

## COMMISSION MEETING

January 15, 2014

CDRPC Conference Room

One Park Place, Suite 102

Albany, New York 12205

### Minutes

**PRESENT:** Bill Bruce, Lucille McKnight, Michael Morelli, Kristin Swinton, Michael Whalen, Judy Breselör, Fred Acunto, Jason Kemper, John Murray, Paul Sausville, Don Ackerman, Gary Hughes, Joe Landry, Barbara Mauro

**ABSENT:** Stan Brownell, Michael Cristo, James Shaughnessy, Michael Stammel, Philip Barrett, Matthew Martin

**PRESIDING:** John Murray, Chair, called the meeting to order at 8:30 am.

**1. Welcome/Introduction of Guests**

There were no guests in attendance.

**2. December 18, 2013 Meeting Minutes**

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

**Action Taken**

Fred Acunto made a motion to approve the meeting minutes and Joe Landry seconded. The motion was approved unanimously.

**3. Financial Statement through December 31, 2013**

The financial statement represents activities through December 31, 2013. For the year, the revenues are at 100.7% and expenses are at 93.3%. Actual revenue was slightly more than anticipated due to CSO project. In 2013 it was unknown the role CDRPC would play, however CDRPC will be the designated Project Manger working on behalf of the Albany Pool communities to assure implementation of the LTCP.

The UPWP project could not be completed in 2013 due to the government shut down which delayed getting data from the Census Bureau. The funds from that project will carry over to 2014. It is anticipated that the census data will be available soon.

There is approximately \$154,910.70 cash in the bank and outstanding receivables totaling \$186,372.02. It is anticipated that the year will end with a net operating income of approximately \$49,000. A final audited financial statement will be prepared and presented to the Commission in mid 2014.

### **Action Taken**

Fred Acunto made a motion to approve the financial statement and Judy Breselor seconded. The motion was approved unanimously.

#### **4. Proposed Foreign-Trade Zone Schedule and Tariff Revisions**

New regulations became effective April 30, 2012 that require all FTZ Grantees to submit a revised Zone Schedule in compliance with the revised regulations by February 28, 2014. CDRPC has revised its Zone Schedule, including the Zone Tariff with the assistance of David R. Ostheimer of Lamb & Lerch, our FTZ counsel and consultant.

The revised regulations reflect two particular concerns of the FTZ Board with respect to Grantees: 1. that Zone Grantees operate their Zones as public utilities, with similar treatment of all Zone Operators and Users, and 2. that all administrative charges for Zone services be reasonably related to the expenses incurred by the Grantee.

In terms of the Zone Tariff, there have been reductions to reflect a more reasonable level of charges for different services. Operator fees for all FTZ designated sites for Warehousing have gone down and the fees for all sites with Production authority have remained the same. If there are more operator and users in the future, another reduction in fees may be needed. The new zone fees were run by the FTZ Counsel for review.

Fred Acunto inquired if there is a guideline of criteria for setting the fees. The fees are to be reasonably related to the expenses incurred by the Grantee.

Jack Murray inquired who at CDRPC will determine the waiver of fees for certain counties. The waiver is reflected in the existing agreements with the Counties and Municipalities that was made with the former Administrator for FTZ #121, Capital District Trade Strategies. CDRPC will waive its fees and prepare and file at no charge a minor boundary modification for any county-approved site that is ready, willing, and able to obtain U.S. Customs approval and activate to use Zone procedures as a Usage-Driven Site.

Board action is requested to approve the revised Zone Schedule and its associated Zone Tariff so it can be submitted to the Foreign-Trade Zone Board.

### **Action Taken**

Lucille McKnight made a motion to approve the revised Zone Schedule and Zone Tariff and Barbara Mauro seconded. The motion was approved unanimously.

#### **5. The Year Ahead**

Rocky made a PowerPoint presentation outlining the Commission's proposed activities during 2014.

The presentation is available on our website.

**6. LTCP CSO Memo**

Each of the six Albany Pool communities along with the Albany and Rensselaer County Legislatures have passed resolutions authorizing the signing of the approved Order on Consent that was negotiated between the Albany Pool communities and the NYS DEC. Signatures to the Order have been secured for submittal to NYS DEC.

An RFQ was issued seeking Bond Counsel to provide legal advisory services and other assistance as necessary with respect to the issuance of general obligation debt to pay for the capital improvements outlined in the Plan. Five responses to the RFQ were received and have been reviewed and a recommendation has been made to the CSO Technical Advisory Committee.

CDRPC has been successful in securing a \$854,526 grant from the New York State Department of State that will cover the professional service costs to investigate and establish the most appropriate inter-municipal governance structure responsible for implementation of the LTCP. CDRPC will be responsible for managing the Plan's implementation on behalf of the Albany Pool communities.

**7. Staff Activity Report**

The Staff Activity Report was distributed before the meeting. There was no discussion.

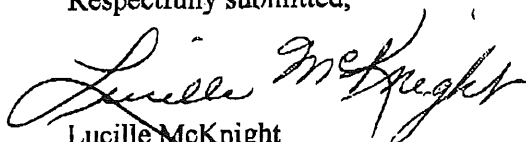
**8. Other Business**

There was no other business.

**9. Next Commission Meeting**

The next CDRPC Commission meeting is scheduled for March 19, 2014 at 8:30 am.

Respectfully submitted,

  
Lucille McKnight  
Secretary