

**Yonkers Industrial Development Agency**

Financial Statements  
With Supplementary Information

December 31, 2010 and 2009

**Yonkers Industrial Development Agency  
Management's Discussion and Analysis  
Years Ended December 31, 2010 and 2009**

The following Management's Discussion and Analysis (MD&A) of Yonkers Industrial Development Agency's (YIDA) (the Agency) activities and financial performance is provided as an introduction and overview of the financial statements of YIDA for the fiscal years ended December 31, 2010 and 2009. Following this MD&A are the annual financial statements of YIDA together with the notes which are important to understanding the data presented in the financials statements. This MD&A highlights certain supplementary information to assist with the understanding of the YIDA's financial operations.

**OPERATIONS**

YIDA is a public benefit corporation established by an act of the New York State Legislature in 1982, under Section 903 of the General Municipal Law. The Agency operates for the benefit of the City of Yonkers, NY and its populace to accomplish any or all of the purposes specified in Title 1 of Article 18A. Specific powers and duties are conferred to the Agency with respect to the acquisition of real property, whether by purchase, condemnation or otherwise, within the corporate limits of the City of Yonkers, NY. All of the local zoning and planning regulations, as well as the regional and local comprehensive land use plans, are taken into consideration to carry out the duties of the Agency.

Organized in a manner consistent with the statute, the Mayor of Yonkers appoints a seven member Board of Directors comprised of both public officials and business leaders. This Board governs the YIDA by establishing official policies, reviewing and approving requests for financial assistance. Operations and activities of the Agency, its members, officers and employees are carried out in accordance with State law.

YIDA's mission is to generate economic development and job growth throughout the City of Yonkers, NY by attracting new businesses; retaining existing ones and helping them all become competitive in a global marketplace. The Agency accomplishes this mission by offering financial assistance in the form of Sales and Use Tax Exemptions, Mortgage Recording Tax Exemptions, Payment-In-Lieu-Of-Tax agreements (PILOTs) and by issuing tax exempt Industrial Development Bonds (IDB's).

Thirteen applications were submitted and processed during the year, ten projects closed.

**FINANCIAL OPERATIONS HIGHLIGHTS**

The financial statements for years ended December 31, 2010 and 2009 are attached. The chart below provides a condensed summary of revenues and expenses for the past two years.

	<u>2010</u>	<u>2009</u>
YIDA Operating Revenue (1)	\$ 986,845	\$ 346,618
YIDA Operating Expenses (1)	1,006,586	1,419,961

(1): Revenue and expenses noted above highlight YIDA's operating activity only. Total Operating Revenue and Expenses on the attached financial statements include Workforce Investment Board amounts of \$1,138,644 and \$519,738 for the years ended December 31, 2010 and 2009, respectively, which amounts are pass through transactions for YIDA.

**Yonkers Industrial Development Agency  
Management's Discussion and Analysis  
Years Ended December 31, 2010 and 2009  
(continued)**

**Revenue**

Revenue was derived from 10 projects which closed in 2010. YIDA received management fees for two of the ten projects. The 2010 projects are as follows:

Education Project:	
Charter School	\$124,450 *
Commercial Projects:	
86 Main, LLC	45,125
Central Avenue Chrysler	5,000
ContraFect	25,000
Quincy Amusements	75,000
Yonkers Honda	17,500
Housing Projects:	
Ashburton Avenue (HopeVI)	57,300
Riverview II	137,025 *
Warburton Riverview	182,500
Westchester Assisted Living	120,000

\* Management Fees from Yonkers Economic Development Corporation

**Assets and Liabilities**

At year end, the Agency had \$2,172,476 in assets and \$1,790,218 in liabilities. A complete breakdown of these amounts is provided in the financial statements.

**Bonds and Notes**

Schedule of Bonds and Notes Issued is provided as supplemental information to the financial statements.

**NEW OPERATIONS**

YIDA continues to work in tandem with New Main Street Development Corporation to assist in acquiring properties needed for the daylighting of the Saw Mill River – a major Yonkers initiative.

YEDC provided certain taxable and tax exempt financial assistance for projects where incentives are no longer available through the Agency or in instances where the Agency's ability to assist economic development projects has been significantly limited by lapsing legislation. YEDC is comprised of four of the seven YIDA board members. YIDA staff provides all administrative support for YEDC as outlined in the Management Agreement approved by YIDA and YEDC boards.



## Independent Auditors' Report

### Board of Directors Yonkers Industrial Development Agency

We have audited the accompanying statements of net assets of Yonkers Industrial Development Agency (the "Agency") as of December 31, 2010 and 2009 and the related statements of activities and cash flows for the years then ended. These financial statements are the responsibility of Yonkers Industrial Development Agency's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Agency's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Yonkers Industrial Development Agency as of December 31, 2010 and 2009, and the changes in its net assets and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

As disclosed in Note 4, the Agency has a receivable in the amount of \$670,000 and the timing of its collection is uncertain.

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context.

**Board of Directors**  
**Yonkers Industrial Development Agency**  
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We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

In accordance with Government Auditing Standards, we have also issued our report dated March 28, 2011 on our consideration of the Agency's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.

Our audits were conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The information included in the accompanying supplementary schedule of industrial revenue bonds and notes issued is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has not been subjected to the auditing procedures applied in the audits of the basic financial statements and, accordingly, we express no opinion on it.

*O'Connor Davies Murino & Dobbins, LLP*

Harrison, New York  
March 28, 2011

# Yonkers Industrial Development Agency

## Statements of Net Assets

December 31,

	<u>2010</u>	<u>2009</u>
<b>ASSETS</b>		
Cash and cash equivalents	\$ 606,524	\$ 540,735
Accounts receivable, net	178,738	28,467
Prepaid expenses	146,719	277,699
Restricted cash	564,860	2,308,500
Due from economic development project	670,000	670,000
Equipment, net	<u>5,635</u>	<u>9,296</u>
	<u>\$ 2,172,476</u>	<u>\$ 3,834,697</u>
 <b>LIABILITIES</b>		
Accounts payable	\$ 60,460	\$ 79,363
Accrued expenses	204,898	121,750
Scholarships payable	-	3,924
Due to other governments	960,000	960,000
Due to other entities	<u>564,860</u>	<u>2,308,500</u>
 Total Liabilities	1,790,218	3,473,537
 <b>NET ASSETS</b>		
Unrestricted	<u>382,258</u>	<u>361,160</u>
	<u>\$ 2,172,476</u>	<u>\$ 3,834,697</u>

See notes to financial statements

# Yonkers Industrial Development Agency

## Statements of Activities

Years Ended December 31,

	<u>2010</u>	<u>2009</u>
<b>OPERATING REVENUE</b>		
Agency fees	\$ 637,225	\$ 293,450
Management fees	261,675	-
Workforce grant	1,138,644	519,738
Application and administrative fees	7,800	4,800
Miscellaneous income	<u>80,145</u>	<u>48,368</u>
Total Operating Revenue	<u>2,125,489</u>	<u>866,356</u>
<b>OPERATING EXPENSES</b>		
Salaries	1,193,699	781,258
Payroll taxes and employee benefits	464,463	280,021
Rent	85,500	85,500
Consulting and professional fees	275,745	486,914
Advertising, printing and reproduction	57,454	238,269
Travel	8,920	9,628
Insurance	8,184	6,954
Conferences and meetings	3,883	8,539
Communications	26,860	24,497
Office supplies and other expenses	16,861	13,680
Depreciation	<u>3,661</u>	<u>4,439</u>
Total Operating Expenses	<u>2,145,230</u>	<u>1,939,699</u>
Loss from Operations	(19,741)	(1,073,343)
<b>NON-OPERATING REVENUE</b>		
Interest and dividend income	<u>40,839</u>	<u>39,603</u>
Change in Net Assets	21,098	(1,033,740)
<b>NET ASSETS</b>		
Beginning of year	<u>361,160</u>	<u>1,394,900</u>
End of year	<u>\$ 382,258</u>	<u>\$ 361,160</u>

See notes to financial statements

**Yonkers Industrial Development Agency**

Statements of Cash Flows

Years Ended December 31,

	<u>2010</u>	<u>2009</u>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Cash received from customers	\$ 1,975,219	\$ 862,591
Cash payments for goods and services	(375,255)	(1,156,535)
Cash payments to employees	<u>(1,575,014)</u>	<u>(983,136)</u>
	24,950	(1,277,080)
<b>CASH FLOWS FROM CAPITAL ACTIVITIES</b>		
Cash payments for the acquisition of fixed assets	-	(704)
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Interest and dividend income	<u>40,839</u>	<u>39,603</u>
Net Change in Cash	65,789	(1,238,181)
<b>CASH AND CASH EQUIVALENTS</b>		
Beginning of year	<u>540,735</u>	<u>1,778,916</u>
End of year	<u>\$ 606,524</u>	<u>\$ 540,735</u>
<b>RECONCILIATION OF LOSS FROM OPERATIONS TO NET CASH FROM OPERATING ACTIVITIES</b>		
Loss from operations	\$ (19,741)	\$ (1,073,343)
Adjustments to reconcile loss from operations to net cash from operating activities		
Depreciation	3,661	4,439
Changes in operating assets and liabilities		
Accounts receivable	(150,271)	(3,766)
Prepaid expenses	130,980	(23,779)
Restricted cash	1,743,640	627,755
Accounts payable	(18,904)	(18,775)
Accrued expenses	83,149	78,144
Scholarship payable	(3,924)	-
Due to other governments	-	(240,000)
Due to other entities	<u>(1,743,640)</u>	<u>(627,755)</u>
Net Cash from Operating Activities	<u>\$ 24,950</u>	<u>\$ (1,277,080)</u>

See notes to financial statements

# Yonkers Industrial Development Agency

## Notes to Financial Statements

### 1. **Organization**

The Yonkers Industrial Development Agency (the "Agency") was created in 1982 as a public benefit corporation by the New York State Legislature under the provisions of Chapter 526 for the purpose of promoting and supporting the development of commerce, bolstering employment and stimulating economic growth and prosperity in the City of Yonkers, New York. The Agency is exempt from Federal, State and Local income taxes. The Agency although supported by the City of Yonkers (the "City"), is a separate entity and operates independently from the City. Members of the governing board are appointed by the Mayor of the City for specified terms.

### 2. **Summary of Significant Accounting Policies**

#### *Financial Reporting Entity*

The Agency has been identified as an organization related to the City. In accordance with the criteria enumerated in Governmental Accounting Standards Board ("GASB") Statement No. 14, the Agency is not considered a component unit of the City.

#### *Basis of Accounting*

The accounting policies of the Agency conform to generally accepted accounting principles as applicable to governmental units. GASB is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The Agency reports its operations on the accrual basis of accounting. Under the accrual basis of accounting, revenues are recorded when earned and expenses are recorded at the time liabilities are incurred. The Agency applies all applicable Financial Accounting Standards Board (FASB) guidance issued after November 30, 1989 in its accounting and reporting.

#### *Use of Estimates*

The preparation of the financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent assets and liabilities at the date of the financial statements. Estimates also affect the reported amounts of revenues and expenses during the reporting period. Actual results could differ from these estimates.

# Yonkers Industrial Development Agency

## Notes to Financial Statements

### 2. Summary of Significant Accounting Policies *(continued)*

#### *Cash and Cash Equivalents*

Cash and cash equivalents consist of funds deposited in time and demand deposit accounts. Collateral is required for these deposits at 100% of all deposits not covered by Federal deposit insurance. The Agency has entered into a custodial agreement with its depository which holds its deposits. This agreement authorizes the obligations that may be pledged as collateral. Such obligations include among other instruments, obligations of the United States and its agencies and obligations of the State and its municipal and school district subdivisions.

#### *Fair Value of Financial Instruments*

The Agency follows FASB guidance on *Fair Value Measurements* which defines fair value and establishes a fair value hierarchy organized into three levels based upon the input assumptions used in pricing assets. Level 1 inputs have the highest reliability and are related to assets with unadjusted quoted prices in active markets. Level 2 inputs relate to assets with other than quoted prices in active markets which may include quoted prices for similar assets or liabilities or other inputs which can be corroborated by observable market data. Level 3 inputs are unobservable inputs and are used to the extent that observable inputs do not exist.

#### *Equipment*

Equipment is stated at cost, net of accumulated depreciation. Depreciation is computed using the straight-line method over an estimated useful life of seven years.

#### *Net Assets*

Net assets represent the difference between assets and liabilities. Net assets are reported as restricted when there are limitations imposed on their use. Net assets on the statement of net assets is classified as unrestricted.

#### *Subsequent Events Evaluation by Management*

Management has evaluated subsequent events for disclosure and recognition in the financial statements through the date that the financial statements were available to be issued, which date is March 28, 2011.

## Yonkers Industrial Development Agency

### Notes to Financial Statements

#### 3. Restricted Cash

Restricted cash consists of funds held in escrow by the Agency for the Austin Avenue project. Funds are released as authorized invoices are presented for payment or reimbursement.

#### 4. Economic Development Project

In accordance with an agreement dated November 1, 2002, between Yonkers Baseball Development, Inc. and the Agency, Yonkers Baseball Development, Inc. was advanced \$670,000 (See Note 10). This obligation has been assumed by Struever Fidelco Capelli, LLC under the Master Developer Designation Agreement (MDDA). The MDDA was superseded by the Land Disposition Agreement (LDA) which was executed February 2010 by the City of Yonkers, YIDA and Struever Fidelco Capelli. The LDA is a legal obligation of Struever Fidelco Capelli, LLC to pay City of Yonkers and YIDA at the closing to occur 36 months from the execution of the LDA. At December 31, 2010 and 2009, \$670,000 has been advanced and is still outstanding. In the opinion of management the underlying property development rights are of significant value and YIDA will be successful in getting another developer to pay an amount equivalent to such amount should Struever Fidelco Capelli, LLC not develop this property. Consequently, no allowance has been recorded.

#### 5. Equipment

Equipment at December 31, 2010 and 2009 consisted of the following:

	<u>2010</u>	<u>2009</u>
Furniture and fixtures	\$ 21,889	\$ 21,889
Accumulated depreciation	<u>(16,254)</u>	<u>(12,593)</u>
	<u>\$ 5,635</u>	<u>\$ 9,296</u>

#### 6. Scholarships Payable

The Agency receives funds from private contributors for the establishment of a scholarship fund for Yonkers residents. The criteria for eligibility and award is determined by the Yonkers Public Schools. The amount available for scholarships was \$3,924 at December 31, 2009 which was awarded as a scholarship in 2010

## Yonkers Industrial Development Agency

### Notes to Financial Statements

#### 7. Pension Plan

The Agency participates in the New York State and Local Employee's Retirement System ("ERS"). This System is a cost-sharing multiple-employer defined benefit pension plan. The System provides retirement, disability and death benefits to plan members. Obligations of employers and employees to contribute and benefits to employees are governed by the New York State Retirement and Social Security Law. The System issues a publicly available financial report that includes financial statements and required supplementary information for the System. The System is non-contributory except for employees who joined after July 27, 1976 and have less than ten years of service, who contribute 3% of their salary. Contribution rates are actuarially determined and based upon membership tier and plan.

Contributions consist of a life insurance portion and regular pension contributions. Contribution rates for the plan's year ending in March 2011 are as follows:

<u>Tier/Plan</u>	<u>Rate</u>
4 A15	11.2%
1 75G	14.6

Contributions made to the system for the current and two preceding years ending December 31, were as follows:

2010	\$ 171,647
2009	35,498
2008	42,072

Of the 2010 pension payment, \$57,604 was applied to YIDA staff and \$114,043 was attributed to additional Workforce staff.

#### 8. Operating Leases

The Agency is obligated under a non-cancelable operating lease for a vehicle with a lease term of 39 months. Lease expense included in operations under auto expense was \$5,760 and \$5,840 for the years ended December 31, 2010 and 2009. Minimum lease payments are payable as follows at December 31, 2010:

2011	\$ 5,760
2012	<u>5,760</u>
	<u>\$ 11,520</u>

## Yonkers Industrial Development Agency

### Notes to Financial Statements

#### 9. Industrial Revenue Bond and Note Transactions

Certain industrial development revenue bonds and notes issued by the Agency are secured by property which is leased to companies and are retired by lease payments. The bonds and notes are not obligations of the Agency or the State. The Agency does not record the assets or liabilities resulting from completed bond and note issues in its accounts, since its primary function is to arrange the financing between the borrowing companies and the bond and note holders, and funds arising there-from are controlled by trustees or banks acting as fiscal agents. Trustees maintain the information for these bonds and notes and no default notices have been generated in the current year. For providing this service, the Agency receives bond administration fees from the borrowing companies. The fee received by the Agency is one percent of the bond amount. Such administrative fee income is recognized immediately upon issuance of bonds and notes.

#### 10. Related Parties

##### *Yonkers Baseball Development, Inc.*

The Agency was the sole shareholder of Yonkers Baseball Development, Inc. (YBDI), a for profit entity (originally formed as Yonkers Baseball, Inc.; a not for profit was formed during the same year as Yonkers Baseball Local Development Corporation (YBDC) but was never organized and was not ever active). The purpose of YBDI was to promote recreational activity to assist in the revitalization of downtown Yonkers in an area known as Chicken Island, Yonkers, New York, while obtaining Empire Zone certification to assist in the contemplated financings. YBDI was funded under an agreement from the Agency (Note 4) dated November 1, 2002. In 2008, as part of a plan of dissolution, YBDI assigned all rights to recover funds expended for the Project to the YIDA. On March 25, 2008, a request to dissolve YBDC was submitted to the NYS Attorney General. In November 2008, the Attorney General consented to dissolution and final tax returns must be filed to complete the dissolution process. YBDI was dissolved by proclamation on January 27, 2010 for failure to file franchise tax returns.

## Yonkers Industrial Development Agency

### Notes to Financial Statements

#### 10. Related Parties *(continued)*

##### *Yonkers Economic Development Corporation*

The entity was created in 2007 to provide certain taxable and tax exempt financial assistance on occasions where these incentives are no longer provided by the Agency or in instances where the Agency's ability to assist economic development projects has been significantly limited. Yonkers Economic Development Corporation's (YEDC) purpose of promoting the creation and preservation of employment opportunities is in line with the Agency's overall objectives and may deliver financial assistance in a more cost effective form through this not-for-profit corporation. In addition, the debt issuances of YEDC will not be liabilities of the State of New York, the City of Yonkers or YIDA. YEDC held its first meeting in November 2009 and is comprised of four of the seven YIDA board members. The YIDA staff provides all administrative support for YEDC. In 2010, YEDC earned \$261,475 in economic development project fees which were paid to YIDA for administrative services.

#### 11. Contingencies

In 1979, the City entered into a Consent Order with the New York State Department of Environmental Conservation (NYSDEC) to remediate the Austin Avenue landfill site located in the City of Yonkers. In December 2004, the City Council approved a plan that would allow the Agency, through the NYSDEC's Brownfield Remediation and Empire Zone Program, to issue bonds to pay for the remediation of the landfill site. The Agency bonds were repaid from the annual proceeds of a supplemental payment in lieu of tax (PILOT) agreement from a local developer, who owns the property adjacent to the landfill site. The City Council waived the City's right to the receipt of the supplemental PILOT payments in order to pledge those receipts to the repayment of the Agency bonds and/or to use the proceeds directly for remediation. The City Council further agreed that, based on the City's obligation under the Consent Order, the City will pay any shortfalls for costs of environmental remediation in excess of amounts available from the supplemental PILOT payment. Once the project is completed, it is currently anticipated that this site will be sold or leased for economic development purposes.

## Yonkers Industrial Development Agency

### Notes to Financial Statements

#### 11. Contingencies (*continued*)

The State of New York has denied further use of Empire Zone benefits by the adjoining property owner ("Morris Company") which entity has made payments under the supplemental PILOT. As of December 31, 2010 and 2009 there was \$564,860 and \$2,308,500 in the remediation account. Remediation efforts were underway in 2010, and the Agency expects completion of the clean-up at site by end of the first quarter of 2011. The Morris Company has served a notice of claim on the City and Agency in an effort to influence how the limited remediation funds are spent. This litigation is still pending.

The Agency is involved in litigation arising in the normal course of business. Management estimates that the matters will be resolved without material adverse effect on the Agency's future financial position or results from operations.

On or about February 4, 2010, the NYS Division of Budget sent letters ("DOB letter") to all IDAs in NYS assessing IDAs with their share of the new tax that was added in the 2009-10 budget (see "cost recovery" provisions of Public Authorities Law § 2975-a). This tax was added without the benefit of hearings or debate and first became known weeks after the 2009-10 State Budget was signed on April 7, 2009. Until the recent DOB letter it was unclear as to how this tax would be applied. DOB made the decision to apply the 2009-10 state fiscal year tax against 2008 calendar year revenues (approximately 4.727% of total revenues) as reported under State Public Authorities Reporting Information System (PARIS) to the Authority Budget Office by the respective IDAs. To assess a new tax on IDAs based on lagging year revenue data is arbitrary. The DOB letter asks for payment of this tax of \$86,171 by March 31, 2010. Counsel reviewed the consequences of not paying this tax. The YIDA joined with other IDAs under NYSEDC to participate in the Economic Development Defense Fund. YIDA was a Petitioner in a lawsuit challenging that tax. The State Attorney General did not answer the lawsuit but rather agreed that the tax cannot be applied by the State for the March 2010 payment date. Based on the Attorney General's position, YIDA has been relieved of any responsibility to pay the \$86,171 tax. However, on October 28, 2010, YIDA received a bill from NYS DOB seeking "cost recovery" for 2010-2011 state fiscal tax year against 2009 revenues.

The assessment in the amount of \$39,269 is due on March 31, 2011. Similar legal efforts are underway to have the assessment dismissed and YIDA feels that the tax is likely to be rescinded or not paid.

## **Yonkers Industrial Development Agency**

### Notes to Financial Statements

#### **12. Due to Other Governments**

In an effort to resolve pending disputes concerning rent payment owed by the County IDA to the City concerning the Austin Avenue project, and PILOT payments retained by the Agency and claimed by the County, the City Finance officer provided the County with a letter indicating an intent to pay amounts over to the County. The payments to be made to the County related to multiple PILOTs however, the majority of the amounts related to PILOT payments for the Austin Avenue project. The City Finance officer's letter contemplated an initial payment of \$921,608 with additional amounts equal to \$240,000 on July 1<sup>st</sup> of each year, beginning in 2008 and continuing for a period of five years through 2012. The initial payment was made timely but the first annual payment of \$240,000 due on July 1, 2008, was not paid until March 2009 when the County IDA paid the City a portion of the rent. The July 2009 and July 2010 payment were delayed pending resolution of the disputed rent payment due from the County IDA to the City under the Five-Party Agreement for the period covering October 1999 to August 2006. This arrangement allowed the parties to attempt to resolve the rent and PILOT dispute amicably without jeopardizing the Agency's claim that it has the legal right to retain the PILOT payments. The Agency has been advised by counsel since 1997 that it has the right to retain the PILOT amounts paid with respect to the Austin Avenue project and reserve the right to continue to retain said amounts at this time. In 2010, Westchester County Administration, Westchester IDA, City of Yonkers officials and YIDA agreed in principle to forgive debts owed to each entity. In an effort to resolve this issue, resolutions were passed by Westchester IDA Board and additional work to satisfy all parties is currently underway.

#### **13. Risk Management**

The Agency purchases conventional insurance coverage for directors and officers liability. The current policy reflects a limit of \$1 million per occurrence or \$1 million for the period of the policy. The Agency also purchases general liability insurance coverage for the 470 Nepperhan Avenue and 20 South Broadway office space, with a policy limit of \$1 million per occurrence or \$2 million in the aggregate.

#### **14. Workforce Investment Board**

YIDA is established to advance the job opportunities, health, general prosperity and economic welfare and standard of living of the inhabitants of the City of Yonkers. To further its objectives of economic development the board approved and established a relationship with Workforce Investment Board (WIB) in May 2009. Its Chairman, as Mayor of the City of Yonkers, was designated as a grant recipient to create and implement workforce investment activities. Grant employees were hired to conduct activities to meet the objectives and are solely funded by grants. These grant employees receive employment benefits of the other YIDA employees to the extent that such benefits are reimbursable to YIDA.

**Yonkers Industrial Development Agency**

Supplementary Information

December 31, 2010 and 2009

**Yonkers Industrial Development Agency**  
 Schedule of Industrial Revenue Bonds and Notes Issued  
 December 31, 2010

Project	Date of Issue	Original Issue Value	Outstanding Balance at January 1, 2010	New Issues	Payments	Outstanding Balance at December 31, 2010
Consumer Union	December 2005	\$ 47,300,000	\$ 47,300,000	-	\$ -	\$ 47,300,000
St. Joseph's Medical Center	March 1998	28,500,000	15,400,000	-	1,700,000	13,700,000
St. Joseph's Medical Center	March 1993	4,715,000	1,635,000	-	360,000	1,275,000
Westchester School for Special Children	November 1993	4,055,000	3,000,000	-	120,000	2,880,000
Hudson Scenic Studios, Inc.	June 1999	6,360,000	4,130,000	-	325,000	3,805,000
Michael Malotz Skilled Nursing Pavilion	June 1999	15,000,000	12,125,000	-	440,000	11,685,000
Philipsburgh Hall Associates, L.P.	December 1999	2,800,000	1,560,000	-	35,000	1,525,000
St. John's Riverside	February 2001	26,295,000	23,405,000	-	480,000	22,925,000
Greyston Bakery	December 2001	3,125,000	2,305,000	-	145,000	2,160,000
Monastery Manor Association, L.P.	September 2005	9,500,000	9,185,000	-	165,000	9,020,000
Sacred Heart A	September 2006	7,600,000	7,170,000	-	135,000	7,035,000
Sacred Heart B	September 2006	1,900,000	1,580,000	-	180,000	1,400,000
Center of Family Svcs T/E	January 2008	1,190,000	1,090,000	-	105,000	985,000
11-23 Saint Casimir Ave, L.P	December 2000	9,695,000	9,070,000	-	110,000	8,960,000
Jefferson Terrace- 2006 A	December 2006	3,600,000	3,563,588	-	24,386	3,539,202
Whitney Young- 2006 A	December 2006	2,645,000	1,585,000	-	375,000	1,210,000
Whitney Young- 2006 B	December 2006	17,155,000	14,985,000	-	225,000	14,760,000
Riverview II -2007	December 2007	28,596,156	27,573,101	-	27,573,101	-
JME Associates	May 2006	8,160,000	7,380,000	-	260,000	7,120,000
Salgra Realty	May 2006	3,840,000	3,470,000	-	95,000	3,375,000
Herriot Street Housing L.P. Project	March 2004	16,400,000	14,345,000	-	690,000	13,655,000
Main Street Lofts	December 2005	44,600,000	44,600,000	-	-	44,600,000
Sarah Lawrence College, Series A	Dec 2009	-	43,500,000	-	-	43,500,000
Sarah Lawrence College, Series B	Dec 2009	-	1,950,000	-	-	1,950,000
Riverview II -2010*	May 2010	26,990,000	-	26,990,000	-	26,990,000
Charter School of Excellence*	Nov 2010	-	-	12,445,000	-	12,445,000
<b>Total Indebtedness</b>		<b>\$ 320,021,156</b>	<b>\$ 301,906,689</b>	<b>\$ 39,435,000</b>	<b>\$ 33,542,487</b>	<b>\$ 307,799,202</b>

\* Projects of YEDC

See independent auditors' report



**Report on Internal Control Over Financial Reporting and on Compliance and Other Matters  
Based on an Audit of Financial Statements Performed in Accordance with  
Government Auditing Standards**

**Board of Directors  
Yonkers Industrial Development Agency**

We have audited the financial statements of Yonkers Industrial Development Agency (“the Agency”) as of and for the year ended December 31, 2010, and have issued our report thereon dated March 28, 2011. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

***Internal Control Over Financial Reporting***

In planning and performing our audit, we considered the Agency’s internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Agency’s internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Agency’s internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Agency’s financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be a material weakness, as defined above.

*Compliance and Other Matters*

As part of obtaining reasonable assurance about whether the Agency's financial statements are free of material misstatements, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of management, the Board of Directors, and the New York State Office of the Comptroller and is not intended to be and should not be used by anyone other than these specified parties.

*O'Connor Davieo Munno & Dobbino, LLP*

Harrison, New York  
March 28, 2011