

CITY OF UTICA INDUSTRIAL
DEVELOPMENT AGENCY

FINANCIAL STATEMENTS

Years Ended December 31, 2009 and 2008

CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY

TABLE OF CONTENTS

	<u>Page</u>
INDEPENDENT AUDITORS' REPORT	1 – 2
MANAGEMENT'S DISCUSSION AND ANALYSIS	3 – 5
FINANCIAL STATEMENTS	
Statements of Net Assets	6
Statements of Revenues, Expenses and Changes in Net Assets	7
Statements of Cash Flows	8
Notes to the Financial Statements	9 – 14
OTHER FINANCIAL INFORMATION	
Schedule of Supplemental Bond and Note Information	15
Schedule of Full-Time Equivalent (FTE) Jobs Created and Retained	16
Schedule of Outstanding Sale and Lease Agreements	17
Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Required by <i>Government Auditing Standards</i>	18 – 19

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INDEPENDENT AUDITORS' REPORT

To the Board of Directors
City of Utica Industrial Development Agency
1 Kennedy Plaza
Utica, New York

We have audited the accompanying statements of net assets of the City of Utica Industrial Development Agency (the "Agency") as of December 31, 2009 and 2008, and the related statements of activities, and cash flows for the years then ended. These financial statements are the responsibility of the 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 examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes 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.

The accompanying financial statements have been prepared assuming the City of Utica Industrial Development Agency will continue as a going concern. As discussed in Note 4 to the financial statements, City of Utica Industrial Development Agency has a significant deficit of unrestricted net assets. This condition raises substantial doubt about its ability to continue as a going concern. The financial statements do not include any adjustments that might result from the outcome of this uncertainty.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the City of Utica Industrial Development Agency as of December 31, 2009 and 2008, and the results of its operations and cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued a report dated April 6, 2010, on our consideration of the City of Utica Industrial Development Agency's internal control over financial reporting and our tests of its compliance with certain provisions, laws, regulations, contracts and grants. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be read in conjunction with this report in considering the results of our audit.

The management's discussion and analysis on Pages 3 through 5 are not a required part of the basic financial statements but are supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

The Schedule of Supplemental Bond and Note Information, Schedule of Full-Time Equivalent (FTE) Jobs Created and Retained, and Schedule of Outstanding Sale and Lease Agreements is presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and, accordingly, we express no opinion on it.

Gruva, Jureifel & Scott, LLP

Clinton, New York
April 6, 2010

CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY
MANAGEMENT DISCUSSION AND ANALYSIS (UNAUDITED)

YEAR ENDED DECEMBER 31, 2009

This section of the Agency's Financial Statements presents management's overview and analysis of the Agency's financial performance for the year ended December 31, 2009. This section should be read in conjunction with the financial statements which follow this section.

FINANCIAL HIGHLIGHTS

The net operating loss for 2009 was approximately \$47,000, compared to approximately \$282,000 in the prior year. Among the regular expenses that caused the 2009 loss was \$10,315 in amortization, \$133,319 in utilities, \$18,999 in repairs and maintenance and \$3,636 in insurance. The change from the prior year was primarily caused by two factors. First, the Agency received less in rental income and a slight decrease in the expenses incurred for the Harza building. Second, the Agency did fewer projects in 2009, resulting in fewer administration fees.

Operating results showed some improvement during 2009. Until the building is sold, overall results will be hampered by maintenance costs. The operating expenses of the building, previously born by a tenant that is no longer in the building, are now the responsibility of the Agency. These expenses are being met by other rents received from this building, existing cash reserves and any other revenues generated by the Agency.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis are intended to serve as an introduction to the Agency's basic financial statements. The notes to the financial statements also contain more detail on the information presented in the financial statements. The financial statements of the Agency report information about the Agency using accounting methods similar to those used by private sector companies. These statements offer short-term and long-term financial information about its activities. The Statements of Net Assets present information on all of the Agency's assets and liabilities, with the difference between the two reported as net assets. Over time, increases and decreases in net assets may serve as a useful indicator of whether the financial position of the Agency is improving or deteriorating. The Statements of Revenues, Expenses and Changes in Net Assets present information showing how the Agency's net assets changed during the fiscal year. All changes in net assets are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are recorded in these statements for some items that will only result in cash flows in future periods.

The financial statements can be found on Pages 6 to 8 of this report.

The notes to the financial statements provide additional information that is essential to a full understanding of the data provided within financial statements. The notes to the financial statements can be found on Pages 9 to 14 of this report.

CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY
MANAGEMENT DISCUSSION AND ANALYSIS (UNAUDITED)

YEAR ENDED DECEMBER 31, 2009

FINANCIAL ANALYSIS

This section summarizes information and data as related to the Statements of Net Assets as of December 31, 2009 and 2008 and the Statements of Revenues, Expenses and Changes in Net Assets for the years ended December 31, 2009 and 2008.

Statements of Net Assets

Table 1 shows all of the assets and liabilities of the Agency and is presented on the accrual basis. Total net assets are down approximately \$47,000 from the prior year due to the net operating loss of \$47,000 for the year ending December 31, 2009.

	Table 1	
	<u>Net Assets</u>	
	<u>2009</u>	<u>2008</u>
Current assets	\$ 54,963	\$ 95,542
Capital and other assets	<u>315,976</u>	<u>326,291</u>
Total assets	<u>\$ 370,939</u>	<u>\$ 421,833</u>
Current liabilities	\$ 5,124,562	\$ 5,128,000
Total liabilities	<u>\$ 5,124,562</u>	<u>\$ 5,128,000</u>
Total net assets	<u>\$(4,753,623)</u>	<u>\$(4,706,167)</u>

Statements of Revenues, Expenses and Changes in Net Assets

Table 2 shows all of the expenses and revenues of the Agency and is also presented on the accrual basis. Revenues decreased from the prior year, due to the decrease in rental income and the decline in administration fees from fewer projects, while operating expenses decreased approximately \$98,000. These changes are more fully described in the FINANCIAL HIGHLIGHTS section.

	Table 2	
	<u>Changes in Net Assets</u>	
	<u>2009</u>	<u>2008</u>
Total revenues:		
Rents	\$ 107,230	\$ 112,557
Administration fees	25,700	44,441
Interest income	<u>-</u>	<u>986</u>
Total program revenues	132,930	157,984
Program expenses	180,386	439,449
Impairment loss	<u>-</u>	<u>(3,230,849)</u>
Change in net assets	<u>\$(47,456)</u>	<u>\$(3,512,314)</u>

CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY
MANAGEMENT DISCUSSION AND ANALYSIS (UNAUDITED)

YEAR ENDED DECEMBER 31, 2009

CAPITAL ASSET AND DEBT ADMINISTRATION

This section includes a description of significant capital assets and long-term debt activity during the year.

Capital Assets

The Agency owns commercial property located at 175-183 Genesee Street in Utica, New York. The following schedule shows the investment in this property:

Land	\$ 61,254
Buildings and improvements (net of impairment allowance)	3,121,790
Mortgage origination costs	206,306
Less: Accumulated depreciation and amortization	<u>(3,073,374)</u>
Net book value	<u>\$ 315,976</u>

Long-Term Debt

The Agency has long-term debt associated with the property described above at 175-183 Genesee Street in Utica, New York. Details of these debt instruments are more fully described in the footnotes to the financial statements. The following schedule summarizes this debt:

The New York State Job Development Authority	\$ 3,759,527
City of Utica	<u>1,327,000</u>
Total	<u>\$ 5,086,527</u>

ECONOMIC FACTORS AND FUTURE OUTLOOK

The City of Utica continues to pursue demolition of blighted buildings and the remediation of environmentally challenged sites. Gains in these two areas translate into construction and development opportunities which will result in agency activity as more and more developable parcels of land materialize.

The Agency continues to make efforts to dispose of the former Harza Building which requires an income stream to maintain.

CONTACTING THE AGENCY'S FINANCIAL MANAGEMENT

This financial report is designed to provide a general overview of the Agency's finances for all those who have an interest in this agency's finances. Questions concerning any of the information presented in this report or requests for additional financial information should be addressed to the Jack Spaeth, Executive Director, Utica Industrial Development Agency, One Kennedy Plaza, Utica, New York 13502.

CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY

STATEMENTS OF NET ASSETS

December 31, 2009 and 2008

<u>ASSETS</u>	<u>2009</u>	<u>2008</u>
Current assets:		
Cash and cash equivalents	\$ 7,822	\$ 48,401
Total current assets	<u>7,822</u>	<u>95,542</u>
Fixed assets:		
Land	61,254	61,254
Buildings (net of impairment allowance)	3,048,690	3,048,690
Building improvements and fixtures	73,100	73,100
	<u>3,183,044</u>	<u>3,183,044</u>
Less: Accumulated depreciation	2,883,044	2,883,044
Total net fixed assets	<u>300,000</u>	<u>300,000</u>
Other assets:		
Escrow funds	47,141	47,141
Intangible assets, net of accumulated amortization	15,976	26,291
Total other assets	<u>63,117</u>	<u>73,432</u>
Total assets	<u>\$ 370,939</u>	<u>\$ 421,833</u>
 <u>LIABILITIES AND NET ASSETS</u>		
Current liabilities:		
Current portion of long-term debt	\$ 5,086,527	\$ 5,086,527
Accounts payable	38,035	41,473
Total current liabilities	<u>5,124,562</u>	<u>5,128,000</u>
Net assets (deficit):		
Invested in capital assets, net of related debt	(4,770,551)	(4,760,236)
Unrestricted	16,928	54,069
Total net assets (deficit)	<u>(4,753,623)</u>	<u>(4,706,167)</u>
Total liabilities and net assets	<u>\$ 370,939</u>	<u>\$ 421,833</u>

See accompanying notes.

CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY

STATEMENTS OF REVENUES, EXPENSES AND CHANGES IN NET ASSETS

Years ended December 31, 2009 and 2008

	<u>2009</u>	<u>2008</u>
Operating revenues:		
Rental of real property	\$ 107,230	\$ 112,557
Administration fees	25,700	44,441
	<u>132,930</u>	<u>156,998</u>
Operating expenses:		
Depreciation	-	160,643
Utilities	133,319	191,201
Contracted services and consulting fees	-	14,612
Professional fees	10,126	10,831
Amortization	10,315	10,315
Repairs and maintenance	18,999	26,426
Telephone	743	805
Advertising	-	900
Insurance	3,636	20,357
Conferences and seminars	1,888	1,281
Security	928	-
Miscellaneous	432	2,078
	<u>180,386</u>	<u>439,449</u>
Net operating loss	(47,456)	(282,451)
Impairment loss	-	(3,230,849)
Non-operating revenue:		
Interest income	-	986
	<u>(47,456)</u>	<u>(3,512,314)</u>
Change in net assets	(47,456)	(3,512,314)
Net assets (deficit), beginning of year	<u>(4,706,167)</u>	<u>(1,193,853)</u>
Net assets (deficit), end of year	<u><u>\$ (4,753,623)</u></u>	<u><u>\$ (4,706,167)</u></u>

See accompanying notes.

CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY

STATEMENTS OF CASH FLOWS

Years ended December 31, 2009 and 2008

	<u>2009</u>	<u>2008</u>
Cash flows from operating activities:		
Cash received from tenants and others	\$ 132,930	\$ 156,998
Cash payments to suppliers for goods and services	<u>(173,509)</u>	<u>(278,115)</u>
 NET CASH USED IN OPERATING ACTIVITIES	 <u>(40,579)</u>	 <u>(121,117)</u>
Cash flows from investing activities:		
Interest income	<u>-</u>	<u>986</u>
 Decrease in cash and cash equivalents	 (40,579)	 (120,131)
Cash, beginning of year	<u>48,401</u>	<u>168,532</u>
 Cash, end of year	 <u>\$ 7,822</u>	 <u>\$ 48,401</u>
Reconciliation of net operating loss to net cash used in operating activities:		
Net operating loss	\$ (47,456)	\$ (282,451)
Adjustments to reconcile net operating loss to net cash used in operating and non-operating activities:		
Depreciation	-	160,643
Amortization	10,315	10,315
Changes in net assets and liabilities:		
Decrease in accounts payable	<u>(3,438)</u>	<u>(9,624)</u>
 NET CASH USED IN OPERATING ACTIVITIES	 <u>\$ (40,579)</u>	 <u>\$ (121,117)</u>

See accompanying notes.

CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY

NOTES TO THE FINANCIAL STATEMENTS

NOTE 1 REPORTING ENTITY

The City of Utica Industrial Development Agency (the “Agency”) is a public benefit corporation created under the mandate of Article 18-A, “New York State Industrial Development Agency Act,” of New York State General Municipal Law for the purpose of encouraging economic growth in the City of Utica. The Agency is exempt from Federal, State, and local income taxes. The Agency, although established by the City of Utica, is a separate entity and operates independently of the City.

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Presentation and Accounting - The Agency’s fund is an enterprise fund. Enterprise funds are proprietary funds used to account for business-like activities provided to the general public. All enterprise funds are accounted for using the accrual basis of accounting. Revenues are recognized when they are earned, and expenses are recognized when they are incurred.

The following is a summary of the significant accounting policies followed in the preparation of the Agency’s financial statements. The accounting policies of the Agency conform to generally accepted accounting principles in the United States of America. The Agency reports are based on all applicable. The financial statements are presented in accordance with generally accepted accounting principles (GAAP).

Proprietary funds distinguish *operating* revenues and expenses from *nonoperating* items. Operating revenues and expenses generally result from providing services in connection with a proprietary fund’s principal ongoing operations. The principal operating revenues of the Agency’s enterprise fund is administrative fees and rents. Operating expenses for the enterprise fund includes occupancy costs, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

Interest on proceeds used in financing the construction of certain assets is capitalized during the construction period. Depreciation of exhaustible fixed assets used by enterprise funds is charged as an expense against operations, and accumulated depreciation is reported on the enterprise funds’ balance sheets.

Cash - For purposes of the statement of cash flows, the Agency considers all highly liquid debt instruments purchased with a maturity of three months or less to be cash equivalents.

Accounts Receivable - Accounts receivable is carried at its full value. Uncollectible accounts are charged to expenditures when an account is deemed uncollectible by management. There was no outstanding balance at December 31, 2009 and 2008.

Allowance for Doubtful Accounts - The Agency considers all accounts receivable at year-end to be fully collectible and, accordingly, the allowance for doubtful accounts was \$-0- at December 31, 2009 and 2008.

CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY

NOTES TO THE FINANCIAL STATEMENTS

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Cont.)

Property - Property acquired by the Agency is stated at cost. The Agency has capitalized all fixed asset purchases over \$1,000. Long-lived assets to be held and used are reviewed for impairment whenever events or changes in circumstances indicate that the related carrying amount may not be recoverable. When required, impairment losses on assets to be held and used are recognized based on the excess of the asset's carrying amount and fair value.

Depreciation is recognized on a straight-line basis over the estimated useful lives of the buildings and improvements, which is expected to be 20 years. No depreciation was recorded in 2009 due to the impairment of the building. (See Note 11). The Agency recorded depreciation expense of \$160,643 for the year ended December 31, 2008.

Intangible Assets - Intangible assets consist of closing costs on the Harza building. They are stated at cost and are amortized on a straight-line basis over 20 years. The Agency recorded amortization expense of \$10,315 for the years ended December 31, 2009 and 2008. Future amortization is anticipated as follows:

2010	\$	10,915
2011		5,061

Industrial Revenue Bond and Note Transactions - Certain industrial development revenue bonds and notes issued by the Agency are secured by property that is leased to companies and is retired by lease payments. The bonds and notes are not obligations of the City of Utica Industrial Development Agency or the State of New York. 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. For providing this service, the Agency receives bond administration fees from the borrowing companies. This administrative fee income is recognized immediately upon issuance of bonds and notes. Bond and note issuances still outstanding at December 31, 2009 are summarized in the Schedule of Supplemental Bond and Note Information on Page 15.

Contributed Facilities and Services - The Agency, with the consent of the Board of Representatives from the City of Utica, is authorized to use and has shared City employees, facilities, and equipment and may reimburse the City an agreed upon proportion of the compensation or costs of the services provided.

Estimates - The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the report period. Actual results could differ from those estimates.

CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY

NOTES TO THE FINANCIAL STATEMENTS

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Cont.)

Net Assets (Deficit) - The Agency reports its net assets in three components. Net assets invested in capital assets are equal to amounts reported for capital assets, net of related debt and accumulated depreciation. Restricted net assets are reported when assets (net of related debt) can only be used for a specified purpose that is established by grantors, contributors, or laws or regulations governing the Agency. For this reason, all restricted net assets are considered expendable. Unrestricted net assets are all other Agency net assets that do not meet the definitions of invested in capital assets or restricted.

NOTE 3 CASH AND CASH EQUIVALENTS

New York State statutes govern the Agency's investment policies. In addition, the Agency has its own written investment policy. Agency monies must be deposited in FDIC insured commercial banks or trust companies located within New York State. The Agency's treasurer is authorized to use demand accounts and certificates of deposit. Permissible investments include obligations of New York State or its localities.

Collateral is required for demand deposits and certificates of deposit at 102% of all deposits not covered by federal deposit insurance. Obligations that may be pledged as collateral are obligations to the United States and its agencies and obligations of the State and its municipalities and school districts.

The written investment policy requires repurchase agreements to be purchased from banks located within the State and the underlying securities must be obligations of the federal government of New York State. Underlying securities must have a market value of at least 102% of the cost of the repurchase agreement.

Deposits are valued at cost or cost plus interest and are categorized as either (1) insured or collateralized with securities held by the Agency or the Agency's agent in the Agency's name, (2) collateralized with securities held by the pledging financial institution's trust department or agent in the Agency's name, or (3) uncollateralized (this includes any bank balance that is collateralized with securities held by the pledging financial institution, its trust department, or agent but not the entity's name).

Total financial institution (bank) balances at December 31, 2009, per bank were \$56,491. These deposits are categorized as follows:

<u>(1)</u>	<u>(2)</u>	<u>(3)</u>
<u>\$ 56,491</u>	<u>\$ -</u>	<u>\$ -</u>

CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY

NOTES TO THE FINANCIAL STATEMENTS

NOTE 4 GOING CONCERN

As indicated in the accompanying financial statements, the Agency showed a decrease in net assets of \$47,456 during the year ended December 31, 2009. As of that date, the Agency's current liabilities exceeded its current assets by \$5,069,599 and its total liabilities exceeded its total assets by \$4,753,623. Those factors, as well as the uncertain conditions that the Agency faces regarding the sale of the Harza building and subsequent satisfaction of the associated debt (as discussed in Note 9), create an uncertainty about the Agency's ability to continue as a going concern. Management of the Agency is developing a plan to reduce its expenses to the extent possible.. The ability of the Agency to continue as a going concern is dependent on the sale of the Harza building and the forgiveness of the remaining debt by its creditors. The financial statements do not include any adjustments that might be necessary if the Agency is unable to continue as a going concern.

NOTE 5 LONG-TERM DEBT

At December 31, long-term debt consisted of the following:

	2009	2008
Mortgage payable to New York State Job Development Authority (JDA) maturing in 2011. Land and buildings collateralize the mortgage at 175-183 Genesee Street.	\$ 3,759,527	\$ 3,759,527
Loan payable to the City of Utica. The terms of the loan allow for payments of interest only, at a rate of 3.00%. Collateral on the loan is the Harza building at 175-183 Genesee Street. The lender's collateral is subordinate to the JDA mortgage. (See Note 9).	1,327,000	1,327,000
Total	5,086,527	5,086,527
Less: Current portion	5,086,527	5,086,527
Total long-term debt	\$ -0-	\$ -0-

For the years ended December 31, 2009 and 2008, the Agency did not pay interest expense.

JDA commenced action seeking foreclosure of the mortgage lien on January 27, 1998 and agreed to a forbearance and settlement agreement dated August 1, 1999. Under the forbearance and settlement agreement, the Agency is no longer required to make direct debt service payments to JDA or the City of Utica for outstanding debt; however, monthly lease payments were made directly from Montgomery Watson Harza, Inc. to JDA through June, 2004 as a required stipulation of forbearance and settlement between JDA, the Agency, and the Company. On July 31, 2004, the Forebearance agreement between JDA, the Agency and the Company automatically expired and was to be reviewed, which at that date JDA had the option to terminate the forbearance period and pursue foreclosure. As of December 31, 2009, JDA has not taken any action regarding the expiration of the forbearance agreement. In addition, as of July 31, 2004, the lease agreement with Montgomery Watson Harza, Inc. was terminated and payments to JDA have ceased. (See Note 9).

CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY

NOTES TO THE FINANCIAL STATEMENTS

NOTE 6 LEASES

A. The Agency is the lessor in several operating leases for the Harza Building. These leases are currently held as month to month leases as no extended term lease agreements have been signed.

The Agency continues to search for other leasing arrangements. Various small leases have been established from time to time.

B. The Agency is the lessor in a leaseback agreement for land located at 2160 Erie Street. The term of the lease is 10 years and will terminate July 31, 2013 or 10 years from the date on which benefits commence under the PILOT agreement. This leaseback agreement contains a purchase option whereby the lessee may purchase the property for \$1 by giving written notice to the Agency any time during this leaseback agreement. Minimum rent under this lease agreement is as follows:

<u>Year Ended</u> <u>December 31</u>	<u>Amount</u>
2010	\$ 25,000
2011	25,000
2012	25,000
2013	<u>14,583</u>
	<u>\$ 89,583</u>

NOTE 7 NET DEFICIT

A net deficit of \$4,753,623 exists as of December 31, 2009, resulting from noncash amortization expense of approximately \$10,315 per year and an impairment loss in 2008 of \$3,230,849.

NOTE 8 RECLASSIFICATIONS

Certain amounts appearing in the 2008 financial statements have been reclassified to facilitate comparison with the 2009 financial statements.

NOTE 9 CONTINGENCIES

As of July 31, 2004, a forbearance agreement between New York State Job Development Authority (JDA) and the Agency had expired. (See Note 5). The forbearance agreement has not been extended in writing, but the Agency has received a verbal extension from JDA. The balance owed on the mortgage at December 31, 2009 was \$3,759,527.

The Agency has not accrued any interest expense on the City of Utica loan for the Harza Building. In April, 2009, the Agency received a letter from the City stating that the loan given to the Agency would be released upon disposal of the building.

CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY

NOTES TO THE FINANCIAL STATEMENTS

NOTE 9 CONTINGENCIES (Cont.)

In 2006, the Agency received notification from the City of Utica of an agreement addressing the costs of operating the Harza building. Beginning January 1, 2006 and continuing until the building is sold, the City of Utica agreed to reimburse the Agency for expenses of operating the building that exceed rental income. The agreement expired in 2008 and no reimbursements were received in 2008.

NOTE10 RELATED PARTY

The Agency's governing body is selected by the Mayor of the City of Utica. In addition, the Agency's assistant secretary is also an employee of the City. Prior to 2008, the Agency did not carry its own insurance, as it was covered through its relationship with the City.

NOTE 11 IMPAIRMENT LOSS

During 2008, an offer was made to purchase the Harza building for \$300,000. Due to limited buyer interest in the building, the Agency views this as the current market value of the building. As such, an impairment loss of \$3,230,849 has been recorded as of December 31, 2008 and remains in effect at December 31, 2009.

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CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY

SCHEDULE OF SUPPLEMENTAL BOND AND NOTE INFORMATION

December 31, 2009

<u>Purchaser, if different</u>	<u>Issue</u>	<u>Issue Date</u>	<u>Price</u>	<u>Rate</u>	<u>Balance</u>	<u>Due Date</u>
Project Purpose:	North Utica Shopping Center AMA Realty Retail Trade	10/1/2005	11,250,000	5.30%	11,250,000	10/1/2015
Prudential Insurance	Utica Business Park/Widewaters Group (Met Life)	10/1/1992	7,715,000	8.25%	6,649,677	10/15/2012
Project Purpose:	Finance, Insurance and Real Estate					
Project Purpose:	Utica College Other - Education	5/1/1998	9,295,000	5.3-7.5%	6,830,000	8/1/2037
M&T Co. Project Purpose:	Munson-Williams Proctor Institute Other - Arts	6/17/1999	15,000,000	4.6-5.5%	7,410,000	6/17/2030

See auditors' report.

CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY

SCHEDULE OF FULL-TIME EQUIVALENT (FTE)
JOBS CREATED AND RETAINED

Year ended December 31, 2009

	<u># of FTE Employees at Project Locations Before IDA Status</u>	<u>Original Estimate of Jobs to be Created</u>	<u>Original Estimate of Jobs to be Retained</u>	<u># of Current FTE Employees</u>	<u># of FTE Jobs (Lost)/ Created During Fiscal Year</u>	<u># of FTE Jobs Retained During Fiscal Year</u>	
Issue:							
Utica Business Park/Widewaters Group (United Healthcare/Uniprise)	0	300	0	550	0	0	*
ERP Northeast Urban I	0	337	0	900	0	0	*
Utica Converters, Inc.	180	20	180	193	0	180	*
Utica Mutual Insurance Co.	0	200	0	171	-16	0	
Utica Business Park/Widewaters Group (Met Life)	0	180	0	200	0	0	*
Utica College	374	26	0	448	0	0	
Munson-Williams Proctor Institute	<u>129</u>	<u>26</u>	<u>0</u>	<u>154</u>	<u>-12</u>	<u>0</u>	
	<u>683</u>	<u>1299</u>	<u>180</u>	<u>2616</u>	<u>-28</u>	<u>180</u>	

* Estimate based on last year's numbers

CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY

SCHEDULE OF OUTSTANDING SALE AND LEASE AGREEMENTS

Year ended December 31, 2009

Project Owner Project Owner Address	Project Purpose	Tax Exemptions					Mortgage Recording	Total Exemptions	Payment in Lieu of Taxes			
		Sales Tax Exemptions		Real Property		Tax			County	Local	School	Total
		State	Local	County	Local	School						
The Widewaters Group PO Box 3, 5786 Widewaters Pwy. Dewitt, NY 13213	Finance, Insurance and Real Estate	\$ -	\$ -	\$ 20,486	\$ 44,757	\$ 59,325	\$ -	\$ 124,568	\$ 20,486	\$ 44,757	\$ 59,325	\$ 124,568
Utica Converters, Inc. 2214 Whitesboro Street Utica, NY 13502	Manufacturing	-	-	31,900	69,695	92,380	-	193,975	5,921	12,935	17,146	36,002
Utica Mutual Insurance Co. 201-231 Lafayette Street Utica, NY 13502	Finance, Insurance and Real Estate	-	-	39,330	85,928	113,896	-	239,154	12,979	28,356	37,586	78,921
Chanatry's Supermarket Inc. 485 French Road Utica, NY 13502	Retail Trade	-	-	3,335	7,285	9,656	-	20,276	2,501	5,464	7,242	15,207
DDS Motor Sports 2100 Oriskany Street Utica, NY 13502	Retail Trade	-	-	2,779	6,071	8,047	-	16,897	2,084	4,553	6,035	12,672
		<u>\$ -</u>	<u>\$ -</u>	<u>\$ 97,830</u>	<u>\$ 213,736</u>	<u>\$ 283,304</u>	<u>\$ -</u>	<u>\$ 594,870</u>	<u>\$ 43,971</u>	<u>\$ 96,065</u>	<u>\$ 127,334</u>	<u>\$ 267,370</u>

See auditors' report.

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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*

To the Board of Directors
City of Utica Industrial Development Agency
1 Kennedy Plaza
Utica, New York

We have audited the financial statements of the City of Utica Industrial Development Agency (the "Agency") as of and for the year ended December 31, 2009, and have issued our report thereon dated April 6, 2010. 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 in order to determine 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 misstatements in a timely basis. A *material weakness* is a deficiency, or a 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 the 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 material weaknesses, as defined above.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether City of Utica Industrial Development Agency's financial statements are free of material misstatement, 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 that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of the audit committee, management, the State of New York, and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Gruber, Jurcic & Scott, LLP

Clinton, New York
April 6, 2010