

COMMISSION MEETING

May 16, 2012

CDRPC Conference Room

One Park Place, Suite 102

Albany, New York 12205

Minutes

PRESENT: Willard Bruce, Lucille McKnight, Judy Breselor, James Shaughnessy, Fred Acunto, Jason Kemper, John Murray, Paul Sausville, Gary Hughes, Barbara Mauro, David Vincent

ABSENT: John Brown, Michael Whalen Jr., Stan Brownell, Leon Fiacco, Michael Stammel, Philip Barrett, B. Donald Ackerman, Angelo Santabarbara

PRESIDING: Bill Bruce, Chair, called the meeting to order at 8:30am.

1. Welcome/Introduction of Guests

Ken Carlstedt, Manager of International Trade for Momentive and Tommy Barry, President/CEO of Point Trade Services were in attendance.

2. Schenectady County Commissioner Appointments

B. Donald Ackerman and Angelo Santabarbara have been appointed to the CDRPC Board by the Schenectady County Legislature. Both terms will run through December 31, 2015.

3. March 21, 2012 Meeting Minutes

The minutes were distributed before the meeting. No corrections were made.

Action Taken

Fred Acunto made a motion to approve the minutes and Lucille McKnight seconded. The motion was approved unanimously.

4. Financial Statement through April 20, 2012

For the year, the revenues are at 30.7% of the budgeted amount and expenses are at 28.4%. There is approximately \$166,078 cash in the bank and receivables totaling \$108,486.

CDRPC has recently signed the contract with NYSERDA for the Climate Smart Communities Grant, however money has not been drawn down yet. Todd is the lead on the project and is working with two consultants, VHB and Climate Action Associates. The total grant amount is \$322,000 and CDRPC's share is \$72,000.

Jason Kemper inquired if CDRPC is involved in the Cleaner Greener Communities Grant. The Cleaner Greener Communities Grant is a \$1 million grant and CDRPC is receiving \$10,000 for support services. Clough Harbor and VHB are the main consultants on the project along with three other firms as sub consultants. The City of Albany is the contracting agency.

Action Taken

John Murray made a motion to approve the Financial Statement and Lucille McKnight seconded. The motion was approved unanimously.

5. MPM Silicones Application to Foreign Trade Zones Board

MPM Silicones, LLC currently operates Subzone 121C in Waterford. The Foreign Trade Zones Board limited the subzone to a five-year period, with further authority requiring additional review and approval by the Foreign Trade Zones Board.

MPM has requested that CDRPC, as Grantee of Foreign Trade Zones #121, submit their application for manufacturing authority, together with the necessary letter of concurrence. MPM has a valid signed contract with CDRPC, is current on all fees, and has completed its 2011 Annual Reporting requirements. Staff is requesting approval from the Board to submit any concurrence letter or applications on behalf of MPM.

Ken Carlsted added the grant of authority they have will expire in April 2013 and they are going ahead to request, through CDRPC as Grantee, that FTZ Board extend the scope of authority that was approved four years ago. There have been many discussions about the plant in Waterford and how to keep costs under control and keep it viable. The FTZ is an integral piece of that strategy for making sure the plant stays cost effective and profitable.

Jason Kemper asked if they are requesting another five year period for the subzone. Ken Carlstedt responded that they are requesting to end the 5 year restriction and make it permanent. Tommy Barry also added that he is hoping to get a permanent grant of authority, which is their normal position in most grants of manufacturing authority.

Action Taken

John Murray made a motion to authorize CDRPC staff to produce any correspondence or documents that are necessary to continue the process and Jason Kemper seconded. The motion was approved unanimously.

6. Deactivation of Magnet Sites 1 & 2

In 1984 CDRPC signed a contract with Distribution Unlimited, the operators of Northeastern Industrial Park and Rotterdam Industrial Park, for a 15 year term with an automatic two-year extension unless notice was given at least one year in advance of the proposed termination date. This contract also provided that DUI would pay an annual

service charge equivalent to a pro rata share of CDRPC's actual administrative costs. No fees have been collected from DUI since June 2005. Also, Section 5.3 of the contract required DUI to provide CDRPC with copies of all rules, regulations and practices of operation. DUI has not provided any updates to its operating policies since 1984. The Foreign Trade Zones Board recently revised its regulations pertaining to grantee and operator management and administration of Zone Projects. The revised regulations require that the grantee have written contracts with all operators using the Zone. These contracts must follow Uniform Treatment and Public Utility principles, with similar rates and charges applied to all similar operators. DUI is not in compliance with their old contract and not following current regulations.

CDRPC staff met with David Ahl and Art Dutcher, DUI staff responsible for Magnet Site Operations in 2011 and followed up with numerous phone calls as well as email reminders. A certified letter was sent on March 14, 2012 setting April 30, 2012 as a final deadline for the receipt of all outstanding materials. To date, DUI has not responded.

CDRPC will be going before the US Customs and the Foreign Trade Zones Board asking to deactivate Magnet Sites 1 & 2. It is important to seek deactivation at this time because under the new regulations the FTZ Board has recently passed, CDRPC could be liable for a fine up to \$1,000 per day for violation, a possibility of no activity on any applications that CDRPC files on behalf of others within the zone and potentially loss of grantee authority.

If DUI decides they need a FTZ at a future date, an application could be submitted for a Usage Driven Site and Customs Activation after the satisfaction of all regulatory requirements and fees, including execution of a new Grantee/Operator with CDRPC.

Fred Acunto asked how much DUI owes CDRPC and if they request to be re-activated can CDRPC request the monies that are owed. DUI owes \$7,500 for the annual fee for the two magnet sites and they should pay for any owed fees before they can be re-activated.

Jason Kemper inquired if the \$7500 is a one time fee. That amount is the annual fee for both magnet sites. DUI owes \$7500 annually since 2005.

Deb Shannon has been in contact with US Customs regarding this matter and they are aware of these issues and are willing to work with us.

Tommy Barry added that if the concurrency agreement is removed, Customs regulations will force a site to deactivate. The activation is contingent upon the concurrence letter that they are in good graces and compliance with the rules and regulations of the grantee. Once US Customs is contacted in writing that the concurrency agreement is being removed, they will give the site 30 days and deactivate the site.

7. Staff Presentation on selected data sets from the American Community Survey

Over the last week, the House of Representatives voted not to provide funding support for the American Community Survey in the future, however it is not expected that the Senate will go along with the House of Representatives. Rocky has expressed concern regarding the importance of this data to the public sector, private sector and the non profit sector. This information is used as a foundation for decision making and without this database, businesses will not be able to make decisions regarding customer services or communities making decisions about infrastructure investments. In our region, both Representatives Paul Tonko and Chris Gibson voted to retain funding. Rocky sent a note to both Representatives thanking them for their support and the importance of this program.

Paul Sausville inquired what the main argument is for de-funding the Survey. One of the primary arguments is that some consider the survey to be an invasion of privacy. The other is that Congress is looking for ways to reduce the budget deficit.

Congress established The American Community Survey as the database approximately 10-15 years ago. The American Community Survey replaced the Census long form in 2010. Everyone in 2010 received a short form the NYS Census.

Joanna King gave a PowerPoint Presentation to the Board applying selected data sets from the 2006 – 2010 American Community Survey.

8. LTCP – CSO Update

On May 3, 2012 CDRPC, the consultants and the representatives from the six Albany Pool Communities and two sewer districts met with NYS DEC staff to discuss the status of NYS DEC's review of the draft Long Term Control Plan (LTCP). DEC requested clarification on the proposed management structure and the entity which will be legally responsible for the implementation phase of the project. NYS DEC would like to see, at a minimum, a discussion of the proposed management structure so that they can ensure that there are no regulatory roadblocks.

DEC also wanted additional information included in the revised LTCP on the analysis of CSO control alternatives, including the reasons for grey over green infrastructure solutions.

Overall, the meeting was very productive and positive and DEC hopes to issue the detailed comment letter within the next two weeks. The next step is to organize a meeting with the CEOs of the six communities to have a more in depth discussion about inter-municipal cooperation and how it is going to take place.

9. Staff Activity Report

UHY, LLC is working on the 2011 audit at this time and will give a presentation to the Board at the July meeting. The audit for CDYCI, being prepared by Bonadio & Co., is almost completed and will be presented at the July meeting as well. There is an all day Land Use workshop scheduled for June 20, 2012 at Hudson Valley Community College.

Rocky also added that he has been asked to co-lead the Monitoring and Metrics Task Force workgroup for the Capital Region Economic Development Council along with Ann Moynihan, a technology consultant and member of the Council's executive Committee. This is a significant effort that is going to be taking place over the next several months as it ties into the Council's ongoing Strategic Planning effort.

10. Other Business

Mike Morelli has been appointed to the CDRPC Board to represent Albany County.

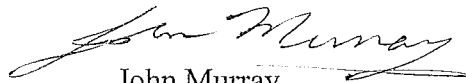
11. Next Commission Meeting

The next CDRPC Commission meeting is scheduled for July 18, 2012 at 8:30am.

Adjournment

David Vincent made a motion to adjourn the meeting and Gary Hughes seconded. The motion was approved unanimously.

Respectfully submitted,


John Murray
Secretary