the effectuation of such activities or purposes by the purchaser or lessee thereof, pursuant to the provisions of section five hundred fifty-six of this article; (16) to prepare or cause to be prepared a general neighborhood renewal plan for an area consisting of an urban renewal area or areas, together with any adjoining areas having specially related problems, and which is of such size that urban renewal activities may have to be initiated in stages; (17) to prepare or cause to be prepared a community-wide plan or program for urban renewal which shall conform to the comprehensive community plan for the development of the municipality as a whole; (18) to conduct examinations and investigations, hear testimony and take proof, under oath at public or private hearings on any material matters. (19) to convey, assign, grant or otherwise transfer all of its right, title and interest in any urban renewal program, or part thereof, or any right, title or interest in or to any real or personal property, contract, claim or other interest acquired or held by it in connection with such program, or part thereof, with or without consideration, to the municipality, subject to the prior approval of the governing body, upon such terms and conditions as may be reasonable and appropriate to effectuate such transfer not inconsistent with the purposes of this article or article fifteen of this chapter or any contract for financial assistance from the federal government, or from the state or other public body, for any of the purposes of such articles or either of them.

## **APPENDIX C**

BY-LAWS  
of the  
WHITE PLAINS URBAN RENEWAL AGENCY

ARTICLE I  
THE AGENCY

Section 1 - Name of Agency: The name of the agency is the "White Plains Urban Renewal Agency."

Section 2 - Members: The agency consists of five members, pursuant to Chapter 573 of the Laws of 1963 of the State of New York.

Section 3 - Seal of the Agency: The seal of the agency shall be in the form of a circle and shall bear the inscription "White Plains Urban Renewal Agency, White Plains, New York, and the year of its incorporation, to wit, 1963."

Section 4 - Office of the Agency: The office of the agency shall be at 255 Main Street, White Plains, New York, or at such other place or places as the agency may, from time to time, designate.

ARTICLE II  
OFFICERS AND EMPLOYEES

Section 1 - Officers: The officers of the agency shall be a chairman, vice chairman and secretary, who shall be elected at the annual meeting of the agency from among the members of the agency and shall hold office for one (1) year thereafter or until their successors are elected and qualified; and a Treasurer, as described in Section 6 hereof; and a Records Management Officer, as described in Section 8, who shall be appointed by the agency and serve at the pleasure of the agency.

Section 2 - Chairman: The Chairman shall preside at all meetings of the agency, appoint committees and perform such other duties

as may be required by law or as may be ordered by the agency, the Chairman shall sign all bonds, contracts, deeds, leases or other instruments made by the agency.

Section 3 - Vice Chairman: The Vice Chairman shall act in the capacity of the Chairman in his absence and shall perform all the duties of the Chairman, including the signing of documents as provided above in the absence or incapacity of the Chairman and during a vacancy in the office of Chairman.

Section 4 - Secretary and Assistant Secretary: The Secretary shall keep the records of the agency and shall record the names of the individuals in attendance and record all votes and shall keep a record of the proceedings of the agency in a minute book to be kept for such purpose. He shall keep in safe custody the seal of the agency and shall have the power to affix said seal to all contracts or instruments authorized to be executed by the agency and to attest to the authenticity thereof, and to certify as to the authenticity of copies thereof, and shall perform such other duties as the agency may determine. The agency shall also appoint or contract for an Assistant Secretary who, in the absence or disability of the Secretary,, shall perform all of the duties of the Secretary as set forth above.

Section 5 - Executive Director: The agency shall appoint an Executive Director who shall be the administrative head of the agency. He shall see that the plans, orders, directives, rules and contracts of the agency are faithfully executed. He shall attend all meetings of the agency. He

shall carry out all official correspondence and is authorized to prepare, sign and submit all applications, reports, forms, documents and records required or authorized by the agency. The Executive Director shall be authorized to requisition and purchase commodities where the cost of same shall not exceed \$5,000.00 and to contract for services where the cost of same shall not exceed \$7,000.00. The Executive Director is hereby authorized to effect, or in the case of site improvement contract awarded by the City, to concur in, changes in previously awarded demolition, site clearance and site improvement contracts, by the authorizing of Change Orders thereto, up to the following amounts:

- i) Demolition - \$7,000.00
- ii) Site clearance - \$7,000.00
- iii) Site improvements - \$10,000,

but in no event shall any Change Order for demolition, site clearance or site improvements amount to more than 10% of the original contract amount. The transfer of any funds necessary to carry out the work provided by such Change Order shall be made upon requisition by the Commissioner of Public Works to the Agency and approval of such requisition by the Executive Director.

The Executive Director shall inform the agency at its next regularly scheduled meeting of any change orders authorized by him since its previous meeting. The Executive Director shall serve at the pleasure of the agency. He shall receive such compensation as shall be fixed by the agency and may be bonded as the agency may deem necessary.

Section 6 - Treasurer and Assistant Treasurer: The Treasurer shall be responsible to the agency and shall have care and custody of all funds of the agency and shall deposit the same in the name of the Agency in such bank or banks as the agency shall select. He shall disburse funds on behalf of the agency and shall have the authority to issue checks when he is in receipt of a payment voucher duly certified by the Executive Director or by the Budget Officer who shall be appointed by the Executive Director. He shall also jointly sign all bonds of the agency with the Chairman. The agency shall also appoint or contract for an Assistant Treasurer who, in the absence or disability of the Treasurer, shall perform the duties of the Treasurer as set forth above, except for the signing of bonds of the agency.

Section 7 - Attorney and Assistant Attorney: The agency shall appoint or contract for an Attorney who shall be responsible to the agency. He shall be the legal advisor to the agency and the Executive Director, the Treasurer and other officials of the agency. He shall furnish opinions or written reports on any question of law involving the agency. He shall draw or approve all bonds, contracts, deeds or other instruments to which the agency is a party or in which it has an interest. The agency may also appoint or contract for an Assistant Attorney who, in the absence or disability of the Attorney, shall perform all the duties of the Attorney as set forth above.

Section 8 - Records Management Officer and Assistant Records Management Officer: The Agency shall appoint a Records Management Officer who

shall be an officer of the Agency. The Records Management Officer shall be responsible for the agency's compliance with the requirements of Article 54-A of the Arts and Cultural Affairs Law. The agency shall also appoint an Assistant Records Management Officer who, in the absence or disability of the Records Management Officer, shall perform all the duties of the Records Management Officer.

Section 9 - Other Employees: Such other employees as the agency shall determine are necessary for the proper administration of the urban renewal program shall be appointed and shall be subject to removal by the Executive Director.

Section 10 - Powers and Duties of the Members: The powers and duties of the members of the agency shall be as set forth in Article XV-A of the General Municipal Law of the State of New York.

The members of the agency shall perform such duties as are incumbent upon them by reason of their office and shall be given such other responsibilities and duties as are incidental to the office and which may from time to time be authorized by resolution of the agency.

### ARTICLE III

#### MEETINGS

Section 1 - Annual Meeting: The annual meeting of the agency shall be held on the third Tuesday in July or as soon thereafter as may be feasible, for the purpose of receiving the annual report of the Executive Director, election of officers and for the conduct of such other business as may come before the meeting.

Section 2 - Regular Meetings: Regular meetings of the agency shall be held on the third Tuesday of the month or as needed for the transaction of business of the agency. In the event that the date of a regular meeting shall fall on a legal holiday the meeting shall be held on a day as close thereto as possible, said date to be determined by the Chairman. Notice of such meeting with an agenda shall be delivered to each of the members at least four (4) days in advance of such meeting.

Section 3 - Special Meetings: Special meetings may be called by the Chairman when he deems it advisable and shall be called by him at the request of any two members of the agency for the purpose of transacting any business designated in the call. At the special meeting the business to be transacted shall be only that stated in the notice of such meeting, except that any other business may be transacted at such meeting by the unanimous consent of all the members of the agency.

The call for a special meeting may be delivered to any member of the agency or left at the residence or place of business or may be mailed to his business or home address and such delivery or mailing must be performed at least two (2) days prior to the date of such meeting.

Section 4 - Quorum: At all meetings of the agency the following shall be the order of business:

- A. Roll Call
- B. Reading and approval of the minutes of the previous meeting and any intervening special meeting

- C. Communications
- D. Report of the Executive Director
- E. Reports of committees
- F. Unfinished business
- G. New business
- H. Adjournment

ARTICLE IV  
AMENDMENTS

Section 1 - Amendments to By-Laws: The by-laws may be amended at any stated or special meeting by a majority of the members of the agency provided the proposed amendment shall have been submitted in writing to the members of the agency at least five (5) days prior to the stated or special meeting at which a vote is taken on said proposed amendment.

## **APPENDIX D**

### Confidential Evaluation of Board Performance

Criteria	Agree	Somewhat Agree	Somewhat Disagree	Disagree
Board members have a shared understanding of the mission and purpose of the Authority.				
The policies, practices and decisions of the Board are always consistent with this mission.				
Board members comprehend their role and fiduciary responsibilities and hold themselves and each other to these principles.				
The Board has adopted policies, by-laws, and practices for the effective governance, management and operations of the Authority and reviews these annually.				
The Board sets clear and measurable performance goals for the Authority that contribute to accomplishing its mission.				
The decisions made by Board members are arrived at through independent judgment and deliberation, free of political influence, pressure or self-interest.				
Individual Board members communicate effectively with executive staff so as to be well informed on the status of all important issues.				
Board members are knowledgeable about the Authority's programs, financial statements, reporting requirements, and other transactions.				
The Board meets to review and approve all documents and reports prior to public release and is confident that the information being presented is accurate and complete.				
The Board knows the statutory obligations of the Authority and if the Authority is in compliance with state law.				
Board and committee meetings facilitate open, deliberate and thorough discussion, and the active participation of members.				
Board members have sufficient opportunity to research, discuss, question and prepare before decisions are made and votes taken.				
Individual Board members feel empowered to delay votes, defer agenda items, or table actions if they feel additional information or discussion is required.				
The Board exercises appropriate oversight of the CEO and other executive staff, including setting performance expectations and reviewing performance annually.				
The Board has identified the areas of most risk to the Authority and works with management to implement risk mitigation strategies before problems occur.				
Board members demonstrate leadership and vision and work respectfully with each other.				

Date Completed: \_\_\_\_\_