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2 STATE OF NEW YORK  
3 CITY OF YONKERS

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4 Minutes of  
5 The City of Yonkers IDA  
6 October 31, 2022 - 10:00 a.m.  
7 at  
8 City Hall  
9 470 Nepperhan Avenue  
10 Yonkers, New York 10701

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11 B E F O R E :

12 BOARD MEMBERS :

13 MAYOR MIKE SPANO, Chairman  
14 MELISSA NACERINO, Treasurer  
15 CECILE SINGER, Member  
16 HENRY DJONBALAJ, Member  
17 VICTOR GJONAJ, Member  
18 ROBERTO ESPIRITU, Member  
19 MARLYN ANDERSON, Secretary

20 I D A STAFF :

21 JAIME MCGILL - IDA Executive Director  
22 SIBY OOMMEN - IDA CFO  
23 MICHAEL CURTI, ESQ. - Transaction  
24 Counsel  
25 LARRY SYKES, ESQ. IDA/YEDC Counsel  
JIM CAVANAUGH - IDA President/CEO

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Proceedings

MAYOR SPANO: Good morning,  
everyone, we might as well start.

MR. OOMMEN: I will do the roll  
call.

MAYOR SPANO: Okay, ready.

MR. OOMMEN: I'll do the roll  
call. Mayor Mike Spano.

MAYOR SPANO: Here.

MR. OOMMEN: Marilyn Anderson.

MS. ANDERSON: Here.

MR. OOMMEN: Melissa Nacerino.

MS. NACERINO: Here.

MR. OOMMEN: Cecile Singer.

MS. SINGER: Here.

MR. OOMMEN: Henry Djonbalaj.

MR. DJONBALAJ: Here.

MR. OOMMEN: Roberto Espiritu.

MR. ESPIRITU: Here.

MR. OOMMEN: Victor Gjonaj.

MR. GJONAJ: Here.

MR. OOMMEN: We have a quorum.

MAYOR SPANO: Thank you. Good  
morning. Everyone should have the  
minutes of the meeting of September

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Proceedings

13th, 2022 in front of them. Are there any questions? If there are no questions, somebody make a motion that we accept.

MR. ESPIRITU: I make a motion.

MAYOR SPANO: Roberto made a motion, seconded by Cecile. We accept the minutes. There are no questions? Positives? All right. Any negatives? Hearing none, the minutes are passed. Okay. Item three, financials.

MR. OOMMEN: For the month of July through September we received three new applications but did not receive any agency fees. Our cash on hand at the end of September was 4.52 million dollars.

I just want to point out for our revenue in September there is a few large variances from last year and that is due to the timing of when we received those funds and also there is overpayment from the City of Yonkers that we received last year, so that is

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Proceedings

the reason for the difference.

If anyone has any other questions,  
please let me know.

MS. SINGER: Since we are doing  
three months of financials, that it  
would be interesting to go through the  
September financials for just  
differentials to just point out the  
differentials, so I think that would be  
a good thing to do.

MAYOR SPANO: Did you hear what  
Cecile just said.

MR. OOMMEN: You want me to  
mention the differential for September,  
correct?

MS. SINGER: Right.

MR. OOMMEN: If we go through  
September's first page, the current end  
of September, there are differences in  
the revenue but for our expenses there  
are a few for salaries. That was just  
an increase from the prior year, prior  
month. There is an increase from our  
rent, rent expense which was an

1 Proceedings  
2 agreement here to increase, and if we  
3 go through all the expense items there  
4 is just\_-- there is increases due to  
5 agreement changes. There are some  
6 bills that were changed as well. There  
7 was the Academy for Economic  
8 Development that we did virtually that  
9 we didn't have last year, and other  
10 than that, those are the basic  
11 variances.

12 MS. SINGER: Thank you.

13 MS. MCGILL: Can you just note,  
14 salaries are actually under budget and  
15 expenses are under budget for the  
16 month.

17 MAYOR SPANO: Any questions?  
18 Okay. So anyone want to make a motion  
19 that we accept the financials? Cecile  
20 made a motion, seconded by Henry. All  
21 in favor?

22 (A chorus of ayes.)

23 MAYOR SPANO: Any negatives?  
24 Hearing none, the financials are  
25 accepted. Okay. Item Four, Jaime.

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## Proceedings

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MS. MCGILL: Everyone should have received a copy of the IDA budget and itemized breakdown. You also have a copy in your pocket which you will be able to read as well as the reforecast.

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So we anticipate agency fees on seven projects closing, four of them which have already been induced and management fees are based on coming projects that we have, a straightforward number.

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The Pier revenue is projected to increase and that is based on in January we had a change in the rental agreement. The budget had already been produced and passed by the board so it is not reflected in the budget but we have been receiving the increased amount for the entire year.

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And the way we know, it is grant based so all the expenses, it is a net zero impact to the income.

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On the expenses, salaries are projected at fully staffed. Rent is

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Proceedings

based on our contractual agreement. Employee benefits are up. This is due to premium increase and the adoption of the tuition policy that mirrors the city policy. I think the Governance Committee just met to review that. The board has not officially adopted it yet so assuming the board adopts it today.

Postage and delivery is down a bit. That is because we have a large credit on account. Printing and production is up because now we have more live meetings so there will be more production going out.

Consulting fees. So there is an increase in consulting fees. This includes a zoning consultant that will work with the City of Yonkers. I don't know if Jim wants to talk to that.

MR. CAVANAUGH: I am sorry?

MS. MCGILL: The zoning consultant, I don't know if you want to talk to that a little.

MR. CAVANAUGH: Yes. The Mayor

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Proceedings

and Commissioner Albano and myself has discussed the city's Zoning Code which really hasn't been revised in over 10 years and the Zoning Code is something that should be looked at from time to time, and in particular now because we are seeing so much growth in Yonkers and we are seeing changes. You know, retail landscape is changing. We are seeing a new owner at Ridge Hill and they are bringing to our attention certain restrictive portions of the Zoning Code that force them to come in for a variance where as in other commutes you might be able to do certain things as of right, so we have noticed that New Rochelle and White Plains in the last several years have rewritten their Zoning Code and it has made things much easier for investors in those cities, not just for large investors, also small homeowners, you know, things change, so the Mayor suggested that we have a task force



## Proceedings

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2 which would be the IDA, the Planning  
3 Department, the Mayor's Office and we  
4 would reach out to various community  
5 stake holders, whether the investment  
6 community, homeowners association,  
7 anyone with an interest in zoning and  
8 spend the next several months to update  
9 our code, and so we have proposed a  
10 hundred thousand dollars in our budget  
11 to hire a consultant because you do  
12 need a professional to guide you.  
13 That's a bit of a guess as to what the  
14 number will be. It might be more. I  
15 don't think it will be less but that  
16 will be the purpose.

17 MAYOR SPANO: Okay.

18 MS. MCGILL: So we no longer have  
19 the Gen Y contract. That has been  
20 taken out by the city so that's a  
21 substantial reduction in our expenses.  
22 It helps to offset any of the other  
23 line item increases.

24 Board meetings, board and business  
25 meetings is up. We reappropriated one

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Proceedings

of the other lines and really tried to consolidate that and put it where it should be. Also having live meetings has an additional expense so that is up slightly but it up a big percentage but a small dollar amount. Overall the expenses are down two percent.

We also approved the three year budget which just assumes a two percent overall increase with any nonrecurring items taken out of that. The board does review the budget annually so this is just an estimate for the three year projection and each year the board will approve the budget.

Anyone have any specific questions?

MS. SINGER: Yes.

MAYOR SPANO: Cecile.

MS. SINGER: I have a question on the income side. With our Pier, 7200, it went from 180 to 120. Is that because you have adjusted lease the amount?

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Proceedings

MS. MCGILL: Yes. So when the 2022 budget was approved in October, we approve every October, then in January this year the board approved a new rent agreement which increased the rent from \$10,000 to \$15,000. We readjusted it back to where it was so that reflects the new agreement and we don't anticipate any change in that.

MS. SINGER: Thank you.

MAYOR SPANO: So we have the 2023 budget in front of us. Are there any other questions? Hearing no other questions, anyone want to make a motion? Cecile made a motion to accept the 2023 budget, seconded by Henry. All in favor?

(A chorus of ayes.)

MAYOR SPANO: Any negatives? Hearing none, the items are passed. Resolutions for consideration.

MS. MCGILL: The next item is our only resolution for consideration, a resolution to adopt certain policies

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Proceedings

and procedures and addressing other governance matters.

The governance meeting met before this meeting to review personnel policy and procedures as well as our guidelines and procedures. Everyone should have a red line copy of all of the insertions of the policies and any edits to the policy. We have Michael Curti here to represent some of the policy additions.

MR. CURTI: Thank you, Jaime, and good morning, Mayor, members of the Board.

Before you are resolutions to adopt certain policies and procedures and other governance matters. Policies and procedures primarily deal with agency staff. The other governance matters deal primarily with board operations.

With regard first to the policies and procedures and also the governance matters as a general proposition, the

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Proceedings

Governance Committee did recommend these changes to the larger board that you are currently considering.

With regard to those policies and procedures, there were a number of changes made to conform with the policies and procedures that are provided to city employees. Obviously we wanted to have parity between the folks that work here at the IDA and the folks also that work with the city.

Some of the those changing include staggered personal days. Every new hire or incumbent here at the IDA gets four personal days a year. We made some changes that stagger those four days, depending when you come in during the year, so if you are hired in January, you get the full four days. If you are hired in April you get three days, so on and so forth.

Social media policy has previously been adopted by the IDA. It is included now in our policies and

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Proceedings

procedures. There were some changes that are statutory in nature such as tracking FMLA guidelines and also sexual harassment policy which was changed here in New York a couple of years ago.

With regard to the governance matters that relate to the board, the President and Executive Director asked us to do an audit of the policies. We compared those policies to best practices that were published by the authority budget office which is-- has oversight over the IDA, so we included some language that we found missing in our existing policies to conform to that language going forward.

There is the inclusion of our recapture policy which was also previously adopted by the agency board. That would recapture policy allows the board to reconsider benefits in the event that an applicant has not followed through on some of the

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Proceedings

promises they made to the IDA such as job creation, also investment, and that's up to the board whether you want to recapture those benefits or not but obviously that is a good stewardship measure in terms of overseeing the financial system.

If you have any questions, I will be happy to answer them. The director is reminding me of the tuition reimbursement policy.

So to the extent anybody who works here at the IDA does take a course or pursues a degree that has some relevance to our agency operations, they receive up to \$2500 per year towards the tuition.

MR. CAVANAUGH: You might point out, Michael, I think you did, it may not be a hundred percent clear. All these changes bring our benefits up to the level that the City of Yonkers already provides. We are not going ahead with anything the city provides

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Proceedings

for its employees. In many areas we provided less in terms of some relief policies. We didn't have tuition reimbursement, so now if you work for the IDA, you get the same benefits as if you worked for the city itself.

MS. SINGER: So that's the what the Governance Committee approved all of the policies because they were largely conforming so they brought us into line with best practices and that was a very important thing to do so that was the recommendation of the Governance Committee.

MAYOR SPANO: As you know, this year the city put in place a tuition reimbursement program for city employees which I think is important, important help, especially for our ambitious, you know, employees that want to go out there and further education, it would be helpful. It is always better for the residence of our city.



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Proceedings

MS. SINGER: The recapture policy was, of course, very important for all of our entities to be able to have recourse when there was a problem.

MAYOR SPANO: All right. Any other questions about this? All right. Anyone want to make a motion we accept?

Victor, seconded by Marilyn. All in favor?

(A chorus of ayes.)

MAYOR SPANO: Any negatives? The item is passed. Okay. Any other business?

MS. MCGILL: No business.

MAYOR SPANO: And any legal updates, Larry?

MR. SYKES: There are none.

MAYOR SPANO: Anyone want to make a motion with adjourn?

MS. NACERINO: Make a motion.

MAYOR SPANO: Melissa made a motion, seconded by Cecile that we adjourn. All in favor?

(A chorus of ayes.)

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Proceedings

MAYOR SPANO: Any negatives?

Hearing none, we are adjourned. Thank you.

(Short pause.)

MAYOR SPANO: I want to mention something on the record that I didn't mention before. Melissa, you want to make a motion we reopen the meeting.

MS. NACERINO: Motion we reopen the meeting.

MAYOR SPANO: Seconded by Henry, all in favor?

(A chorus of ayes.)

MAYOR SPANO: It has come to my attention in the 2023 budget that was passed there were raises were put forth. One of the raises obviously is for Jaime McGill. Jaime McGill, you all know, is my sister-in-law so I wanted to just make sure that while that was something that was done arm's length from me, it was not something-- it was something I was not a part of intentionally but it is something that

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Proceedings

I have to vote on today so I want to make sure I make that very public.

Do I have to excuse myself or should I just make it public?

MR. CURTI: We will note you as a recusal, Mayor, for this vote and we can call a role call.

MAYOR SPANO: We are going to go back to the budget, 2023, item four. Somebody want to make a motion that we reconsider? Henry made a motion, seconded by Cecile. All in favor?

(A chorus of ayes.)

MAYOR SPANO: The item is back in front of us. I want to say for the record Jaime McGill is my sister-in-law. There are raises for the staff. She is one of those people, so it is the advice of counsel that I should recuse myself so I am going to recuse myself from this vote. Are there any questions?

MR. CURTI: Just note for the record, Mayor, you were not involved

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Proceedings

with regard to that as you previously stated.

MR. CAVANAUGH: The Mayor's position goes beyond recusal. As the board knows, I communicated directly with the board regarding raises with regards to the executive director's raise. The Mayor and I did not have a discussion. He said leave it in the board's hands and he was unaware of the raise that was proposed and may still be, I don't know.

MAYOR SPANO: All right. So with that, are there any questions? Hearing no questions, somebody want to make a motion? Henry made a motion. We accepted-- Marilyn has accepted it. All in favor?

(A chorus of ayes.)

MAYOR SPANO: Note me as recused. Anyone want to make a motion that we adjourn? Roberto.

MR. ESPIRITU: I make a motion.

MAYOR SPANO: Seconded by Victor.

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Proceedings

All in favor?

(A chorus of ayes.)

MR. SPANO: All right, we are  
adjourned.

(Time noted: 10:30 a.m.)

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CERTIFICATION

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

I, HOWARD BRESHIN, a Court Reporter  
and Notary Public within and for the State of New  
York, do hereby certify:

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand.



HOWARD BRESHIN,  
COURT REPORTER

<b>1</b>	<b>accurate</b> 22:11 <b>action</b> 22:14 <b>additional</b> 10:5 <b>additions</b> 12:12 <b>addressing</b> 12:2 <b>adjourn</b> 17:20 17:24 20:23 <b>adjourned</b> 18:3 21:5 <b>adjusted</b> 10:24 <b>adopt</b> 11:25 12:17 <b>adopted</b> 7:8 13:24 14:21 <b>adoption</b> 7:4 <b>adopts</b> 7:9 <b>advice</b> 19:20 <b>agency</b> 3:16 6:7 12:20 14:21 15:16 <b>ago</b> 14:7 <b>agreement</b> 5:2,5 6:16 7:2 11:6,9 <b>ahead</b> 15:25 <b>albano</b> 8:2 <b>allows</b> 14:22 <b>ambitious</b> 16:21 <b>amount</b> 6:20 10:7,25 <b>anderson</b> 1:13 2:10,11 <b>annually</b> 10:13 <b>answer</b> 15:10 <b>anticipate</b> 6:7 11:10 <b>anybody</b> 15:13 <b>applicant</b> 14:24	<b>applications</b> 3:15 <b>approve</b> 10:16 11:4 <b>approved</b> 10:9 11:3,5 16:9 <b>april</b> 13:21 <b>areas</b> 16:2 <b>arm's</b> 18:22 <b>asked</b> 14:10 <b>association</b> 9:6 <b>assumes</b> 10:10 <b>assuming</b> 7:9 <b>attention</b> 8:12 18:16 <b>audit</b> 14:11 <b>authority</b> 14:14 <b>avenue</b> 1:6 <b>ayes</b> 5:22 11:19 17:11,25 18:14 19:14 20:20 21:3	<b>bills</b> 5:6 <b>bit</b> 7:11 9:13 <b>blood</b> 22:15 <b>board</b> 1:11 6:17 7:8,9 9:24,24 10:12,15 11:5 12:15,21 13:3 14:9,21,23 15:4 20:6,7 <b>board's</b> 20:11 <b>breakdown</b> 6:4 <b>breshin</b> 22:6,21 <b>bring</b> 15:22 <b>bringing</b> 8:12 <b>brought</b> 16:11 <b>budget</b> 5:14,15 6:3,16,18 9:10 10:10,13,16 11:3 11:13,17 14:14 18:16 19:10 <b>business</b> 9:24 17:14,15
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	<b>b</b>	<b>c</b>	
	<b>b</b> 1:9 <b>back</b> 11:8 19:10 19:15 <b>based</b> 6:10,14,22 7:2 <b>basic</b> 5:10 <b>benefits</b> 7:3 14:23 15:5,22 16:6 <b>best</b> 14:12 16:12 <b>better</b> 16:24 <b>beyond</b> 20:5 <b>big</b> 10:6	<b>call</b> 2:5,8 19:8,8 <b>cash</b> 3:16 <b>cavanaugh</b> 1:18 7:21,25 15:19 20:4 <b>cecile</b> 1:11 2:14 3:8 4:13 5:19 10:20 11:16 17:23 19:13 <b>ceo</b> 1:18 <b>certain</b> 8:13,17 11:25 12:17 <b>certification</b> 22:1	

<p><b>certify</b> 22:8,13  <b>cfo</b> 1:16  <b>chairman</b> 1:10  <b>change</b> 6:15 8:24  11:10  <b>changed</b> 5:6  14:6  <b>changes</b> 5:5 8:9  13:3,7,17 14:2  15:22  <b>changing</b> 8:10  13:13  <b>chorus</b> 5:22  11:19 17:11,25  18:14 19:14  20:20 21:3  <b>cities</b> 8:22  <b>city</b> 1:2,4,5 3:24  7:6,19 9:20 13:9  13:12 15:23,25  16:7,17,18,25  <b>city's</b> 8:3  <b>clear</b> 15:21  <b>closing</b> 6:8  <b>code</b> 8:3,5,14,20  9:9  <b>come</b> 8:14 13:18  18:15  <b>coming</b> 6:10  <b>commissioner</b>  8:2  <b>committee</b> 7:7  13:2 16:9,15  <b>communicated</b>  20:6  <b>community</b> 9:4,6  <b>commutes</b> 8:16</p>	<p><b>compared</b> 14:12  <b>conform</b> 13:7  14:17  <b>conforming</b>  16:11  <b>consideration</b>  11:22,24  <b>considering</b> 13:4  <b>consolidate</b> 10:3  <b>consultant</b> 7:18  7:23 9:11  <b>consulting</b> 7:16  7:17  <b>contract</b> 9:19  <b>contractual</b> 7:2  <b>copy</b> 6:3,5 12:8  <b>correct</b> 4:16  <b>counsel</b> 1:17,17  19:20  <b>county</b> 22:5  <b>couple</b> 14:6  <b>course</b> 15:14  17:3  <b>court</b> 22:6,22  <b>creation</b> 15:3  <b>credit</b> 7:12  <b>current</b> 4:19  <b>currently</b> 13:4  <b>curti</b> 1:16 12:11  12:13 19:6,24</p> <p style="text-align: center;"><b>d</b></p> <p><b>d</b> 1:15  <b>days</b> 13:14,16,18  13:20,22  <b>deal</b> 12:19,21  <b>degree</b> 15:15</p>	<p><b>delivery</b> 7:10  <b>department</b> 9:3  <b>depending</b> 13:18  <b>development</b> 5:8  <b>difference</b> 4:2  <b>differences</b> 4:20  <b>differential</b> 4:15  <b>differentials</b> 4:9  4:10  <b>directly</b> 20:6  <b>director</b> 1:15  14:10 15:10  <b>director's</b> 20:8  <b>discussed</b> 8:3  <b>discussion</b> 20:10  <b>djonbalaj</b> 1:12  2:16,17  <b>doing</b> 4:5  <b>dollar</b> 10:7  <b>dollars</b> 3:18 9:10  <b>due</b> 3:22 5:4 7:3</p> <p style="text-align: center;"><b>e</b></p> <p><b>e</b> 1:9,9  <b>easier</b> 8:21  <b>economic</b> 5:7  <b>edits</b> 12:10  <b>education</b> 16:23  <b>employee</b> 7:3  <b>employees</b> 13:9  16:2,19,21  <b>entire</b> 6:20  <b>entities</b> 17:4  <b>especially</b> 16:20  <b>espíritu</b> 1:13  2:18,19 3:6  20:24</p>	<p><b>esq</b> 1:16,17  <b>estimate</b> 10:14  <b>event</b> 14:24  <b>excuse</b> 19:4  <b>executive</b> 1:15  14:10 20:8  <b>existing</b> 14:17  <b>expense</b> 4:25 5:3  10:5  <b>expenses</b> 4:21  5:15 6:22,24  9:21 10:8  <b>extent</b> 15:13</p> <p style="text-align: center;"><b>f</b></p> <p><b>f</b> 1:9,15,15  <b>favor</b> 5:21 11:18  17:10,24 18:13  19:13 20:19  21:2  <b>fees</b> 3:16 6:7,10  7:16,17  <b>financial</b> 15:8  <b>financials</b> 3:12  4:6,8 5:19,24  <b>first</b> 4:19 12:23  <b>fmla</b> 14:4  <b>folks</b> 13:11,12  <b>followed</b> 14:25  <b>force</b> 8:14,25  <b>forth</b> 13:22  18:18 22:10  <b>forward</b> 14:18  <b>found</b> 14:16  <b>four</b> 5:25 6:8  13:16,17,20  19:10</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<p><b>front</b> 3:2 11:13 19:16 <b>full</b> 13:20 <b>fully</b> 6:25 <b>funds</b> 3:23 <b>further</b> 16:22 22:13</p>	<p><b>hearing</b> 3:11 5:24 11:14,21 18:3 20:15 <b>help</b> 16:20 <b>helpful</b> 16:23 <b>helps</b> 9:22 <b>henry</b> 1:12 2:16 5:20 11:17 18:12 19:12 20:17 <b>hereinbefore</b> 22:10 <b>hereunto</b> 22:17 <b>hill</b> 8:11 <b>hire</b> 9:11 13:15 <b>hired</b> 13:19,21 <b>holders</b> 9:5 <b>homeowners</b> 8:23 9:6 <b>howard</b> 22:6,21 <b>hundred</b> 9:10 15:21</p>	<p><b>income</b> 6:23 10:22 <b>increase</b> 4:23,24 5:2 6:14 7:4,17 10:11 <b>increased</b> 6:19 11:6 <b>increases</b> 5:4 9:23 <b>incumbent</b> 13:15 <b>induced</b> 6:9 <b>insertions</b> 12:9 <b>intentionally</b> 18:25 <b>interest</b> 9:7 <b>interested</b> 22:16 <b>interesting</b> 4:7 <b>investment</b> 9:5 15:3 <b>investors</b> 8:21 8:23 <b>involved</b> 19:25 <b>item</b> 3:12 5:25 9:23 11:23 17:13 19:10,15 <b>itemized</b> 6:4 <b>items</b> 5:3 10:12 11:21</p>	<p><b>july</b> 3:13</p>
<p><b>g</b></p>	<p><b>i</b></p>	<p><b>j</b></p>	<p><b>k</b></p>
<p><b>gen</b> 9:19 <b>general</b> 12:25 <b>gjonaj</b> 1:12 2:20 2:21 <b>go</b> 4:7,18 5:3 16:22 19:9 <b>goes</b> 20:5 <b>going</b> 7:15 14:18 15:24 19:9,21 <b>good</b> 2:2,23 4:11 12:14 15:6 <b>governance</b> 7:6 12:3,4,18,20,24 13:2 14:8 16:9 16:15 <b>grant</b> 6:21 <b>growth</b> 8:8 <b>guess</b> 9:13 <b>guide</b> 9:12 <b>guidelines</b> 12:7 14:4</p>	<p><b>ida</b> 1:4,15,16,17 1:18 6:3 9:2 13:11,15,24 14:15 15:2,14 16:6 <b>impact</b> 6:23 <b>important</b> 16:13 16:19,20 17:3 <b>include</b> 13:13 <b>included</b> 13:25 14:15 <b>includes</b> 7:18 <b>inclusion</b> 14:19</p>	<p><b>jaime</b> 1:15 5:25 12:13 18:19,19 19:17 <b>january</b> 6:15 11:4 13:20 <b>jim</b> 1:18 7:20 <b>job</b> 15:3</p>	<p><b>know</b> 4:4 6:21 7:20,23 8:9,24 16:16,21 18:20 20:13 <b>knows</b> 20:6</p>
<p><b>h</b></p>	<p><b>m</b></p>	<p><b>m</b></p>	<p><b>l</b></p>
<p><b>hall</b> 1:5 <b>hand</b> 3:16 22:18 <b>hands</b> 20:11 <b>happy</b> 15:10 <b>harassment</b> 14:5 <b>hear</b> 4:12</p>	<p><b>landscape</b> 8:10 <b>language</b> 14:16 14:18 <b>large</b> 3:21 7:11 8:22 <b>largely</b> 16:11 <b>larger</b> 13:3 <b>larry</b> 1:17 17:17 <b>law</b> 18:20 19:18 <b>lease</b> 10:24 <b>leave</b> 20:10 <b>legal</b> 17:16 <b>length</b> 18:23 <b>level</b> 15:23 <b>line</b> 9:23 12:8 16:12 <b>lines</b> 10:2 <b>little</b> 7:24 <b>live</b> 7:14 10:4 <b>longer</b> 9:18 <b>looked</b> 8:6</p>	<p><b>management</b> 6:10 <b>marilyn</b> 1:13 2:10 17:9 20:18 <b>marriage</b> 22:15 <b>matter</b> 22:16</p>	<p><b>land</b> 14:18 <b>landscapes</b> 8:10 <b>language</b> 14:16 14:18 <b>large</b> 3:21 7:11 8:22 <b>largely</b> 16:11 <b>larger</b> 13:3 <b>larry</b> 1:17 17:17 <b>law</b> 18:20 19:18 <b>lease</b> 10:24 <b>leave</b> 20:10 <b>legal</b> 17:16 <b>length</b> 18:23 <b>level</b> 15:23 <b>line</b> 9:23 12:8 16:12 <b>lines</b> 10:2 <b>little</b> 7:24 <b>live</b> 7:14 10:4 <b>longer</b> 9:18 <b>looked</b> 8:6</p>

<p><b>matters</b> 12:3,18 12:21,25 14:9 <b>mayor</b> 1:10 2:2,6 2:8,9,23 3:7 4:12 5:17,23 7:25 8:24 9:17 10:20 11:12,20 12:14 16:16 17:6,12,16,19,22 18:2,6,12,15 19:7,9,15,25 20:9,14,21,25 <b>mayor's</b> 9:3 20:4 <b>mcgill</b> 1:15 5:13 6:2 7:22 9:18 11:2,23 17:15 18:19,19 19:17 <b>measure</b> 15:7 <b>media</b> 13:23 <b>meeting</b> 2:25 12:4,5 18:9,11 <b>meetings</b> 7:14 9:24,25 10:4 <b>melissa</b> 1:11 2:12 17:22 18:8 <b>member</b> 1:11,12 1:12,13,13 <b>members</b> 12:14 <b>mention</b> 4:15 18:6,8 <b>met</b> 7:7 12:4 <b>michael</b> 1:16 12:10 15:20 <b>mike</b> 1:10 2:8 <b>million</b> 3:17 <b>minutes</b> 1:3 2:25 3:9,11</p>	<p><b>mirrors</b> 7:5 <b>missing</b> 14:16 <b>month</b> 3:13 4:24 5:16 <b>months</b> 4:6 9:8 <b>morning</b> 2:2,24 12:14 <b>motion</b> 3:4,6,8 5:18,20 11:16,16 17:8,20,21,23 18:9,10 19:11,12 20:17,17,22,24</p> <p style="text-align: center;"><b>n</b></p> <p><b>nacerino</b> 1:11 2:12,13 17:21 18:10 <b>nature</b> 14:3 <b>need</b> 9:12 <b>negatives</b> 3:10 5:23 11:20 17:12 18:2 <b>nepperhan</b> 1:6 <b>net</b> 6:22 <b>new</b> 1:2,6 3:14 8:11,18 11:5,9 13:14 14:6 22:3 22:7 <b>nonrecurring</b> 10:11 <b>notary</b> 22:7 <b>note</b> 5:13 19:6 19:24 20:21 <b>noted</b> 21:6 <b>noticed</b> 8:18 <b>number</b> 6:12 9:14 13:6</p>	<p style="text-align: center;"><b>o</b></p> <p><b>o</b> 1:9 <b>obviously</b> 13:9 15:6 18:18 <b>october</b> 1:4 11:3 11:4 <b>office</b> 9:3 14:14 <b>officially</b> 7:8 <b>offset</b> 9:22 <b>okay</b> 2:6 3:12 5:18,25 9:17 17:13 <b>oommen</b> 1:16 2:4,7,10,12,14 2:16,18,20,22 3:13 4:14,18 <b>operations</b> 12:22 15:16 <b>outcome</b> 22:16 <b>overall</b> 10:7,11 <b>overpayment</b> 3:24 <b>overseeing</b> 15:7 <b>oversight</b> 14:15 <b>owner</b> 8:11</p> <p style="text-align: center;"><b>p</b></p> <p><b>page</b> 4:19 <b>parity</b> 13:10 <b>part</b> 18:24 <b>particular</b> 8:7 <b>parties</b> 22:14 <b>passed</b> 3:11 6:17 11:21 17:13 18:17 <b>pause</b> 18:5 <b>people</b> 19:19</p>	<p><b>percent</b> 10:8,10 15:21 <b>percentage</b> 10:6 <b>personal</b> 13:14 13:16 <b>personnel</b> 12:5 <b>pier</b> 6:13 10:22 <b>place</b> 16:17 <b>plains</b> 8:19 <b>planning</b> 9:2 <b>please</b> 4:4 <b>pocket</b> 6:5 <b>point</b> 3:19 4:9 15:19 <b>policies</b> 11:25 12:9,17,18,23 13:5,8,25 14:11 14:12,17 16:4,10 <b>policy</b> 7:5,6 12:5 12:10,12 13:23 14:5,20,22 15:12 17:2 <b>portions</b> 8:13 <b>position</b> 20:5 <b>positives</b> 3:10 <b>postage</b> 7:10 <b>practices</b> 14:13 16:12 <b>premium</b> 7:4 <b>president</b> 1:18 14:10 <b>previously</b> 13:23 14:21 20:2 <b>primarily</b> 12:19 12:21 <b>printing</b> 7:12 <b>prior</b> 4:23,23</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>problem</b> 17:5  <b>procedures</b> 12:2  12:6,7,17,19,24  13:6,8 14:2  <b>proceedings</b> 2:1  3:1 4:1 5:1 6:1  7:1 8:1 9:1 10:1  11:1 12:1 13:1  14:1 15:1 16:1  17:1 18:1 19:1  20:1 21:1 22:9  22:12  <b>produced</b> 6:17  <b>production</b> 7:13  7:15  <b>professional</b>  9:12  <b>program</b> 16:18  <b>projected</b> 6:13  6:25  <b>projection</b> 10:15  <b>projects</b> 6:8,11  <b>promises</b> 15:2  <b>proposed</b> 9:9  20:12  <b>proposition</b>  12:25  <b>provided</b> 13:9  16:3  <b>provides</b> 15:24  15:25  <b>public</b> 19:3,5  22:7  <b>published</b> 14:13  <b>purpose</b> 9:16  <b>pursues</b> 15:15  <b>put</b> 10:3 16:17  18:17</p>	<p><b>q</b></p> <p><b>question</b> 10:21  <b>questions</b> 3:3,4,9  4:3 5:17 10:18  11:14,15 15:9  17:7 19:23  20:15,16  <b>quorum</b> 2:22</p>	<p><b>recusal</b> 19:7  20:5  <b>recuse</b> 19:21,22  <b>recused</b> 20:21  <b>red</b> 12:8  <b>reduction</b> 9:21  <b>reflected</b> 6:18  <b>reflects</b> 11:8  <b>reforecast</b> 6:6  <b>regard</b> 12:23  13:5 14:8 20:2  <b>regarding</b> 20:7  <b>regards</b> 20:8  <b>reimbursement</b>  15:12 16:5,18  <b>relate</b> 14:9  <b>related</b> 22:14  <b>relevance</b> 15:16  <b>relief</b> 16:3  <b>reminding</b> 15:11  <b>rent</b> 4:25,25 6:25  11:5,6  <b>rental</b> 6:15  <b>reopen</b> 18:9,10  <b>reported</b> 22:9  <b>reporter</b> 22:6,22  <b>represent</b> 12:11  <b>residence</b> 16:24  <b>resolution</b> 11:24  11:25  <b>resolutions</b>  11:22 12:16  <b>restrictive</b> 8:13  <b>retail</b> 8:10  <b>revenue</b> 3:20  4:21 6:13  <b>review</b> 7:7 10:13  12:5</p>	<p><b>revised</b> 8:4  <b>rewritten</b> 8:20  <b>ridge</b> 8:11  <b>right</b> 3:10 4:17  8:17 17:6,7  20:14 21:4  <b>roberto</b> 1:13  2:18 3:7 20:23  <b>rochelle</b> 8:18  <b>role</b> 19:8  <b>roll</b> 2:4,7</p>
	<p><b>r</b></p> <p><b>r</b> 1:9  <b>raise</b> 20:9,12  <b>raises</b> 18:17,18  19:18 20:7  <b>reach</b> 9:4  <b>read</b> 6:6  <b>readjusted</b> 11:7  <b>ready</b> 2:6  <b>really</b> 8:4 10:2  <b>reappropriated</b>  9:25  <b>reason</b> 4:2  <b>recapture</b> 14:20  14:22 15:5 17:2  <b>receive</b> 3:15  15:17  <b>received</b> 3:14,23  3:25 6:3  <b>receiving</b> 6:19  <b>recommend</b> 13:2  <b>recommendation</b>  16:14  <b>reconsider</b> 14:23  19:12  <b>record</b> 18:7  19:17,25 22:11  <b>recourse</b> 17:5</p>	<p><b>s</b></p> <p><b>s</b> 1:15  <b>salaries</b> 4:22  5:14 6:24  <b>seconded</b> 3:8  5:20 11:17 17:9  17:23 18:12  19:13 20:25  <b>seeing</b> 8:8,9,11  <b>september</b> 2:25  3:14,17,20 4:8  4:15,20  <b>september's</b>  4:19  <b>set</b> 22:10,18  <b>seven</b> 6:8  <b>sexual</b> 14:5  <b>short</b> 18:5  <b>siby</b> 1:16  <b>side</b> 10:22  <b>signature</b> 22:20  <b>singer</b> 1:11 2:14  2:15 4:5,17 5:12  10:19,21 11:11  16:8 17:2</p>	

<p><b>sister</b> 18:20 19:18 <b>slightly</b> 10:6 <b>small</b> 8:23 10:7 <b>social</b> 13:23 <b>somebody</b> 3:4 19:11 20:16 <b>sorry</b> 7:21 <b>spano</b> 1:10 2:2,6 2:8,9,23 3:7 4:12 5:17,23 9:17 10:20 11:12,20 16:16 17:6,12,16,19,22 18:2,6,12,15 19:9,15 20:14,21 20:25 21:4 <b>specific</b> 10:17 <b>spend</b> 9:8 ss 22:4 <b>staff</b> 12:20 19:19 <b>staffed</b> 6:25 <b>stagger</b> 13:17 <b>staggered</b> 13:14 <b>stake</b> 9:5 <b>start</b> 2:3 <b>state</b> 1:2 22:3,7 <b>stated</b> 20:3 <b>statutory</b> 14:3 <b>stewardship</b> 15:6 <b>straightforward</b> 6:12 <b>substantial</b> 9:21 <b>suggested</b> 8:25 <b>sure</b> 18:21 19:3 <b>sykes</b> 1:17 17:18</p>	<p><b>system</b> 15:8</p>	<p><b>v</b></p>	<p>13:16,19 15:17 16:17 <b>years</b> 8:5,19 14:7 <b>yedc</b> 1:16,17,18 <b>yonkers</b> 1:2,4,6 3:24 7:19 8:8 15:23 <b>york</b> 1:2,6 14:6 22:3,8</p>	
	<p><b>t</b></p>	<p><b>variance</b> 8:15 <b>variances</b> 3:21 5:11 <b>various</b> 9:4 <b>victor</b> 1:12 2:20 17:9 20:25 <b>virtually</b> 5:8 <b>vote</b> 19:2,7,22</p>	<p><b>w</b></p>	<p><b>z</b></p>
	<p><b>t</b> 1:15 <b>take</b> 15:14 <b>taken</b> 9:20 10:12 <b>talk</b> 7:20,24 <b>task</b> 8:25 <b>terms</b> 15:7 16:3 <b>thank</b> 2:23 5:12 11:11 12:13 18:3 <b>thing</b> 4:11 16:13 <b>things</b> 8:17,21 8:24 <b>think</b> 4:10 7:6 9:15 15:20 16:19 <b>thousand</b> 9:10 <b>three</b> 3:12,14 4:6 10:9,14 13:21 <b>time</b> 8:6,7 21:6 <b>timing</b> 3:22 <b>today</b> 7:9 19:2 <b>tracking</b> 14:4 <b>transaction</b> 1:16 <b>transcript</b> 22:11 <b>treasurer</b> 1:11 <b>tried</b> 10:2 <b>true</b> 22:11 <b>tuition</b> 7:5 15:11 15:18 16:4,17 <b>two</b> 10:8,10</p>	<p><b>want</b> 3:19 4:14 5:18 7:23 11:15 15:4 16:22 17:8 17:19 18:6,8 19:2,11,16 20:16 20:22 <b>wanted</b> 13:10 18:21 <b>wants</b> 7:20 <b>way</b> 6:21 22:15 <b>went</b> 10:23 <b>westchester</b> 22:5 <b>whereof</b> 22:17 <b>white</b> 8:18 <b>witness</b> 22:17 <b>work</b> 7:19 13:11 13:12 16:5 <b>worked</b> 16:7 <b>works</b> 15:13</p>		
	<p><b>u</b></p>	<p><b>x</b></p>	<p><b>y</b></p>	<p><b>zero</b> 6:23 <b>zoning</b> 7:18,22 8:3,5,14,20 9:7</p>
	<p><b>unaware</b> 20:11 <b>update</b> 9:8 <b>updates</b> 17:17</p>	<p><b>x</b> 1:3,7</p>		