



FTZ #121

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

ONE PARK PLACE, SUITE 102, ALBANY, NY 12205

TEL: 518/453-0850

FAX: 518/453-0856

WEB SITE AT <http://cdrpc.org>

E-MAIL: cdrpc@cdrpc.org

2009 Officers

Chair
Mike Stammel

Vice Chair
Philip Barrett

Secretary
Barbara Mauro

Treasurer
Willard Bruce

Members

Albany County
Willard A. Bruce
John Graziano, Jr.
Henry E. Dennis, Jr.
Lucille M. McKnight
Michael B. Whalen, Jr.

Rensselaer County
Judy H. Breselor
Stan Brownell
Leon B. Fiacco
James D. Shaughnessy
Michael Stammel

Saratoga County
Fred Acunto
Phillip Barrett
J. Christopher Callaghan
Jason Kemper
John Murray

Schenectady County
Robert Godlewski
Gary Hughes
Barbara Mauro
Michael Petta
David Vincent

Staff

Executive Director
Rocco Ferraro, AICP

**Director of
Information Services**
David Lang Wardle, AICP

Program Manager/GIS
Todd M. Fabozzi

Program Manager
Leif C. Engstrom, AICP

Assistant Planner
Deborah A. Shannon

Office Manager
Donna M. Reinhart

Planning Intern
Joanna H. King

COMMISSION MEETING

8:30 am, Wednesday, January 21st, 2009

CDRPC Office
One Park Place
Albany, New York
453-0850

AGENDA

1. Welcome/Introduction of Guests
2. December 17, 2008 Meeting Minutes*
3. Financial Statement through December 31, 2008 (Memo 09-01)*
4. FTZ Grantee/Property Owner Agreement with CP Rail (Memo 09-02)*
5. 2008: The Year in Review; 2009: The Year Ahead (Memo 09-03)
6. Combined Sewer Overflow Long Term Control Plan Update (Memo 09-04)
7. Staff Activity Report
8. Other Business
9. Next Meeting Date/Time: March 18, 2009 @ 8:30 AM

*Requires Formal Board Action

COMMISSION MEETING

December 17, 2008

CDRPC Conference Room

One Park Place, Suite 102

Albany, New York 12205

MINUTES

- PRESENT:** Willard Bruce, John Graziano, Judy Breselor, James Shaughnessy, Michael Stammel, Fred Acunto, Christopher Callaghan, Jason Kemper, Robert Godlewski, Barbara Mauro, David Vincent
- ABSENT:** Henry Dennis, Lucille McKnight, Michael Whalen, Stan Brownell, Leon Fiacco, Philip Barrett, John Murray, Gary Hughes, Michael Petta
- PRESIDING:** John Graziano, Chair, called the meeting to order at 8:30am
- GUESTS:** Judith Saidel, Director, Center for Women in Government & Civil Society, Linda Braun and Stephen Meyer from AMRI

1. **Welcome**

Rocky introduced Joanna Harps King as the new planning intern at CDRPC. Joanna is a graduate student from UAlbany.

Linda Braun and Stephen Meyer from Albany Molecular Research, Inc. FTZ Subzone #121A were in attendance at the meeting.

2. **October 15, 2008 Meeting Minutes**

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

Action Taken

Chris Callaghan made a motion to approve the minutes, and Bill Bruce seconded. The motion was approved unanimously.

3. **Presentation by Judith Saidel, Director, Center for Women in Government & Civil Society**

Judith gave a PowerPoint presentation to the Board about the work underway as a result of the Tech Valley Civic Forum held in the Fall of 2007. Four task forces have been created with the charge to identify strategies to connect High Tech Growth to Community Well-Being in the Capital Region as it applies to each of these areas.

A copy of the presentation is attached.

4. Financial Statement through November 30, 2008

The financial statement reflects activities through November 30, 2008. The revenues are at 83.4% and the expenses are at 88.8%. There is approximately \$76,000 cash in the bank plus four Certificates of Deposit totaling \$130,000.

Action Taken

Mike Stammel made a motion to approve the Financial Statements, and Jim Shaughnessy seconded. The motion was approved unanimously.

5. Report from Nominating Committee

David Vincent, Chair of the Nominating Committee, announced that the nominating committee has recommended the following names to serve as officers of the Capital District Regional Planning Commission for 2009. Mike Stammel, Chair; Phil Barrett, Vice Chair; Barbara Mauro, Secretary; and Willard Bruce, Treasurer.

Action Taken

Fred Acunto made a motion to approve the proposed slate of 2009 officers, and Judy Breselor seconded. The motion was approved unanimously.

6. Proposed 2009 Budget

Rocky went over some of the highlights of the 2009 budget. Under revenues, the amounts requested from each county will remain unchanged from 2008.

Action Taken

Mike Stammel made a motion to approve the 2009 proposed budget, and Barbara Mauro seconded. The motion was approved unanimously.

7. Proposed 2009 Meeting Schedule

A listing of proposed dates for the 2009 Commission meetings were distributed before the meeting. All the meetings are scheduled for the third Wednesday of the month at 8:30am.

Action Taken

Fred Acunto made a motion to approve the 2009 meeting schedule, and Barbara Mauro seconded. The motion was approved unanimously.

8. Foreign-Trade Zone Application Status & Zone Tariff

CDRPC is finalizing the draft application for review by the staff of the Foreign-Trade Zones Board under the Board's new Revised Proposal for Available Alternative Site – Designation and Management Framework. The application will include a request for FTZB authority to eliminate our existing General-Purpose Zone sites in favor of a 10

county service area. The application is expected to be submitted to the FTZ Board in January, 2009.

In 2006 the Commission approved a new Zone Tariff proposed by the former Zone Administrator, CDTS, that increased operator and user fees. At that time, CDTS assured the Board that its survey of other FTZs showed that the new fees were in the low to average range. After some concerns were raised and an investigation by CDRPC staff of rate scales across the country, it was determined that CDRPC's new fees were high and above the 75th percentile.

At this time, a new Zone Tariff with lower fees will be included as part of the new Zone structure application. The proposed new fees were reviewed by David Ostheimer, an attorney specializing in the FTZ program. Board action is being requested to approve the proposed Zone Tariff effective January 1, 2009.

Robert Godlewski inquired if the counties involved have been informed of the reduced rates. Staff commented that there has been ongoing communication with county economic developers about the proposed new framework including the rate schedule. Robert Godlewski recommended sending out a press release with the updated Zone Tariff information. Rocky will put out a press release within the next week to local press.

Action Taken

Christopher Callaghan made a motion to approve the proposed Zone Tariff, and David Vincent seconded. The motion was approved unanimously.

9. LTCP – CSO Update

The water sampling and sewer system monitoring have been completed. The primary focus now is on analyzing the data and incorporating it into the system models.

The results of the Hudson River water quality assessment have been presented in PowerPoint form to the Technical Committee and DEC. The levels of pollution are not as severe as anticipated. The written report is expected to DEC in mid-December. Once DEC has reviewed and approved the assessment, the monitoring and sampling results can be discussed with the Citizen's Advisory Committee and presented to the public.

Six CAC meetings and three rounds of public meetings are scheduled for 2009.

10. Staff Activity Report

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

11. Other Business

There was no other business at this time.

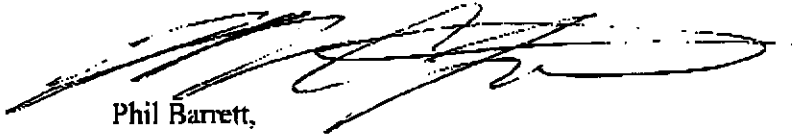
12. Next Commission Meeting Date

The next Commission meeting will be held January 21, 2009 at 8:30am.

Adjournment

Chris Callaghan made a motion to adjourn the meeting, and Mike Stammel seconded. The motion was approved unanimously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Phil Barrett", written over a horizontal line.

Phil Barrett,
Secretary

The background features a dark blue gradient with a prominent horizontal light blue band. On the left side, there is a 3D puzzle piece in a dark blue color, surrounded by several thin, wavy, metallic-looking lines that appear to be floating or vibrating. The overall aesthetic is modern and technological.

Tech Valley Civic Forum: Guiding Principles, Goals, Process & Outcomes

Capital District Regional Planning Commission
December 17, 2008



“...for too many communities,
the future just happens.”

Suzanne W. Morse, *Smart Communities*, 2004, vii.

Second White Paper Published by the Nonprofit Executive Roundtable

Spring 2008

High-Tech Growth and Community Well-Being: Lessons Learned from Austin, Texas

A Report of the Nonprofit Executive Roundtable

Nelson A. Rockefeller College of Public Affairs and Policy
University at Albany
State University of New York

Center for Women
in Government &
Civil Society
University at Albany
SUNY
135 Western Avenue
Draper Hall, Room 302
Albany, NY 12222
Phone: 518-442-3900
Fax: 518-442-3877
www.cwlg.albany.edu





The 3 Lessons

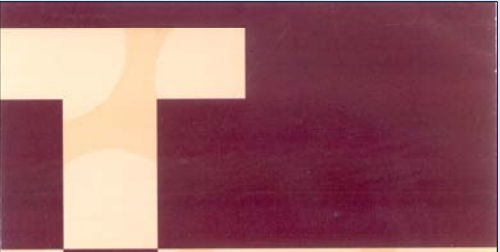
1. Create opportunities for broad community learning, planning and visioning.
2. Involve stakeholders from all sectors – business, government, nonprofit, education, in creating the vision for Tech Valley.
3. Engage strong leaders who involve all stakeholders in a truly inclusive planning process.



You're invited to the...

Tech Valley Civic Forum

Wednesday,
September 19, 2007



Tech Valley is experiencing a high
tech driven sea change, creating an
historic opportunity for broad community
planning and action related to the human
side of economic development.

The Tech Valley Civic Forum will launch unique and inclusive cross-sector action processes to enhance community vitality and sustainability. Please join executive leaders from business, government, nonprofits and education in this first ever Tech Valley civic visioning event.

Date: **Wednesday, September 19, 2007**

Time: **7:30 am — 1:00 pm**

Place: **UAlbany's College of Nanoscale Science and
Engineering, 255 Fuller Rd., Albany, NY**

Co-sponsors (list in formation)

Center for Economic Growth

Bender Family Foundation

UAlbany's College of Nanoscale Science and Engineering

Times Union

Albany-Colonie Regional Chamber of Commerce

**Center for Women in Government & Civil Society,
Rockefeller College of Public Affairs and Policy**

University at Albany, 135 Western Avenue, Draper
302, Albany, NY 12222 ph: 518-442-3898
fax: 518-442-3877 www.cwig.albany.edu



Forum Guiding Principles

- Our vision is that the Tech Valley Civic Forum process is about pro-active planning to build the kind of community we want to be.
- The region's sustainability and vitality will depend, in part, on striking a balance between economic and social development and between preserving the historical identity of the region and its neighborhoods and encouraging the new identity of Tech Valley.
- Inclusiveness and diversity, broadly defined, should characterize all phases of post-Forum planning and implementation.



Forum Guiding Principles

- The Forum process should include attention to a wide spectrum of jobs from high- tech to mid-tech and service jobs, all of which contribute to the region's economy.
- The Tech Valley Civic Forum process is a response to the particular set of opportunities and challenges related to the human side of economic development that the Capital Region is experiencing at this moment in its economic history. The focus and scope of projects that individual Task Forces undertake should reflect these current historical circumstances.
- Wherever possible, the work of Task Forces should promote participatory exchange of information and active engagement processes.



Forum Goals

- Promote awareness of and accessibility to Tech Valley's economic opportunities
- Strengthen collaboration between institutions, organizations, and individuals within the same sector and across sectors



Forum Action Process

- *Metrics for Success.*
Co-Conveners: Rocco Ferraro and Denise Sheehan.
Community Progress Report, Phase I to be published in Spring 2009
- *Tech Valley Community Outreach.*
Co-Conveners: Christine Horne and Carolyn McLaughlin.
A series of community information gatherings under development
- *New Economy and P-16 Education.*
Co-Conveners: Raona Roy and Diana Martin.
Increase awareness among educators and school counselors about middle-skill careers and new job opportunities in Tech Valley's high-tech economy
- *Workforce Network:*
Co-Conveners: Sandra McGarraugh and Bryant Cassella.
Develop information resources and recommendations to strengthen links between the Tech Valley workforce and middle-skill jobs



Forum Outcomes

- Collaborative cross-sector planning processes for community well-being strengthened and expanded
 - conversation about community well-being in the context of Tech Valley economic restructuring occurs among cross-sector leaders meetings as peer economic actors
 - indicators of community well-being developed and piloted
 - new opportunities for cross-sector dialogue about relevant indicators created
- Meaning of Tech Valley more broadly understood
 - the nature of the economic restructuring under way
 - awareness of new economic opportunities that Tech Valley offers increased among multiple audiences
 - job seekers
 - parents and students
 - educators and school counselors

Forum Outcomes

- Accessibility to high-tech and related job and career opportunities promoted
- Innovative ideas about desirable systems change gain expression in a public space



FTZ #121

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

ONE PARK PLACE, SUITE 102, ALBANY, NY 12205

TEL: 518/453-0850

FAX: 518/453-0856

WEB SITE AT <http://cdrpc.org>

E-MAIL: cdrpc@cdrpc.org

2009 Officers

Chair
Mike Stammel

Vice Chair
Philip Barrett

Secretary
Barbara Mauro

Treasurer
Willard Bruce

Members

Albany County
Willard A. Bruce
John Graziano, Jr.
Henry E. Dennis, Jr.
Lucille M. McKnight
Michael B. Whalen, Jr.

Rensselaer County
Judy H. Breselor
Stan Brownell
Leon B. Fiacco
James D. Shaughnessy
Michael Stammel

Saratoga County
Fred Acunto
Philip Barrett
J. Christopher Callaghan
Jason Kemper
John Murray

Schenectady County
Robert Godlewski
Gary Hughes
Barbara Mauro
Michael Petta
David Vincent

Staff

Executive Director
Rocco Ferraro, AICP

**Director of
Information Services**
David Lang Wardle, AICP

Program Manager/GIS
Todd M. Fabozzi

Program Manager
Leif C. Engstrom, AICP

Assistant Planner
Deborah A. Shannon

Office Manager
Donna M. Reinhart

Planning Intern
Joanna H. King

MEMORANDUM (#09-01)

To: Commissioners
From: Rocky Ferraro, Executive Director
Date: January 13, 2009
Re: Monthly Financial Statement

Enclosed for your review and approval are the current financial statements through December 2008.

For the year, the revenues are at 98.9% while expenses are at 95.0%. The revenue reflects the final billings through the fourth quarter of 2008. Interest earnings from the CD's remain unreported. On the expense side, there is less than \$1000 in outstanding expenses from billings we will receive through January/early February that represent actual 2008 expenses. Overall, based on the billings, we will end the year with a surplus of approximately \$25,000 in revenue over expenses. A final audited financial statement will be prepared and presented to the Commission in mid 2009.

As noted on the Statement of Financial Condition, we have over \$35,000 cash in the bank plus four Certificates of Deposit: two for \$20,000 each (one expiring in April and the other in July), a third for \$60,000 that expires in November and a fourth for \$30,000 that expires in December, and outstanding receivables totaling over \$88,000 reflecting the end of the quarter billings.

Board action is requested to approve the financial statements

CDRPC 2008 Income Statement

Account	Budget	Oct 08	Nov 08	Dec 08	Year-to-Date	Balance	YTD %
2008 REVENUE							
R2390.1 Albany County	\$ 84,663.00	\$ -	\$ -	\$ -	\$ 84,663.00	\$ -	100.0%
R2390.2 Rensselaer County	43,842.00	-	-	-	43,842.00	-	100.0%
R2390.3 Saratoga County	57,666.00	14,416.50	-	-	57,666.00	-	100.0%
R2390.4 Schenectady County	42,123.00	10,530.75	-	-	42,123.00	-	100.0%
R2401.0 Interest & Earnings	1,500.00	74.88	44.10	24.03	1,155.21	344.79	77.0%
R2770.1 Miscellaneous	100.00	-	-	-	-	100.00	0.0%
R2770.3 Contractual Services	20,000.00	-	-	3,634.60	25,288.40	(5,288.40)	126.4%
R2770.4 FTZ#121	15,000.00	-	-	25,694.74	25,694.74	(10,694.74)	171.3%
R2770.5 Conferences	6,000.00	1,170.00	1,170.00	270.00	9,150.00	(3,150.00)	152.5%
R2770.6 CDYCI	72,000.00	-	-	18,000.00	72,000.00	-	100.0%
R3900.3 Empire State Dev.	5,000.00	-	-	3,553.58	5,469.92	(469.92)	109.4%
R3900.4 Other NYS Aid (NYSERDA)	20,000.00	-	-	1,438.75	3,826.91	16,173.09	19.1%
R3900.6 EFC CSO Grant	95,000.00	-	-	15,918.35	80,635.61	14,364.39	84.9%
R4000.1 Fed. Reg. Aviation	-	-	-	-	-	-	
R4000.2 EDA	60,000.00	-	-	-	60,000.00	-	100.0%
R4000.3 Water Quality	49,000.00	-	-	12,152.89	49,128.95	(128.95)	100.3%
R4000.4 UPWP	100,000.00	-	-	23,568.77	104,547.84	(4,547.84)	104.5%
R4000.5 Other Federal Aid (HUD)	1,000.00	-	-	-	-	1,000.00	0.0%
R4000.6 EPA CSO Grant	-	-	-	-	-	-	
Gross Revenue	\$ 672,894.00	\$ 26,192.13	\$ 1,214.10	\$ 104,255.71	\$ 665,191.58	\$ 7,702.42	98.9%
2008 EXPENSE							
E.1010 Salaries	\$ 371,000.00	\$ 30,669.12	\$ 30,669.12	\$ 30,669.12	\$ 370,029.44	\$ 970.56	99.7%
E.1030 Temporary Services	16,000.00	-	252.00	804.00	9,606.00	6,394.00	60.0%
E.2010 Office Equipment	6,000.00	169.00	169.00	1,921.95	5,764.63	235.37	96.1%
E.2020 Furniture & Furnishings	1,500.00	-	-	-	612.41	887.59	40.8%
E.4020 Workshops & Conferences	6,000.00	275.00	3,440.00	-	9,467.25	(3,467.25)	157.8%
E.4030 Consultant Services	8,500.00	87.50	-	70.00	12,560.32	(4,060.32)	147.8%
E.4040 Agency Memberships	6,000.00	-	-	-	4,285.00	1,715.00	71.4%
E.4051 Computer Supplies/Software	5,500.00	40.00	51.90	60.94	3,983.28	1,516.72	72.4%
E.4055 Data Purchases	500.00	20.00	-	27.00	51.00	449.00	10.2%
E.4060 Equipment Maintenance	2,000.00	-	75.57	-	923.09	1,076.91	46.2%
E.4070 Office Supplies	3,000.00	170.66	174.73	73.85	3,104.61	(104.61)	103.5%
E.4080 Books & Journals	1,000.00	-	-	-	415.40	584.60	41.5%
E.4090 Printing & Publishing	8,000.00	-	75.00	507.57	4,272.29	3,727.71	53.4%
E.4110 Rent	64,000.00	4,600.15	4,454.16	144.59	55,859.00	8,141.00	87.3%
E.4120 Telephone	3,500.00	262.07	240.17	245.84	3,019.18	480.82	86.3%
E.4121 Internet	3,200.00	154.90	154.90	84.93	2,611.62	588.38	81.6%
E.4130 Travel	10,000.00	2,887.92	420.57	3,044.54	11,116.15	(1,116.15)	111.2%
E.4140 Equipment Repairs	500.00	-	-	-	-	500.00	0.0%
E.4150 Postage	3,300.00	59.93	-	655.89	2,842.68	457.32	86.1%
E.4160 Miscellaneous	1,094.00	125.74	211.24	103.10	1,256.81	(162.81)	114.9%
E.4170 Payroll Services	1,700.00	128.91	127.16	199.91	1,563.02	136.98	91.9%
E.4190 Contingent Fund	3,500.00	-	-	306.68	306.68	3,193.32	8.8%
E.4200 Insurance-General	1,600.00	-	-	-	1,200.56	399.44	75.0%
E.8010 NYS Retirement	34,000.00	-	33,138.00	-	33,138.00	862.00	97.5%
E.8030 FICA	30,000.00	2,369.40	2,388.67	2,430.91	29,320.67	679.33	97.7%
E.8040 Ins.-Worker's Comp. & Dis.	3,000.00	-	-	-	1,437.00	1,563.00	47.9%
E.8050 Ins.-Health	75,000.00	5,709.18	5,709.18	303.06	68,163.57	6,836.43	90.9%
E.8060 Ins.-Unemployment	1,500.00	20.00	4.79	15.27	1,086.58	413.42	72.4%
E.8070 Prof. Memberships	1,000.00	180.00	-	-	580.00	420.00	58.0%
E.8080 Continuing Education	1,000.00	-	-	-	950.00	50.00	95.0%
Gross Expenses	\$ 672,894.00	\$ 47,929.48	\$ 81,756.16	\$ 41,669.15	\$ 639,526.24	\$ 33,367.76	95.0%
Net Operating Income	\$ -	\$ (21,737.35)	\$ (80,542.06)	\$ 62,586.56	\$ 25,665.34		
A909 Fund Balance-Unreserved	-	-	-	-	-		
Net Income	\$ -	\$ (21,737.35)	\$ (80,542.06)	\$ 62,586.56	\$ 25,665.34		

Capital District Regional Planning Commission

GENERAL FUND

Statement of Financial Condition December 31, 2008

Assets

Cash — Checking	\$	17,589.66
Cash — Money Market		18,116.32
Cash — PayPal Account		10.94
Cash — Certificates of Deposit		131,445.35
Petty Cash		200.00
Due from Private Persons/Organizations		52,717.41
Due from State & Federal Governments		34,220.77
Due from Other Governments		1,538.40
Prepaid Expenses		14,582.80
Carryover Revenue		24,992.82
		<hr/>
<i>Sub-Total: Assets</i>	\$	295,414.47
Expenses — Year-to-Date		639,526.24
		<hr/>

Total \$ 934,940.71

Liabilities & Fund Balance

Due to Other Governments	\$	-
Due to Private Persons/Organizations		1,081.39
Deferred Project Revenue		-
Fund Balance — Restricted		-
Fund Balance — Unrestricted		268,667.74
		<hr/>
<i>Sub-Total: Liabilities & Fund Balance</i>	\$	269,749.13
Revenue — Year-to-Date		665,191.58
		<hr/>

Total \$ 934,940.71

Net Income (Loss) \$ 25,665.34



FTZ #121

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

ONE PARK PLACE, SUITE 102, ALBANY, NY 12205

TEL: 518/453-0850 FAX: 518/453-0856

WEB SITE AT <http://cdrpc.org>

E-MAIL: cdrpc@cdrpc.org

2009 Officers

Chair
Mike Stammel

Vice Chair
Philip Barrett

Secretary
Barbara Mauro

Treasurer
Willard Bruce

Members

Albany County
Willard A. Bruce
John Graziano, Jr.
Henry E. Dennis, Jr.
Lucille M. McKnight
Michael B. Whalen, Jr.

Rensselaer County
Judy H. Breselor
Stan Brownell
Leon B. Fiacco
James D. Shaughnessy
Michael Stammel

Saratoga County
Fred Acunto
Philip Barrett
J. Christopher Callaghan
Jason Kemper
John Murray

Schenectady County
Robert Godlewski
Gary Hughes
Barbara Mauro
Michael Petta
David Vincent

Staff

Executive Director
Rocco Ferraro, AICP

**Director of
Information Services**
David Lang Wardle, AICP

Program Manager/GIS
Todd M. Fabozzi

Program Manager
Leif C. Engstrom, AICP

Assistant Planner
Deborah A. Shannon

Office Manager
Donna M. Reinhart

Planning Intern
Joanna H. King

MEMORANDUM (#09-02)

To: Commissioners

From: Rocky Ferraro, Executive Director

Date: January 13, 2009

Re: Grantee/Property Owner Agreement with CP Rail

Canadian Pacific Rail has agreed to include part of its rail sidings at the Port of Albany in the FTZ expansion application. The particular rail siding to be included is leased from CP Rail by MPM Silicones, the Operator of Subzone #121C in Waterford, which will also act as the Operator/User of the rail siding.

Since the property owner in this case is not the Operator or User of the proposed FTZ site, it will be necessary to execute a Grantee/Property Owner agreement between CDRPC and CP Rail. The principal purpose of the agreement is to give CP Rail the explicit legal right to withdraw its permission for the rail siding's inclusion in the Zone project in the event CP Rail is sold, MPM Silicones cancels its lease, or similar circumstances where the siding's Zone status would become a burden on the property.

CDRPC's Grantee/Operator agreement with MPM Silicones already includes provisions covering the operation and use of the CP Rail siding, since it has been MPM's plan from the inception of its Subzone project to store materials at the rail siding and use Zone-to-Zone transfers between the rail siding at the Port of Albany and their plant in Waterford.

Therefore, action is requested by the Board to authorize the Executive Director to execute the attached Grantee/Property Owner agreement between CDRPC and CP Rail.

FOREIGN TRADE ZONE
GRANTEE/PROPERTY OWNER AGREEMENT

This Foreign-Trade Zone Grantee/Property Owner Agreement (the "Agreement") is entered into this ___ day of _____, 2009, by and between Capital District Regional Planning Commission ("Grantee") and Delaware and Hudson Railway Company, Inc. dba Canadian Pacific Railway ("D&H") as Property Owner.

Recitals

WHEREAS, Capital District Regional Planning Commission is the Grantee of Foreign-Trade Zone # 121 ("FTZ # 121); and

WHEREAS, D&H as the Property Owner desires to have the property described in Exhibit "A" in which D&H has an ownership interest, consisting of approximately 132 +/- acres, designated as a general-purpose zone site of FTZ # 121.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth below, the parties hereto agree as follows:

1. **Application:** The Grantee hereby agrees to file a boundary modification application with the Foreign-Trade Zones Board (hereinafter referred to as "Board") requesting that D&H's property described in Exhibit A (the "Zone Site") be included within the boundaries of FTZ # 121. The Grantee will provide the required resolution and letters of support and will formally file the application with the Board.

2. **Lapse Term Provision:** Should no activation of any portion of the Zone Site occur within 60 months of its designation as part of FTZ # 121, the Grantee may request that the Board transfer the foreign-trade zone designation to another property or properties and D&H must, if requested to do so, provide a letter of consent to said transfer.

3. **Terms and Renewal:** This Agreement shall become effective upon approval of the boundary modification application by the Board and shall remain in effect for as long as any portion of the Zone Site is designated as part of FTZ # 121.

4. **Operator Designation:** D&H and the Grantee must agree on the designation of the Operator for any portion of the Zone Site and a Grantee/Operator Agreement must be entered into between the Grantee and the mutually agreed-upon Operator prior to activation of that portion of the Zone Site by the U.S. Custom and Border Protection. Activation of any portion of the Zone Site may not occur without D&H's prior written consent.

5. **Restrictive Use or Access:** D&H shall retain the right to request from the Grantee access by companies, individual users, and user representatives to activated portions of the Zone Site. Both D&H and the Grantee must approve each company's, individual user's, or user representative's utilization and/or access to any activated portion of the Zone Site.

6. **Deactivation of Zone Site.** In the event that any portion of the Zone Site is deactivated by the U.S. Custom and Border Protection, at D&H's request the Grantee agrees to formally request that the Board transfer that portion of the Zone Site's Foreign-Trade Zone designation to another property or properties in FTZ # 121.

7. **Communication:** All correspondence directed to D&H must be sent to Mr. Stephen Fisk, Delaware and Hudson Railway Company, Inc., 200 Clifton Corporate Park, Clifton Park, New York 12065. All correspondence directed to the Grantee must be sent to Capital District Regional Planning Commission, One Park Place, Suite 102, Albany, NY 12205.

8. **Legal Framework:** This Agreement shall be governed by and construed in accordance with the applicable laws of the State of New York.

9. **Disclosure:** This Agreement sets forth the entire understanding between the parties

with respect to the subject matter hereof, and there are no representations, warranties, covenants, agreements, or collateral understandings, oral or otherwise, expressed or implied, between the parties which are not expressly set forth herein. This Agreement cannot be changed orally but only by an agreement in writing executed by both the Grantee and D&H. If any provision of this Agreement is declared void or unenforceable, that declaration will not affect the validity of any other provision of this Agreement.

The parties hereto have executed this Agreement on the date first above written.

Delaware and Hudson Railway Company, Inc.

Capital District Regional Planning Commission

By: _____

By: _____

Title _____

Title _____

Date _____

Date _____

Exhibit "A"

Description of Zone Site Property

Property #1	<u>Port of Albany Area</u>	
SBLs	Acres	Location
76.19-2-1	0.361	211 Church St
76.19-2-2	0.953	225 Church Street
87.06-3-1	11.745	Rail Line
87.06-3-1	3.807	Rail Line
87.06-3-1	10.026	Rail Line
87.01-1-1	9.607	Rail Line
87.06-3-1	12.915	Rail Line
87.06-3-1	11.472	Rail Line
87.03-3-5	0.474	Rail Line - South of Port

Property # 2	<u>Erie Boulevard Area</u>	
SBLs	Acres	Location
65.16-4-34	3.057	79 Mill Street (Rail Section)
65.16-4-34	2.377	79 Mill Street (Rail Section)
65.16-4-34	4.852	79 Mill Street (Rail Section)
66.09-3-1	11.236	49 Pro Erie Boulevard

Property #3	<u>Watervliet Region</u>	
SBLs	Acres	Location
32.50-1-4	0.939	Rail line - between Arsenal and Stone
32.50-1-4	0.935	Rail line - between Arsenal and Stone
32.50-1-4	1.06	Rail line - between Arsenal and Stone
32.50-1-4	0.351	Rail line - between Arsenal and Stone
32.50-1-4	3.489	Rail line - between Arsenal and Stone
44.10-1-32.2	0.599	Rail line - between Arsenal and Stone
44.10-1-32.2	3.491	Rail line - between Arsenal and Stone
44.10-1-32.2	13.181	Rail line - between Arsenal and Stone
44.10-1-32.2	11.421	Rail line - south of Arsenal
44.10-1-32.2	3.266	Rail line - south of Arsenal
55.13-3-1	2.871	Rail line - south of Arsenal
32.07-2-1	4.519	Rail line - north end of Stone
32.07-1-1	1.254	Rail line - north end of Stone
32.07-1-1	1.738	Rail line - north end of Stone



FTZ #121

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

ONE PARK PLACE, SUITE 102, ALBANY, NY 12205

TEL: 518/453-0850

FAX: 518/453-0856

WEB SITE AT <http://cdrpc.org>

E-MAIL: cdrpc@cdrpc.org

2009 Officers

Chair
Mike Stammel

Vice Chair
Philip Barrett

Secretary
Barbara Mauro

Treasurer
Willard Bruce

Members

Albany County
Willard A. Bruce
John Graziano, Jr.
Henry E. Dennis, Jr.
Lucille M. McKnight
Michael B. Whalen, Jr.

Rensselaer County
Judy H. Breselor
Stan Brownell
Leon B. Fiacco
James D. Shaughnessy
Michael Stammel

Saratoga County
Fred Acunto
Philip Barrett
J. Christopher Callaghan
Jason Kemper
John Murray

Schenectady County
Robert Godlewski
Gary Hughes
Barbara Mauro
Michael Petta
David Vincent

Staff

Executive Director
Rocco Ferraro, AICP

Director of Information Services
David Lang Wardle, AICP

Program Manager/GIS
Todd M. Fabozzi

Program Manager
Leif C. Engstrom, AICP

Assistant Planner
Deborah A. Shannon

Office Manager
Donna M. Reinhart

Planning Intern
Joanna H. King

MEMORANDUM (#09-03)

To: Commissioners

From: Rocky Ferraro, Executive Director

Date: January 13, 2009

Re: 2008: The Year in Review; 2009: The Year Ahead

I will be making a Power Point presentation outlining the Commission's accomplishments during 2008 and the anticipated work program for 2009 in line with CDRPC's Mission:

The Capital District Regional Planning Commission (CDRPC) is a regional planning and resource center serving Albany, Rensselaer, Saratoga, and Schenectady counties. CDRPC provides objective analysis of data, trends, opportunities, and challenges relevant to the Region's economic development and planning communities. CDRPC serves the best interests of the public and private sectors by promoting intergovernmental cooperation; communicating, collaborating, and facilitating regional initiatives; and sharing information and fostering dialogues on solutions to regional problems.

Overall, 2008 was an excellent year and I am gratified by the positive feedback I continually receive about the Commission's work. Many thanks to the staff and the Commission members for their hard work and dedication to accomplish CDRPC's program objectives during 2008 and I look forward to a productive 2009.



FTZ #121

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

ONE PARK PLACE, SUITE 102, ALBANY, NY 12205
WEB SITE AT <http://cdrpc.org>

TEL: 518/453-0850 FAX: 518/453-0856
E-MAIL: cdrpc@cdrpc.org

2009 Officers

Chair
Mike Stammel

Vice Chair
Philip Barrett

Secretary
Barbara Mauro

Treasurer
Willard Bruce

Members

Albany County
Willard A. Bruce
John Graziano, Jr.
Henry E. Dennis, Jr.
Lucille M. McKnight
Michael B. Whalen, Jr.

Rensselaer County
Judy H. Breselor
Stan Brownell
Leon B. Fiacco
James D. Shaughnessy
Michael Stammel

Saratoga County
Fred Acunto
Philip Barrett
J. Christopher Callaghan
Jason Kemper
John Murray

Schenectady County
Robert Godlewski
Gary Hughes
Barbara Mauro
Michael Petta
David Vincent

Staff

Executive Director
Rocco Ferraro, AICP

**Director of
Information Services**
David Lang Wardle, AICP

Program Manager/GIS
Todd M. Fabozzi

Program Manager
Leif C. Engstrom, AICP

Assistant Planner
Deborah A. Shannon

Office Manager
Donna M. Reinhart

Planning Intern
Joanna H. King

MEMORANDUM (#09-04)

To: Commissioners
From: Rocky Ferraro, Executive Director
Date: January 13, 2009
Re: Long Term Control Plan – Combined Sewer Overflow Study

The following is a status report for the Albany Pool Long Term Control Plan (LTCP).

Work continues on the tasks as outlined in the approved Scope of Work. Now that the water sampling and sewer system monitoring have been completed, the primary focus is on analyzing the data and incorporating it into the system models.

The results of the Hudson River water quality assessment have been prepared for delivery to DEC. Once DEC has reviewed and approved the assessment, the monitoring and sampling results will be discussed with the Citizen's Advisory Committee (CAC) and presented to the public.

Once the data analysis is complete and the models calibrated, discussions will begin regarding CSO control alternatives.

The next Technical Committee meeting is scheduled for January 26 to discuss potential funding from the federal economic stimulus package. The next CAC and public meetings will be held in early 2009 after the sampling and monitoring data have been analyzed.

**CAPITAL DISTRICT REGIONAL PLANNING COMMISSION
COMBINED SEWER OVERFLOW PROJECT
January 8, 2009**

Account	Description	Through 1/8/2009	Through 12/8/2008
<u>Cash & Equivalents</u>			
	Cash in Time Depost - CSO	397,294.40	42,861.45
	Total Cash & Equivalents	<u>397,294.40</u>	<u>42,861.45</u>
<u>Receivables</u>			
	Accounts Receivable		
	A/R - Due from NYSDEC (EPF Grant)	1,072,310.30	1,239,760.48
	A/R - Due from NYSDEC (Round 9 EPF Grant)	356,250.00	356,250.00
	A/R - Due from Other Governments	9,023.52	211,883.15
	A/R - Due from City of Troy (DOS Grant)	0.00	0.00
	A/R - Due from Cohoes (DOS Grant Part B)	340,938.43	340,938.43
	Total Receivables	<u>1,778,522.25</u>	<u>2,148,832.06</u>
	Total Current Assets	<u>2,175,816.65</u>	<u>2,191,693.51</u>
	Non-Current Assets	<u>0.00</u>	<u>0.00</u>
	TOTAL ASSET	<u>2,175,816.65</u>	<u>2,191,693.51</u>
<u>Accounts Payable</u>			
	A/P - Interest owed to DEC	(1,530.55)	(1,489.06)
	A/P to CDRPC	0.00	0.00
	A/Pto APJVT	(0.00)	(0.00)
	A/P to Other	0.00	0.00
	Total Accounts Payable	<u>(1,530.55)</u>	<u>(1,489.06)</u>
<u>Deferred Revenue</u>			
	Deferred Project Revenue - NYSDEC	(1,145,698.51)	(1,145,698.51)
	Deferred Revenue - NYSDEC Round 9	(133,013.54)	(133,013.54)
	Deferred Revenue - DOS Troy Grant	0.00	0.00
	Deferred Revenue - DOS Cohoes Grant	(297,476.67)	(311,803.18)
	Deferred Revenue - Other Governments	(597,742.79)	(599,334.63)
	Deferred Revenue - Non-DEC Interest Earned	(354.59)	(354.59)
	Total Deferred Revenue	<u>(2,174,286.10)</u>	<u>(2,190,204.45)</u>
	Total Current Liabilities	<u>(2,175,816.65)</u>	<u>(2,191,693.51)</u>
	Non-Current Liabilities	<u>0.00</u>	<u>0.00</u>
	TOTAL LIABILITY	<u>(2,175,816.65)</u>	<u>(2,191,693.51)</u>
	Equity	<u>0.00</u>	<u>0.00</u>
	NET (INCOME) LOSS	<u>(0.00)</u>	<u>(0.00)</u>
	TOTAL EQUITY	<u>(0.00)</u>	<u>(0.00)</u>
	TOTAL LIABILITY AND EQUITY	<u>(2,175,816.65)</u>	<u>(2,191,693.51)</u>
	Revenues	<u>0.00</u>	<u>0.00</u>

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

STAFF ACTIVITY REPORT December 8, 2008 to January 11, 2009

A. ADMINISTRATION

1. The 2008 Q4 billings are being prepared for the 604(b) Water Quality contract, UPWP Transportation Planning contract, EDA Economic Planning contract, CDYCI administrative contract, CSO administrative contract, NYSEDA Wind Energy contract, CDTA Mass Transit Planning contract, and the ESD Census Update contract.

B. REGIONAL PLANNING

REGIONAL INFORMATION SYSTEM & DATA SERVICES

1. The staff responded to approximately 65 call-in and e-mail data requests during the reporting period.
2. CDRPC changed domain hosts for its web site from Earthlink to Network Solutions, and the web statistics for the new host are not comparable with previous data, so no comparisons are being given yet. However, the web site received well over a million page hits during 2008.
3. The staff continues to update and maintain its GIS, and to provide GIS products and services to local governments, agencies and citizens on request.
4. The staff continues to process, analyze, and disseminate Census data and data released by the U.S. and N.Y.S. Departments of Labor. Information is posted on the web site on an ongoing basis.
5. A housing needs assessment is being prepared for Saratoga County under the direction of CARES.
6. A Capital Region Metrics report is being prepared for presentation in June as part of the Tech Valley Civic Forum.
7. In continuing preparation for the 2010 Census, CDRPC has agreed to be the lead agency for updating the Participant Statistical Areas (PSAP). Meetings have been held with Rensselaer and Albany Counties to review and update the materials and meetings are being arranged with Saratoga and Schenectady counties. Staff is also working with Empire State Development in establishing criteria for Complete Count Committees and the 2010 publicity campaign.

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

WATER QUALITY PLANNING

1. The Staff has continued work on the 604b water quality program. Staff continues to participate in county water quality coordinating committee activities, MS4 committee activities, and to provide technical support to the counties and local communities. The annual reports that have been submitted by the participating communities are being reviewed.
2. Staff continues to manage the Albany Pool Combined Sewer Overflow Long Term Control Plan Development, which includes the Albany Water Board, the cities of Cohoes, Rensselaer, Troy and Watervliet, and the Village of Green Island, as well as assistance from the Albany and Rensselaer county sewer districts. (See **Memo 09-04**) for the most recent update of activities.)

TRANSPORTATION AND LAND USE

1. The staff continues to participate on CDTC's Planning Committee, Bike/Ped Taskforce, and the Regional Linkage Forum.
2. Staff continues to participate on various advisory committees as part of the CDTC Linkage Grant Program. The town of Bethlehem Rt. 9W Corridor Plan, the Clifton Park/Halfmoon Exit 9 Linkage Study, the village of Scotia Waterfront Linkage Plan, the Delaware Ave Linkage Study, the village of Altamont Linkage Study, the city of Albany Bike Master Plan, and the city of Mechanicville Central Corridor Linkage Study are all underway.
3. CDRPC and CDTC staff are continuing their work to develop a local sustainable development planning guidebook, which is being funded under the CDTC UPWP. The guidebook will highlight exemplary smart growth planning projects throughout the region.

Technical Assistance

1. Staff has completed the school enrollment projections for the Ballston Spa School District.

HUMAN RESOURCES & CRIMINAL JUSTICE

1. The Juvenile Detention facility utilization rate was 50.3% for the month of December 2008, and average occupancy for 2008 was 79.4%.
2. CDRPC has assumed responsibility for billing the counties using the facility, and has computed and sent out the bills through December 2008. Total billings for 2008 were \$2,638,118.

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

3. A Contract for a one-year renewal of operations through 2010 has been signed by Berkshire Farm.
4. The 2009 Per Diem rate has been established and approved by the Board: \$374.69 for contracting counties (Region + Oneida) and \$384.69 for non-contracting counties.

ECONOMIC DEVELOPMENT

1. Data files continue to be updated and spreadsheets prepared on a monthly basis for public distribution, including Employment/Unemployment and CPI/PPI data. In addition, CDRPC continually maintains and enhances its Web site on an ongoing basis to include new and updated materials as they become available.
2. Commission staff have established a web portal for the new CEDS document, and will be posting each of the sections of the CEDS for review by Commissioners, the CEDS Advisory Committee, and the general public.
3. The Foreign Trade Zone expansion application is being rewritten in accordance with a new proposed FTZ Board application Framework. Continuing discussions with the FTZ Board have been very encouraging regarding the Commission's use of the new Framework and the Board's willingness to evaluate preliminary drafts of the application.
4. Contact has been made with each of the counties and businesses that had been included in the original FTZ application to determine their interest in the new application. General information and status reports for the FTZ application continue to be posted to <http://cdrpc.org/ftz>. All of the 10 counties included in CDRPC's jurisdiction as Grantee will be included in the application.
5. Commission staff continue to update the web site to make it compliant with new XHTML and CSS standards and to provide more Regional information. In particular, a new index page allowing users to locate all available information on the web site by MCD (a geographic index) is being developed.

WIND POWER PLANNING

1. Staff continue to respond to technical questions on addressing small scale and commercial wind development within comprehensive plans, zoning, and land use regulations.

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

C. MEETINGS

- 12/8/08 Ferraro: Menands Planning & Economic Development Committee meeting
- 12/9/08 Fabozzi: CDTC Bike/Ped Taskforce meeting.
- 12/9/08 Shannon: Rt 9W Linkage Study Meeting.
- 12/10/08 Shannon: FTZ Usage-Driven Site requirements meeting with Stone Management.
- 12/11/08 Shannon: Saratoga County MS4 Coordinators' Meeting.
- 12/11/08 Engstrom: Saratoga County Water Quality Coordinating Committee
- 12/11/08 Shannon: Transfer of Development Rights Workshop.
- 12/12/08 Ferraro: Capital District Library Council Trustees Meeting
- 12/15/08 Fabozzi: Albany Co. Water Quality Coordinating Committee meeting, Voorheesville.
- 12/16/08 Fabozzi & Shannon: Rensselaer County PSAP Meeting.
- 12/18/08 Fabozzi: NYS GIS Coordinating Body Meeting.
- 12/18/08 Shannon: Albany County Stormwater Coalition Meeting.
- 12/22/08 Fabozzi: CDTC Linkage grants review committee Meeting.
- 1/6/09 Ferraro: Tech Valley Metrics Task Force Meeting.
- 1/8/09 Shannon: Rt 9W Linkage Study Meeting.
- 1/9/09 Fabozzi & Shannon: Albany County PSAP Meeting.
- 1/8/09 Engstrom: Saratoga County Water Quality Coordinating Committee.