



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

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Philip Barrett

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Program Manager
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Assistant Planner
Deborah A. Shannon

Office Manager
Donna M. Reinhart

Planning Intern
Joanna H. King

COMMISSION MEETING

8:30 am, Wednesday, May 20th, 2009

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

AGENDA

1. Welcome/Introduction of Guests
2. March 18, 2009 Meeting Minutes*
3. Financial Statement through April 30, 2009 (Memo 09-08)*
4. Foreign Trade Zone- Conceptual Application Approval (Memo 09-09)*
5. CDYCI Status Report – Change in Per Diem Rate Structure (Memo 09-10)
6. Tech Valley Futures (Memo 09-11)
7. Combined Sewer Overflow Long Term Control Plan Update (Memo 09-12)
8. Staff Activity Report
9. Other Business
10. Next Meeting Date/Time: July 15, 2009 @ 8:30 AM

*Requires Formal Board Action

COMMISSION MEETING

March 18, 2009

CDRPC Conference Room

One Park Place, Suite 102

Albany, New York 12205

MINUTES

PRESENT: Willard Bruce, Henry Dennis, Judy Breselor, James Shaughnessy, Michael Stammel, Fred Acunto, Philip Barrett, Jason Kemper, John Murray, Robert Godlewski, Barbara Mauro

ABSENT: John Graziano, Lucille McKnight, Michael Whalen, Stan Brownell, Leon Fiacco, Paul Sausville, Gary Hughes, Michael Petta, David Vincent

PRESIDING: Mike Stammel, Chair, called the meeting to order at 8:30 am.

1. **Welcome/Introduction of Guests**
2. **January 21, 2009 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 Judy Breselor seconded. The minutes were approved unanimously.

3. **Unaudited Financial Statement through December 31, 2008**

The financial statement reflects activities through December 31, 2008. This represents the Commission's final unaudited financial statement for 2008. For the year, revenues were at 99.3% while expenses were at 95.3%. Overall all, revenues exceeded expenditures by \$26,883.25.

A second invoice was sent to Capital District Trade Strategies on March 17, 2009 in the amount of \$25,000. The contract states CDTS has until March 1, 2009 to pay the outstanding invoice. Rocky has been in contact with Michael Hall regarding this matter for possible legal action if payment is not received.

4. **Financial Statement through February 28, 2009**

Invoices were sent out to each of the four counties and all payments have been received. FTZ invoices were sent out to AMRI and MPM Silicones and both payment have been received.

For the year, the revenues are at 18.8% and expenses are at 17.1%. In some cases, the percent to date expenses are greater than what may be normally expected because the annual GIS software license to ESRI was renewed in January and the General Business insurance bill for 2009 was paid in full. Also the Rent and Health Insurance line items reflect three months worth of payments.

There is approximately \$72,000 cash in the bank, excluding CD's, and receivables totaling \$90,400.

5. Presentation – Status Report of the Combined Sewer Overflow Long Term Control Plan

Rocky announced that Leif Engstrom and he were co-recipients of the Project Management Innovation award from the Capital District Chapter of the American Public Works Association. The award was given to recognize the outstanding work each has done managing the CSO project.

Leif Engstrom gave a presentation to the Board providing an overview of the deliverables and findings to date and the next steps in selecting the CSO Control alternatives. A copy of the presentation was provided at the meeting.

The water sampling and sewer system monitoring have been completed and the primary focus at this point is analyzing the data and incorporating it into the system modules.

The results of the Hudson River water quality assessment have been presented to the Technical Committee and DEC. 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. The next CAC meeting has been scheduled for 1:30pm, March 30 in the CDTC conference room.

6. Staff Activity Report

Rocky informed the Board that the Capital Region Metrics Progress report that evaluates ten categories of data is being prepared for presentation by CDRPC at HVCC as part of the Tech Valley Civic Forum Scheduled for Friday, March 29th. This is an all day event sponsored by the business community, non-profit community and the public sector.

The 2010 Census preparation continues to move forward. CDRPC has agreed to be the lead agency for updating the Participant Statistical Areas (PSAP).

The Foreign Trade Zone expansion application is being rewritten in accordance with a new proposed FTZ Board application Framework. At this time, we are waiting to receive information from Saratoga County regarding Luther Forest Tech Park and the Step facility in order to complete the application and submit to the FTZ Board.

7. **Other Business**

There was no other business at this time.

8. **Next Meeting Date/Time**

The next Commission meeting will be held May 20, 2009 at 8:30am.

Adjournment

John Murray made a motion to adjourn the meeting and Judy Breselor seconded. The motion was approved unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara Mauro". The signature is written in black ink and is positioned above the printed name and title.

Barbara Mauro,
Secretary



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MEMORANDUM (#09-08)

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

Enclosed for your review and approval are the current financial statements through April 2009.

First quarter invoices were sent to the appropriate billing agencies for the CDYCI, Empire State Development, NYSERDA (Wind), Combined Sewer Overflow, Water Quality, and the UPWP (Transportation) work programs.

As noted on the Statement of Financial Condition, on April 30th we had approximately \$71,500 cash in the bank and outstanding receivables totaling just over \$103,500. We also have five Certificates of Deposit as noted on the table below:

CD #	Value	Expires
411796	\$ 21,282.67	July 30, 2009
605899	\$ 30,000.00	November 12, 2009
000216	\$ 32,158.58	December 10, 2009
409598	\$ 30,601.86	January 13, 2010
000224	\$ 21,059.38	April 17, 2010
Total: \$135,102.49		

The auditor, Bonadio & Company has initiated the 2008 audit. A report will be presented to the Board at the July Board meeting.

CDRPC 2009 Income Statement

Account	Budget	Jan 09	Feb 09	Mar 09	Apr 09	Year-to-Date	Balance	YTD %
2009 REVENUE								
R2390.1 Albany County	\$ 84,663.00	\$ 42,331.50	\$ -	\$ -	\$ -	\$ 42,331.50	\$ 42,331.50	50.0%
R2390.2 Rensselaer County	43,842.00	21,921.00	-	-	-	21,921.00	21,921.00	50.0%
R2390.3 Saratoga County	57,666.00	14,416.50	-	-	14,416.50	28,833.00	28,833.00	50.0%
R2390.4 Schenectady County	42,123.00	10,530.75	-	-	10,530.75	21,061.50	21,061.50	50.0%
R2401.0 Interest & Earnings	1,500.00	7.90	223.39	30.46	25.43	287.18	1,212.82	19.1%
R2770.1 Miscellaneous	100.00	-	-	-	-	-	100.00	0.0%
R2770.3 Contractual Services	30,000.00	-	-	320.45	-	320.45	29,679.55	1.1%
R2770.4 FTZ#121	20,000.00	17,000.00	-	-	-	17,000.00	3,000.00	85.0%
R2770.5 Conferences	6,000.00	30.00	-	-	-	30.00	5,970.00	0.5%
R2770.6 CDYCI	75,000.00	-	-	18,750.00	-	18,750.00	56,250.00	25.0%
R3900.3 Empire State Dev.	15,000.00	-	-	7,446.42	-	7,446.42	7,553.58	49.6%
R3900.4 Other NYS Aid (NYSERDA)	17,000.00	-	-	685.62	-	685.62	16,314.38	4.0%
R3900.6 EFC CSO Grant	98,000.00	-	-	18,156.60	-	18,156.60	79,843.40	18.5%
R4000.1 Fed. Reg. Aviation	-	-	-	-	-	-	-	-
R4000.2 EDA	60,000.00	24,992.82	-	5,007.18	-	30,000.00	30,000.00	50.0%
R4000.3 Water Quality	50,000.00	-	-	16,432.99	-	16,432.99	33,567.01	32.9%
R4000.4 UPWP	100,000.00	-	-	22,176.84	-	22,176.84	77,823.16	22.2%
R4000.5 Other Federal Aid (HUD)	-	-	-	-	-	-	-	-
R4000.6 EPA CSO Grant	-	-	-	-	-	-	-	-
Gross Revenue	\$ 700,894.00	\$ 131,230.47	\$ 223.39	\$ 89,006.56	\$ 24,972.68	\$ 245,433.10	\$ 455,460.90	35.0%
2009 EXPENSE								
E.1010 Salaries	\$ 385,000.00	\$ 31,742.40	\$ 34,992.40	\$ 31,742.40	\$ 31,742.40	\$ 130,219.60	\$ 254,780.40	33.8%
E.1030 Temporary Services	16,000.00	834.00	714.00	816.00	846.00	3,210.00	12,790.00	20.1%
E.2010 Office Equipment	6,000.00	292.80	169.00	169.00	858.14	1,488.94	4,511.06	24.8%
E.2020 Furniture & Furnishings	1,500.00	-	-	-	-	-	1,500.00	0.0%
E.4020 Workshops & Conferences	6,000.00	-	-	-	-	-	6,000.00	0.0%
E.4030 Consultant Services	11,000.00	-	1,914.63	-	-	1,914.63	9,085.37	17.4%
E.4040 Agency Memberships	6,000.00	1,385.00	750.00	-	-	2,135.00	3,865.00	35.6%
E.4051 Computer Supplies/Software	5,500.00	3,589.90	(0.05)	129.32	64.60	3,783.77	1,716.23	68.8%
E.4055 Data Purchases	500.00	-	-	-	-	-	500.00	0.0%
E.4060 Equipment Maintenance	2,000.00	348.20	226.70	-	-	574.90	1,425.10	28.7%
E.4070 Office Supplies	3,500.00	180.54	36.18	188.63	101.25	506.60	2,993.40	14.5%
E.4080 Books & Journals	1,000.00	85.00	-	43.92	-	128.92	871.08	12.9%
E.4090 Printing & Publishing	7,500.00	-	-	-	502.26	502.26	6,997.74	6.7%
E.4110 Rent	67,000.00	8,908.32	4,454.16	4,882.32	6,416.16	24,660.96	42,339.04	36.8%
E.4120 Telephone	3,500.00	178.52	161.27	258.97	244.80	843.56	2,656.44	24.1%
E.4121 Internet	3,200.00	256.86	139.95	139.95	154.90	691.66	2,508.34	21.6%
E.4130 Travel	11,000.00	-	-	145.00	634.19	779.19	10,220.81	7.1%
E.4140 Equipment Repairs	500.00	-	-	-	-	-	500.00	0.0%
E.4150 Postage	3,300.00	348.87	26.35	560.00	508.85	1,444.07	1,855.93	43.8%
E.4160 Miscellaneous	1,094.00	125.49	98.65	72.48	255.99	552.61	541.39	50.5%
E.4170 Payroll Services	1,700.00	131.38	215.38	138.06	131.06	615.88	1,084.12	36.2%
E.4190 Contingent Fund	3,000.00	-	-	-	-	-	3,000.00	0.0%
E.4200 Insurance-General	1,600.00	1,246.84	(12.00)	-	-	1,234.84	365.16	77.2%
E.8010 NYS Retirement	36,000.00	-	-	-	-	-	36,000.00	0.0%
E.8030 FICA	31,000.00	2,515.27	2,760.94	2,543.31	2,545.59	10,365.11	20,634.89	33.4%
E.8040 Ins.-Worker's Comp. & Dis.	3,000.00	1,639.98	-	-	170.00	1,809.98	1,190.02	60.3%
E.8050 Ins.-Health	80,000.00	11,840.15	6,291.90	3,908.19	5,297.73	27,337.97	52,662.03	34.2%
E.8060 Ins.-Unemployment	1,500.00	613.28	312.10	31.64	109.39	1,066.41	433.59	71.1%
E.8070 Prof. Memberships	1,000.00	50.00	-	-	200.00	250.00	750.00	25.0%
E.8080 Continuing Education	1,000.00	-	-	-	-	-	1,000.00	0.0%
Gross Expenses	\$ 700,894.00	\$ 66,312.80	\$ 53,251.56	\$ 45,769.19	\$ 50,783.31	\$ 216,116.86	\$ 484,777.14	30.8%
Net Operating Income	\$ -	\$ 64,917.67	\$ (53,028.17)	\$ 43,237.37	\$ (25,810.63)	\$ 29,316.24		
A909 Fund Balance-Unreserved	-	-	-	-	-	-	-	-
Net Income	\$ -	\$ 64,917.67	\$ (53,028.17)	\$ 43,237.37	\$ (25,810.63)	\$ 29,316.24		

Capital District Regional Planning Commission

GENERAL FUND

Statement of Financial Condition

April 30, 2009

Assets

Cash — Checking	\$	18,371.11
Cash — Money Market		53,151.07
Cash — PayPal Account		-
Cash — Certificates of Deposit		135,102.49
Petty Cash		200.00
Due from Private Persons/Organizations		32,194.74
Due from State & Federal Governments		46,078.32
Due from Other Governments		25,267.70
Prepaid Expenses		95.97
Carryover Revenue		-
<i>Sub-Total: Assets</i>	\$	<u>310,461.40</u>
Expenses — Year-to-Date		<u>216,116.86</u>

Total \$ 526,578.26

Liabilities & Fund Balance

Due to Other Governments	\$	-
Due to Private Persons/Organizations		-
Deferred Project Revenue		(15,000.00)
Fund Balance — Restricted		-
Fund Balance — Unrestricted		296,145.16
<i>Sub-Total: Liabilities & Fund Balance</i>	\$	<u>281,145.16</u>
Revenue — Year-to-Date		<u>245,433.10</u>

Total \$ 526,578.26

Net Income (Loss) \$ 29,316.24



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MEMORANDUM (#09-09)

To: Commissioners

From: Rocky Ferraro, Executive Director

Date: May 13, 2009

Re: FTZ #121 Zone Schedule & Major Modification Application

FTZ #121 Zone Schedule

The Foreign-Trade Zones Board requires (15 CFR §400.42) that each Grantee prepare and maintain a Zone Schedule containing internal rules and regulations for the Zone and a statement of the rates and charges applicable to zone users. At the Commission's December 2008 meeting, a new Zone Tariff with rates and charges was adopted. To complete the preparation of a new, up-to-date Zone Schedule, the Commission retained Mr. David Ostheimer, a NYC attorney specializing in FTZ law and regulations who had previously assisted us in the preparation of the Zone Tariff.

The proposed new Zone Schedule for FTZ #121 is attached. For the most part, it cites and repeats the various laws and regulations under which CDRPC must operate as Grantee of Foreign-Trade Zone #121, as well as providing the Zone Tariff and location maps.

FTZ #121 Major Modification Application

Commission staff are assembling the various parts of the major modification Application to the Foreign-Trade Zones Board, based on the Board's newly revised format for applications under their new framework.

The Application will request FTZ Board authority for the following:

1. A 10-county service area, including Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Warren, and Washington counties.

2. Six Magnet Sites, including the Port of Albany, Albany County; Northeast Industrial Park, Albany County (current activated General-Purpose Zone Site A); Florida Business Park Extension, Montgomery County; Saratoga Technology + Energy Park, Saratoga County; Luther Forest Technology Campus, Saratoga County; and Rotterdam Industrial Park, Schenectady County (current activated General-Purpose Zone Site B). The Global Foundries (AMD) chip fab site is not included in the Luther Forest magnet because the Company's plans at this point are to seek Manufacturing Authority in the future as a subzone site.

Each Magnet Site will be given an allocation of 100 acres (4,356,000 sq. ft.) for distribution to Zone users, and each Site will have the FTZ Board standard sunset period of five years, within which time some FTZ-related activity must take place or the Magnet Site status will be lost. Only for Luther Forest will a longer, 7 year sunset period be requested because of the project schedule of the associated Global Foundries (AMD) chip fab development.

3. Removal of the Rensselaer side of the Port of Albany and Crossroads Industrial Park in Fulton County as General-Purpose Zone Sites. Neither of these site has ever been activated.

3. No Usage-Driven Sites. Note that upon approval of CDRPC's Application, Usage-Driven sites may be established anywhere in the 10-county service area via a letter-based Minor Boundary Modification with FTZ Board approval expected within 30-45 days.

4. A total of 2,000 acres (87,120,000 sq. ft.) of "floating" FTZ-authorized area, of which 600 acres will be allocated by CDRPC to the magnet sites and 1,400 will be held for distribution for new FTZ projects, as necessary.

Note that the Application will have no impact on our two existing and activated Subzones at AMRI and MPM Silicones.

Commission action is requested to authorize the Executive Director to submit the new Zone Schedule to the Foreign-Trade Zones Board and to submit the major modification Application as described to the Foreign-Trade Zones Board.

**ZONE SCHEDULE
FOR THE
FOREIGN-TRADE ZONE NO. 121
ALBANY, NEW YORK**

This Zone Schedule has been prepared by the Capital District Regional Planning Commission in its capacity as the Grantee for FTZ No. 121. Any questions concerning the contents of this Zone Schedule should be addressed to:

David Lang Wardle, AICP
Director of Information Services
Capital District Regional Planning Commission
One Park Place, Suite 102, Albany, NY 12205
Tel: 518-453-0850
Fax 518-453-0856
Email: cdrpc@cdrpc.org

FTZ No. 121 is open for Business during normal business hours.

This Zone Schedule has been prepared in accordance with 15 C.F.R. 400.42 and is on file with the Foreign-Trade Zones Board and United States Customs & Border Protection at the Port of Albany, NY.

Effective: January 1, 2009

FTZ NO. 121 ZONE PROJECT

Foreign-Trade Zones in General:

Foreign-trade zones (FTZs) were created by the Foreign-Trade Zones Act of 1934 (the FTZ Act) for the purpose of expediting and encouraging foreign commerce. Changes to the FTZ Act in 1950 that permitted manufacturing and exhibiting in FTZs have broadened the objectives of the program. FTZs are secured areas under U.S. Customs and Border Protection (CBP) supervision that are considered outside the customs territory of the United States. Merchandise may be moved into an FTZ for storage, exhibition, manufacture, or other operations not otherwise prohibited by law. Customs duties on foreign merchandise are not collected until the merchandise is entered into U.S. Customs territory.

The Albany Foreign-Trade Zone, FTZ No. 121:

The Grant of Authority establishing the Albany Foreign-Trade Zone, (FTZ No. 121) was issued by the Foreign-Trade Zones Board (FTZB) to the Capital District Regional Planning Commission on July 18, 1985 (Board Order No. 307). The Grant for FTZ No. 121 was expanded once on September 25, 1997 (Board Order 922). There have been four (4) Administrative Actions that have altered the boundaries of the General Purpose Zone Project – Administrative Actions A-35-91, A(27f)-5-94, A-27f)-19-95 and A(27f)-12-2006. There have been three (3) subzones authorized by the FTZB as part of the FTZ No. 121 Zone Project, one of which has been terminated (Board Order 698 dated July 20, 1994 established Subzone 121A; Board Order 794 dated December 12, 1995 established Subzone 121B and Board Order 1103 dated June 12, 2000 terminated Subzone 121B; and Board Order 1554 dated March 28, 2008 established Subzone 121C). The boundaries of the Zone Project and a description of the Sites, including subzone Sites are as follows:

List of General Purpose FTZ Sites:

Site 1: **The Northeastern Industrial Park** is a public warehousing complex consisting of 517.4 acres and 3,000,000 square feet of building floor space in 28 one-story structures.

Site 2: **The Rotterdam Industrial Park** consists of 235 acres and 3,600,000 square feet of building floor space in 34 one-story structures.

Site 3: **The Port of Albany** site is located on the Rensselaer side of the Port of Albany. It has 35 acres of land area, 1,100 feet of operable wharfage, and 550 feet of concrete dock. Existing facilities on the Site include a caustic soda storage facility with 500,000 gallon capacity and three buildings with a combined floor area of 43,000 square feet.

FOREIGN-TRADE ZONE NO. 121
ZONE SCHEDULE
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Site 4: **The Crossroads Industrial Park** is located in the City of Gloversville, Fulton County, New York State, on State Highway 29. The Fulton County Foreign-Trade Zone Site at the Crossroads Industrial Park consists of a 41,475 square foot industrial facility, a 36,000 square foot trailer container storage yard and 17,015 square feet of the Crossroads Incubator Facility. The Site is located on approximately 12 acres of land.

List of Subzones:

Subzone 121A: Albany Molecular Research Inc. located at 33 Riverside Avenue in Rensselaer, New York.

Subzone 121B: BASF Corporation located at 36 Riverside Avenue in Rensselaer, New York – GRANT TERMINATED.

Subzone 121C: MPM Silicones located at 260 Hudson River Road in Waterford, New York.

Maps Related to FTZ No. 121 Zone Project:

Exhibit A is a map depicting the locations of the four (4) existing General Purpose Zone Sites and two (2) existing Subzones.

Exhibit B is a map depicting the Port limits for the CBP Port of Albany.

Laws and Regulations Adhered to:

All persons conducting business within FTZ No. 121 and all operations moving merchandise into or out of FTZ No. 121 must strictly conform to the Foreign-Trade Zones Act (FTZA), FTZB Regulations, CBP Regulations, this Zone Schedule and all other applicable federal, state and local laws, rules, and regulations. This Zone Schedule may be modified, amended or replaced by the Capital District Regional Planning Commission at any time if it is determined to be necessary or appropriate to do so. The Capital District Regional Planning Commission shall, in its sole discretion, interpret the provisions of this Schedule and determine the applicability of any of its provisions.

Statutory and Regulatory Authority:

Foreign-Trade Zone Act – 19 U.S.C. 81

Foreign-Trade Zones Board Regulations – 15 C.F.R. 400

Customs & Border Protection Regulations – 19 C.F.R. 146

FOREIGN-TRADE ZONE NO. 121
ZONE SCHEDULE
PAGE 3 OF 18

DEFINITIONS

1. Foreign-Trade Zones Board (FTZB) — comprised of the Secretary of Commerce and the Secretary of Treasury. These officials or their designee are empowered to issue to appropriate applicants the grant of authority to establish, maintain and operate a Foreign-Trade Zone project 19 U.S.C. 81a(b); 15 C.F.R. 400.2(b).
2. Foreign-Trade Zones Board staff — Officials in the Department of Commerce, International Trade Administration responsible for overseeing the administration of Foreign-Trade Zones. The Executive Secretary heads up this office 15 C.F.R. 400.2(f).
3. Port Director of Customs and Border Protection (CBP) — Customs official with responsibility for overseeing the activation and operations of zone projects within his customs port of entry.
4. Grantee — Corporation to which the privilege of establishing, operating, and maintaining a foreign-trade zone has been granted." 19 U.S.C. 81a(h). The Grantee of FTZ No. 121 is the Capital District Regional Planning Commission.
5. FTZ Operator — Corporation, partnership, or person that operates a zone or subzone under the terms of an Agreement with the Grantee. 15 C.F.R. 400.2(s).
6. User — A person or firm using a zone or subzone for storage, handling, or processing of merchandise. 15 C.F.R. 400.2(v).
7. FTZ Eligibility — Issuance of a grant by the FTZB results in designated area obtaining FTZ eligibility.
8. Zone Site — each separate area comprising FTZ No. 121 and its subzones.
9. Activation — Filing of an application with CBP by the FTZ Operator, with Grantee's concurrence, results in the actual utilization of an FTZ eligible site as an FTZ.
10. Subzone — a special purpose zone established as an adjunct to a zone project for a limited purpose.
11. Domestic Status Merchandise — Merchandise produced in the United States or imported merchandise for which customs duties have already been paid.

**FOREIGN-TRADE ZONE NO. 121
ZONE SCHEDULE
PAGE 4 OF 18**

12. **Privileged Foreign Status Merchandise** — Imported merchandise that has not cleared Customs and for which the User wishes said merchandise to retain its identity, from a customs classification standpoint, regardless of its condition when it ultimately enters the customs territory of the United States.
13. **Non-Privileged Foreign Status Merchandise** — Imported merchandise that has not cleared Customs and for which the User does not wish said merchandise to retain its identity, from a customs classification standpoint, so that if altered, it will become classifiable in its condition when it enters the customs territory of the United States.
14. **Zone Restricted Merchandise** — Merchandise which can not re-enter the U.S. customs territory.
15. **CPB Form 214** — Document prepared by the User, signed by the FTZ Operator and approved by CBP, which authorizes the admission of merchandise into a FTZ and designates the status of the merchandise.
16. **CBP Form 216** — Document prepared by the FTZ Operator and approved by CBP, which authorizes the User to engage in certain activities within the FTZ such as manipulation, repair, destruction and manufacture.
17. **CBP Form 3461** — Document prepared by the User, which must be approved by CBP and furnished to the FTZ Operator prior to the physical removal of any merchandise from the FTZ into the customs territory of the United States.
18. **CBP Form 7512** — Document prepared by the User, which must be approved by CBP and furnished to the FTZ Operator prior to the physical removal of any merchandise from the FTZ for exportation of merchandise from the United States.
19. **Zone Schedule** — This document constitutes the FTZ No. 121 Zone Schedule as required by 15 C.F.R. 400.42. This document may also be referred to as the FTZ No. 121 Tariff.

LIABILITY

Grantee Liability:

A Grantee is the entity to which the privilege of establishing, operating and maintaining a FTZ has been granted. The grant shall not be sold, conveyed, transferred, set over or assigned. (19 USC 81q). CBP holds the FTZ Operator and its surety responsible for compliance with the Customs Statutes and Regulations through the conditions of the FTZ Operator Bond. (19 CFR 113.73). However, the execution of the bond by the FTZ Operator does not lessen the liability of the Grantee to comply with the FTZA and the implementing regulations (19 CFR 146.6(e)). The Grantee is not automatically absolved of all liability when delegating its authority to operate and maintain a zone to another person and the Grantee does not operate the zone itself. (Comments and Responses to TD 86-16 (51 FR 5048) and HQ Ruling 218985 dated August 15, 1986). However, through the execution of the Grantee/Operator Agreement, the Operator agrees to indemnify the Grantee for any liability that the Grantee may incur as a result of the activities conducted by or actions or inactions of the Operator at FTZ No. 121.

FTZ Operator Liability:

An FTZ Operator agrees to terms and conditions set forth within the Operator's Agreement that covers the development and operational management of FTZ activities at their designated Zone Site(s). Operations will be consistent and in accordance with standards of operation required by CBP and the FTZB, including those related to occupancy and use.

ROLES OF PARTIES

Role of Foreign-Trade Zones Board:

1. Review FTZ applications, expansion applications, subzone applications, manufacturing requests and boundary modification requests and issue Board Orders.
2. All ongoing activities are subject to review 15 C.F.R.400.31(d)(1).
3. The FTZB may revoke a grant in whole or in part for repeated and willful violations of the Act 15 C.F.R.400.28(c).
4. A request for manufacturing/processing in an approved zone or subzone is subject to approval either through informal procedures or formal procedures 15 C.F.R. 400.28(a)(2) and 400.32(b).
5. Zone Schedules are subject to review by the Executive Secretary 15 C.F.R. 400.42(a)(2) and 400.42(b)(3).
6. Zone-restricted merchandise may be permitted to be returned into the customs territory by request to the Board 15 C.F.R. 400.44(c).
7. Retail trade requests may be processed by the Executive Secretary 15 C.F.R. 400.45.
8. FTZB shall publish an Annual Report 15 C.F.R. 400.46(d)(2).

Role of U.S. Customs and Border Protection:

1. Port Director is local Representative of the FTZB 19 C.F.R. 146.2; 15 C.F.R. 400.41.
2. Port Director approves activation and alteration requests 19 C.F.R. 146.6 and 146.7.
3. CBP will conduct spot checks and audits.
4. CBP provides recommendation to the FTZB with regard to requests to return zone-restricted merchandise into the customs territory 15 C.F.R. 400.44(b)(4).
5. Port Director will determine whether an activity constitutes retail trade 15 C.F.R. 400.45.

FOREIGN-TRADE ZONE NO. 121
ZONE SCHEDULE
PAGE 7 OF 18

Role of Zone Grantee:

1. File all applications with the FTZB.
2. Assist in marketing of zone project.
3. Select Operator.
4. Insure maintenance of facilities. 19 U.S.C. 81l.
5. Insure zone is run as public utility. 19 U.S.C. 81n.
6. Concur in all activation requests filed with CBP. 19 C.F.R. 146.6.
7. Insure that the Annual Report is timely filed with the FTZB. 19 U.S.C. 81p(b); 15 C.F.R. 400.46(d).
8. Submit the Zone Schedule to the Executive Secretary and the Port Director 15 C.F.R.400.42(b).
9. Submit requests to CBP with regard to whether an activity constitutes retail trade and can be conducted within zone 15 C.F.R. 400.45(a).

Role of Zone Operator:

1. Supervise all admissions, transfers, removals, recordkeeping, manipulations, manufacturing, destruction, exhibition, physical and procedural security and conditions of storage in zone as required by law and regulations. 19 C.F.R. 146.4.
2. Payment of any applicable activation fee and annual fee. 19 C.F.R. 146.5.
3. Prepare written application to the Port Director for activation of zone. 19 C.F.R. 146.6.
4. Make written application to the Port Director for approval of an alteration of an activated area. 19 C.F.R. 146.7.
5. File the requisite CBP Form 301 Foreign-Trade Zone Operator's Bond with the Port Director. 19 C.F.R. 146.7.
6. Sign all CBP Form 214s permitting merchandise to be place into the zone. 19 C.F.R. 146.9.

FOREIGN-TRADE ZONE NO. 121
ZONE SCHEDULE
PAGE 8 OF 18

7. Prepare a Procedures Manual outlining the inventory control system and recordkeeping system to be followed at the zone. 19 C.F.R. 146.21.
8. Responsible for preparing a reconciliation report within 90 days after the end of the zone/subzone year. 19 C.F.R. 146.25.
9. Perform an annual internal review of the inventory control and recordkeeping system and report discrepancies to the Port Director. 19 C.F.R. 146.26.
10. Maintenance of admission documentation. 19 C.F.R. 146.37.
11. Collect all in-bond documentation. 19 C.F.R. 146.40.
12. Filing of CBP Form 216 for permission to manipulate, manufacture, exhibit or destroy merchandise in a zone. 19 C.F.R. 146.52.
13. Report shortages and overages to CBP 19 C.F.R. 146.53.

Role of Zone User:

1. Payment of customs duties for merchandise entering customs territory.
2. In many instances, the Zone User is responsible for maintenance of inventory control records, particularly where the Zone User has physical possession of zone merchandise. 19 C.F.R. 146.4.
3. In many instances the Zone User is the Zone Operator.

INTERNAL RULES

Qualifications:

Persons and business entities may qualify as an FTZ Operator of FTZ No. 121 provided that they have satisfied all requirements imposed by CBP, executed the necessary Operating Agreement with the Grantee, filed a Schedule of Rates and Charges with the Grantee, and met all additional laws and regulations imposed by agencies having jurisdiction over their activities.

Right of Entry:

Representatives of the Grantee, FTZB, CBP and other authorized U.S. Government Officers, shall have the right to enter the Zone Site at any time for the authorized and lawful purpose of examining the Zone Site, conferring with the FTZ Operator, its agents, invitees and employees on the premises, inspecting and checking operations, supplies, equipment and merchandise, and determining whether the business is being conducted in accordance with the procedures established in the Procedures Manual, the Operating Agreement and pursuant to CBP and FTZB regulations. All such entries shall be in accordance with the established security procedures and with reasonable advance notice to the FTZ Operator.

Application to FTZB:

The Grantee shall have the sole authority to file applications and requests with the FTZB requesting modifications to Grants of Authority. Requests to modify a Grant may include expansions, boundary modifications, subzone applications and/or changes in scope of authority.

Retail trade within FTZ 121:

No retail trade may be conducted within FTZ No. 121 unless written approval is issued by the FTZB.

Zone-restricted merchandise:

Zone-restricted merchandise may be transferred to the customs territory only for entry for exportation, for entry for transportation and exportation, for warehousing pending exportation, for destruction (except destruction of distilled spirits, wines and fermented malt liquors), for transfer to another FTZ, or for delivery to a qualified vessel or aircraft or as ground equipment of a qualified aircraft, unless the FTZB has ruled that the return of the merchandise to the customs territory for domestic consumption is in the public interest.

FOREIGN-TRADE ZONE NO. 121
ZONE SCHEDULE
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Exclusion from FTZ of goods or process:

The FTZB may at any time order the exclusion from FTZ No. 121 of any merchandise or process of treatment that in its judgment is detrimental to the public interest, health, or safety.

Foreign-Trade Zones Board Annual Report:

The Grantee is responsible for preparing and filing with the FTZB an annual report summarizing all Zone activity from October 1 through September 30 of each year. The report shall be filed by January 31 of each year pursuant to current requirements of the FTZ Board. In order for the Grantee to meet its responsibility in this regard, each Operator shall complete a form submitted by the Grantee to the Operator so that sufficient data is available. The Operator shall complete the form and return it to the Grantee pursuant to the terms of the Grantee-Operator agreement.

Procedures Manual:

The Operator will provide the CBP Port Director with an English language copy of its written inventory control and recordkeeping systems procedures manual and all subsequent changes thereto. The Operator may authorize a Zone User to maintain its individual inventory control and recordkeeping system and procedures manual, however, the Operator remains responsible to CBP and liable under its bond for supervision, defects in, or failures of such a system.

Inventory Control and Recordkeeping System:

The FTZ Operator will maintain an inventory control and recordkeeping system capable of:

- (1) accounting for all merchandise, including domestic status merchandise, temporarily deposited, admitted, granted a zone status or status change, stored, exhibited, manipulated, manufactured, destroyed, transferred, and/or removed from the FTZ;
- (2) producing accurate and timely reports and documents as required by regulations;
- (3) identifying shortages and overages of merchandise in the FTZ in sufficient detail to determine the quantity, description, tariff classification, zone status, and value of the missing or excess merchandise;
- (4) providing all the information necessary to make entry for merchandise being transferred to the Customs territory;

FOREIGN-TRADE ZONE NO. 121
ZONE SCHEDULE
PAGE 11 OF 18

- (5) providing an audit trail to Customs forms from admission through manipulation, manufacture, destruction or transfer of merchandise from the FTZ either by zone lot or Customs authorized inventory method.

Admission of Merchandise:

All merchandise will be recorded in a receiving report or document using a zone lot number or unique identifier. All merchandise, except domestic status merchandise for which no permit for admission is required, must be traceable to a CBP Form 214 and accompanying documentation. Quantities received will be reconciled to a receiving report or document, such as an invoice, with any discrepancy reported to the Port Director. The receiving report or document is required to provide sufficient information to identify the merchandise and distinguish it from other merchandise. Merchandise received will be accurately recorded in the inventory system records from the receiving report or document using the zone lot number or unique identifier for traceability.

Accountability for merchandise:

A zone lot number or unique identifier will be used to identify and trace merchandise. Fungible merchandise may be identified by an inventory method authorized by CBP, which must be consistently applied, such as First-In-First-Out (FIFO) and using a unique identifier. The inventory records will specify by zone lot number, or unique identifier (a) the location of merchandise; (b) zone status; (c) cost or value, except where the Operator's or user's financial records maintain cost or value and the records are made available for CBP review; (d) beginning balance, cumulative receipts and removals, adjustments, and current balance by date and quantity; (e) destruction of merchandise; and (f) scrap, waste, and by-products.

Physical inventories:

The Operator is required to take at least an annual physical inventory of all merchandise in the FTZ (unless continuous cycle counts are taken as part of an ongoing inventory control program) with prior notification of the date(s) given to CBP for any supervision of the inventory deemed necessary. The Operator will notify the Port Director of any discrepancies.

Annual Reconciliation:

The Operator will prepare a reconciliation report within 90 days after the end of the zone/subzone year unless the Port Director authorizes an extension for reasonable cause. The Operator will retain the annual reconciliation report for a spot check or audit by CBP. The report will contain a description of merchandise for each zone lot or unique identifier, zone status, quantity on hand at the beginning of the year, cumulative receipts and transfer (by unit), quantity on hand at the end of the year, and cumulative positive and negative adjustments (by unit) made during the year. The Operator will submit to the Port

FOREIGN-TRADE ZONE NO. 121
ZONE SCHEDULE
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Director within 10 working days after the preparation of the annual reconciliation report, a letter signed by the operator certifying that the annual reconciliation has been prepared, is available for CBP review, and is accurate. The certification letter is required to contain the name and street address of the Operator, where the required records are available for Customs review; and the name, title, and telephone number of the person having custody of the records.

Annual system review:

The Operator will perform an annual internal review of the inventory control and recordkeeping system and report to the Port Director any deficiency discovered and corrective action taken.

Shortages and overages:

The Operator will report, in writing, to the Port Director upon identification, as such, of any (a) theft or suspected theft of merchandise; (b) merchandise not properly admitted to the zone; or (c) shortage of one percent or more of the quantity of merchandise in a lot or covered by a unique identifier, if the missing merchandise would have been subject to duties and taxes of \$100 or more upon entry into the customs territory. The operator will record upon identification all shortages and overages, whether or not they are required to be reported to the Port Director at that time, in its inventory control and recordkeeping system. The operator will record all shortages and overages as required in the annual reconciliation report. The person with the right to make entry is required to file, within 5 days after identification of an overage, an application for admission of the merchandise to the zone on CBP Form 214 or file a Customs entry for the merchandise. If a CBP Form 214 or a Customs entry is not timely filed, and the Port Director has not granted an extension of the time provided, the merchandise will be sent to general order.

Receipt of merchandise:

Merchandise will be admitted into FTZ No. 121 only upon application on a uniquely and sequentially numbered CBP Form 214 ("Application for Foreign-Trade Zone Admission and/or Status Designation") and the issuance of a permit by the Port Director. Exceptions to the CBP Form 214 requirement are for merchandise temporarily deposited, transiting merchandise, or domestic merchandise admitted without permit.

An Operator may qualify for direct delivery if its operations are predictable and stable over a long term and are relatively fixed in variety; merchandise is not restricted or of a type requiring Customs examination before or on its arrival, and CBP has no reason to believe the merchandise will be inaccurately described in admission documents; and when the Operator is the owner or purchaser of the merchandise.

FOREIGN-TRADE ZONE NO. 121
ZONE SCHEDULE
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Manipulation of merchandise:

Prior to any action the Operator is required to file with the Port Director an application (or blanket application) on CBP Form 216 for permission to manipulate, manufacture, exhibit, or destroy merchandise in the zone. After CBP approves the application (or blanket application), the Operator will retain in his recordkeeping system the approved application. The Port Director is authorized to approve a blanket application for period of up to one year for a continuous or repetitive operation. The Port Director may disapprove or revoke approval of any application, or may require the operator to file an individual application.

Transfer of merchandise to another FTZ Project:

When merchandise is transferred from one FTZ to another, the Operator of the transferring zone must provide the Operator of the destination zone with the documented history of the merchandise being transferred.

Removal of merchandise from FTZ No. 121:

Except domestic status merchandise, no merchandise may be removed from FTZ No. 121 without a Customs permit on the appropriate entry form or other document as required by pertinent regulations. The Port Director may authorize transfer from the zone without physical supervision or examination by a CBP officer. Upon issuance of a permit, the Port Director will authorize delivery of the merchandise only to the operator, who then may release the merchandise to the importer or carrier.

Transfer to customs territory for consumption — A CBP Form 3461 permit must be filed with and approved by CBP prior to the removal of any foreign status merchandise from FTZ No. 121 for entry into the customs territory for consumption.

Weekly estimated entries for consumption — An Operator or User may, if it meets certain criteria, remove merchandise from FTZ No. 121 based upon weekly estimated entries. The weekly estimated entry covers any 7 consecutive day period and shall be treated as a single entry for MPF purposes.

Transfer to customs territory for exportation — A CBP Form 7512 permit must be filed with and approved by CBP prior to the removal of any foreign status merchandise from FTZ No. 121 for entry into the customs territory for exportation. The bonded carrier will assume liability for the transportation and exportation of the merchandise.

FOREIGN-TRADE ZONE NO. 121
ZONE SCHEDULE
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Weekly Estimated Exports — CBP may approve removal for exportation of merchandise from the Zone based on weekly estimates.

FEE SCHEDULES

Grantee Fee Schedule:

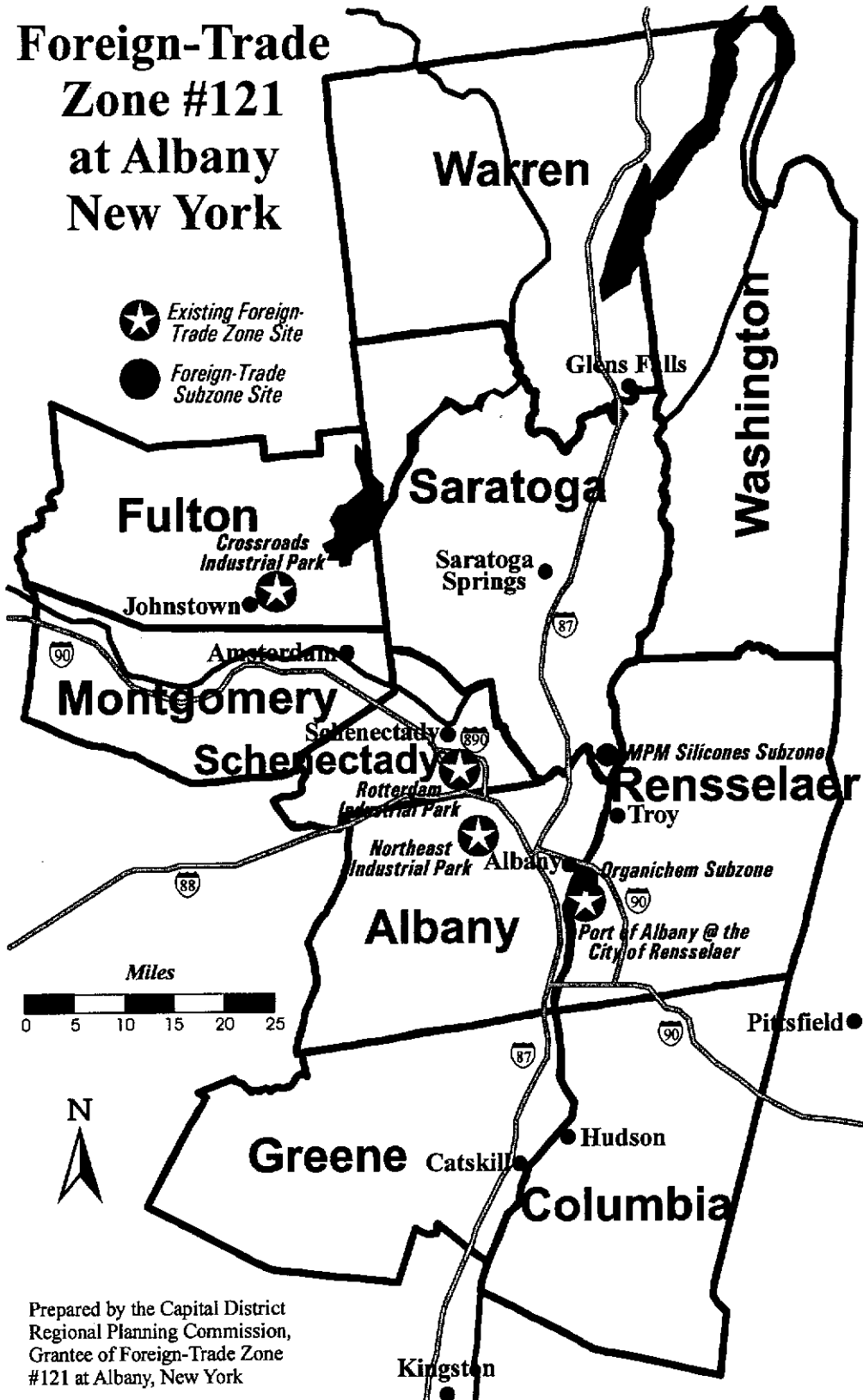
There is a Zone Tariff for FTZ No. 121 (Exhibit C).

Operator Fee Schedules:

Each operator will be responsible for preparation of its own Fee Schedule listing its charges. All rates and charges for all FTZ services within FTZ No. 121 shall be fair and reasonable and the operators shall afford to all who may apply for the use of the FTZ and its facilities uniform treatment under like conditions.

Exhibit A

Foreign-Trade Zone #121 at Albany New York



Prepared by the Capital District
Regional Planning Commission,
Grantee of Foreign-Trade Zone
#121 at Albany, New York

Exhibit B

Albany Port Customs District Jurisdiction



Prepared by The Capital District Regional Planning Commission

FOREIGN-TRADE ZONE NO. 121
 ZONE SCHEDULE
 PAGE 17 OF 18

Exhibit C
Zone Tariff – Foreign-Trade Zone # 121 at Albany, NY

Operator Fees for All Sites Activated for Warehousing Only

Annual Fee Schedule For Activated Operators with Warehousing Authority

Less than 20,000 sq. ft. of Activated Zone Space	\$1,000
20,000 - 50,000 sq. ft.	\$2,500
>50,000 - 100,000 sq. ft.	\$5,000
>100,000 - 250,000 sq. ft.	\$7,500
More than 250,000 sq. ft.	\$10,000

Includes Traditional General-Purpose Zone, Magnet, Usage-Driven, & Subzone Sites

Special Fees for Operators of Non-Activated Usage-Driven & Subzone Sites

First Year	\$0
Second Year Forward	\$2,000

Operator Fees for All Sites with Manufacturing Authority

Special Fees for Non-Activated Operators with Manufacturing Authority

First Year	\$0
Second Year Forward	\$4,000

Annual Fee Schedule For Activated Operators with Manufacturing Authority

Less than 20,000 sq. ft. of Activated Zone Space	\$2,500
>20,000 - 50,000 sq. ft.	\$5,000
>50,000 - 100,000 sq. ft.	\$7,500
>100,000 - 250,000 sq. ft.	\$10,000
More than 250,000 sq. ft.	\$12,500

Includes Traditional General-Purpose Zone, Magnet, Usage-Driven, & Subzone Sites

One-Time Administrative Fees*

Late Annual Report Information Starting 42 Days Before FTZB Due Date	\$100/day
Grantee Agreement & Activation Fee	\$1,500
Sponsorship of Major Boundary Modification Application	\$6,000
Sponsorship of Scope of Authority Request**	\$4,000

* Administrative Fees do not include any applicable FTZ Board fees or the expense of preparing applications *except* for Minor Boundary Modification applications.

** Scope of Authority may include Manufacturing/Processing Authority, Capacity Increases, Source Changes, Manufacturing Process Changes, etc.

Effective 1 Jan 09

Revised 17 Dec 08

Effective: January 1, 2009



CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

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FTZ #121

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MEMORANDUM (#09-10)

To: Commissioners

From: Rocky Ferraro, Executive Director

Date: May 13, 2009

Re: CDYCI Status Report

The purpose of this memo is to inform you of the per diem rate adjustment recently approved by the Capital District Youth Center, Inc (CDYCI) Board. As most of you are aware, CDYCI was created jointly by the four counties as a not-for-profit public corporation responsible for the ownership of the 24 bed Secure Juvenile Detention facility located in the Town of Colonie adjacent to the Albany County jail. The CDYCI Board, which consists of 9 members, including 5 CDRPC Board members, is responsible for policy oversight associated with the ownership and operation of the facility. As Executive Director of CDRPC, I serve as Chief Administrator for CDYCI.

In response to the sudden and unanticipated drop in utilization rates, the CDYCI Board decided to take the following actions during the last two months:

- Reduce the operations budget (\$2,323,417) by \$291,278 to \$2,032,139 maintaining staffing requirements to operate as a 16 bed co-ed facility.
- Implement cost saving measures, such as deferring non-critical purchases and routine maintenance items, which do not compromise the health and safety of the staff and youth at the facility.
- Utilize \$212,000 from the fund balance and apply it to the deficit.
- Institute a new per diem rate of \$499.63 for contracting (from \$374.69) and \$509.63 (from 384.69) for non- contracting counties effective April 1, 2009.

However, even with these cost cutting measures and an increased per diem rate, a deficit of \$165,000 is projected if the utilization rates remains at 50% for the remainder of 2009. To provide some perspective, a 55% annual utilization rate would be needed to erase the deficit while a utilization rate below 50% will result in a larger deficit. The Board will be monitoring activity on a monthly basis to determine if any further adjustments may be necessary during 2009.

For information purposes, the following represents the annual average utilization rate for the period 2000 to 2008 and for each month of 2009 through April 30th based on the **24 bed facility**. In November 2008, the utilization rate was 64.7% and in December, it was 50.3%.

Year	Utilization Rate
2000	93.2%
2001	93.2%
2002	89.7%
2003	87.1%
2004	87.1%
2005	86.5%
2006	89.1%
2007	81.9%
2008	79.4%
January, 2009	51.3%
February, 2009	56.4%
March, 2009	46.0%
April, 2009	48.8%
Year to Date	50.6%



CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

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FTZ #121

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MEMORANDUM (#09-11)

To: Commissioners

From: Rocky Ferraro, Executive Director

Date: May 13, 2009

Re: Tech Valley Futures

Tech Valley Futures is the culmination of a collaborative planning process that was launched in 2007. In September of that year, the Tech Valley Civic Forum brought together representatives from a cross-section of the Region. The purpose of the forum was to identify and define mechanisms that would "connect high-tech growth and community well-being." The primary outcome of the Tech Valley Civic Forum was the establishment of four task forces (New Economy and P-16 Education, Metrics for Success, Workforce Network, & Community Outreach) focused on different, but related, subjects.

On Friday, May 29th at Hudson Valley Community College, *Tech Valley Futures* will present a one day forum to discuss the findings of the four task forces and to host a career pathways trade show that will facilitate individual conversations between attendees, employers, educators, workforce development providers and the trades.

CDRPC is the prime author of the report *Tech Valley Trends – A Basis for Civic Change* that will be released by the Metrics Task Force, co-convened by Denise Sheehan and I, at the Futures Forum. Attached is a copy of the Executive Summary of the Report. To register for the Forum, go to www.techvalleyfutures.org.

EXECUTIVE SUMMARY

The Capital Region is a growing and diverse region of over 821,000 residents residing in four counties (Albany, Rensselaer, Saratoga, and Schenectady) and 79 communities. The Region has and will continue to experience greater diversity in the makeup of its population, including increases in the number of non-white and Hispanic persons, the number of older residents, and more varied household types.

The *Tech Valley Trends – A Basis for Civic Change* is a product of The Tech Valley Civic Forum, which was created to ensure that as we grow and evolve as a community, we have the information and tools we need to be successful. The Report was designed and developed by the Forum's Metrics for Success Task Force, comprised of a diverse group of nonprofit, government, business and community organizations and volunteers.

The Report identifies indicators for ten different categories: Social Welfare; Education; Housing; Economic; Transportation; Environment; Community Health; Recreation, Arts, and Culture; Public Safety; and Youth at Risk. For each category, a number of statistics were collected from a variety of sources representing the latest that was available for the Capital Region, its counties, and the four central cities that make up the metropolitan area: Albany, Schenectady, Troy and Saratoga Springs.

For each of the categories, the Metrics for Success Task Force prepared a vision statement reflecting the ideals and goals we hope to achieve as a region. Each of the following vision statements serve as the basis for monitoring progress over time to assure a sustainable future and opportunities for all the residents in the Capital Region regardless of where they live and their socioeconomic status.

VISION STATEMENTS

I. Social Welfare

Promote diversity and fairness to assure community well-being and an enhanced social environment; ensure equal access to opportunities and services to all residents of the Capital Region.

II. Education

Assure a comprehensive, inclusive education system that guarantees equal access to high-quality education and learning opportunities, includes requirements to ensure competency, accommodates the workforce needs of the region, and incorporates early childhood, traditional and technical training, professional trades training and retraining, and adult and re-entry education.

III. Housing

Ensure access to affordable housing across all communities to meet present and prospective housing needs, with particular attention to provisions for low and moderate income housing, workforce housing, and accessibility to public transportation and employment centers.

IV. Economic

Build a sustainable and diverse regional economy based on innovation and adaptability to volatile global demands to ensure living wage jobs in all sectors in order to raise the living standards for all the Capital Region's residents.

V. Transportation

Plan, create, and manage an integrated multi-modal transportation network that makes it easy to get from one place to another safely and reliably; more thoroughly link transportation and land use planning.

VI. Environment

Promote strategies and institute measures to improve and maintain a healthy ecosystem as well as a safe, appealing, and functionally built environment in order to enhance the quality of life of all residents and to maximize the enjoyment of the region's built and natural resources.

VII. Community Health

Provide access to affordable, quality health care to improve the physical and mental well being of all the Capital Region's residents.

VIII. Recreation, Arts, and Culture

Protect and improve the quality of parks, historic, cultural and artistic venues and resources throughout the region; promote and expand their availability to ensure access to a variety of well-maintained, affordable, and enjoyable cultural and artistic enrichment opportunities and recreational, leisure, and entertainment activities.

IX. Public Safety

Enhance the desirability of the Region by proactively providing adequate public safety and emergency response services and facilities that contribute to the overall sense of safety, equal justice, and confidence of the public.

X. Youth at Risk

Create a culture of caring by enhancing and establishing opportunities to improve the condition of young people with respect to health, safety, education, economic well-being, and family support, through mentoring, civic engagement, and social and economic advancement.

SUMMARY

As the statistical abstract for each category indicates:

- Our standard of living is good, but there is still a high incidence of poverty, in particular in our cities.
- The region is home to a large number of public and private two and four-year colleges and universities, but we need to do more to improve the connections between our lower and higher education systems and retain highly educated talent in the Capital Region.
- Our employment is concentrated in some of the more stable sectors of government, education, and health services, but with a changing economy there is a growing mismatch between employer needs and workforce skills.
- The region has not witnessed the same significant increases in housing values experienced in other parts of the country, but the gap between housing value and wage increases continues to grow resulting in housing becoming less affordable for an increasing number of households.
- Traffic congestion in the region is manageable, but our continued dispersed development patterns makes it difficult to accommodate the transportation needs for a growing number of persons, particularly lower income city residents and those who do not have access to an automobile.
- We are a generally safe and healthy community, but the public safety and human resources safety net has holes that need to be mended.
- We have become more environmentally conscious, but some of our individual actions appear to contradict this increased awareness.
- We have a large number of recreation, arts and cultural attractions, but we need to focus on the arts and human capital to provide creative and enjoyable outlets to retain and attract future residents.
- Our children represent the future, but we must establish a strong foundation today to assure them a better tomorrow.

The *Tech Valley Trends – A Basis for Civic Change* is primarily designed to represent a snapshot in time. As more data become available, we can better understand the trends and measure progress as well as compare our measurements to other standards and/or other regions, state and national averages. We also hope to explore, more deeply, the conditions within specific neighborhoods in the Capital Region, particularly distressed neighborhoods, to identify where deviations from the regional trends exist and to assist policy-makers and community leaders to craft solutions to address these issues. This Report offers an opportunity to help the Region to act and think regionally in moving forward on bending the trend lines and improving the quality of life for all residents.



FTZ #121

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

ONE PARK PLACE, SUITE 102, ALBANY, NY 12205

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MEMORANDUM (#09-12)

To: Commissioners

From: Rocky Ferraro, Executive Director

Date: May 12, 2009

Re: Long Term Control Plan – Combined Sewer Overflow Study

The following is a status report of 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 presented in PowerPoint to the Citizen Advisory Committee, the Technical Committee and DEC. The PowerPoint presentation has also been posted to the CSO website. Once DEC has approved the Receiving Water Quality Assessment Report, it will be made public by posting it to the website.

The Combined Sewer Systems have been digitized to the extent specified in the Scope of Work and the calibration of the system model is nearly finalized.

Initial discussion has taken place regarding CSO control alternatives. Once the data analysis is complete and the models calibrated, the discussions will begin in earnest during the next several months. Five more CAC meetings and three rounds of public meetings are scheduled for 2009.

The next Technical Committee meeting is scheduled for June 4. At the meeting we plan to discuss possible additional sampling studies of the Hudson River tributaries. Possible funding support will be sought through the 604(B) ARRA grant fund for the Patroons Creek study.

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

STAFF ACTIVITY REPORT March 9, 2009 to May 10, 2009

A. ADMINISTRATION

1. The 2009 Q1 billings were prepared and submitted for the 604(b) Water Quality contract, UPWP Transportation Planning contract, EDA Economic Planning contract, CDYCI administrative contract, CSO administrative contract, NYSERDA Wind Energy contract, CDTA Mass Transit Planning contract, and the ESD Census Update contract.
2. CDRPC, CSO, & CDYCI trial balances and documentation were provided to the Independent Auditor to initiate the 2008 audit processes. The main Audit field work will be conducted after Memorial Day.

B. REGIONAL PLANNING

REGIONAL INFORMATION SYSTEM & DATA SERVICES

1. The staff responded to approximately 80 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, so the web statistics for the new host are not comparable with previous data. However, the web site has received well over 300,000 page hits for the first four months of 2009.
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. Staff support continues to be provided for the preparation of an Affordability Housing study for Saratoga County under the direction of CARES. A housing profile was prepared and presented to the Housing Advisory Committee.
6. In continuing preparation for the 2010 Census, staff is working with Empire State Development in establishing criteria for Complete Count Committees and the 2010 publicity campaign. Staff are also involved in a project to standardize the display of American Community Survey (ACS) data and create guidance materials on the use and interpretation of American Community Survey tables.
7. CDRPC has taken the lead in the preparation of a baseline study *Tech Valley Trends – A Basis for Civic Change* which is scheduled for release at the Tech Valley Futures event scheduled for May 29th at HVCC (See Memo 09-11).

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. Reviews have been completed for 39 of the 48 communities and comments have been forwarded to DEC.
2. Staff has met with DEC regarding involvement in an ecosystem-based management approach to the Mohawk River Watershed and has drafted sustainable development goals, which will be incorporated into their Action Agenda.
3. NYSDEC has issued a Request for Applications for 604b's share of the ARRA Clean Water Funding. CDRPC is one of 15 statewide organizations qualified to submit applications for this water quality planning funding. Staff is preparing a response to the RFA.
4. 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 09-12** 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 city of Albany Bike Master Plan, the city of Schenectady Gateway Linkage Study, 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.
4. Staff continues to participate on the CDTA Transit Management Association study advisory committee.
5. A Local Government Planning & Zoning Workshop is scheduled for June 4, 2009 at HVCC.

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Technical Assistance

1. Staff is preparing school enrollment projections for the Averill Park School District.

HUMAN RESOURCES & CRIMINAL JUSTICE

1. The Juvenile Detention facility utilization rate was 46.0% for the month of March 2009 and 48.8% for the month of April 2009.
2. CDRPC has assumed responsibility for billing the counties using the facility, and has computed and sent out the bills through April 2009. Total billings for the first four months of 2009 are \$606,221.10.
3. An energy conservation study to identify energy saving measures is being conducted at the facility. The study is underway by Malcolm Pirnie under the direction of NYSERDA. A matching grant will be provided to CDYCI under the Flexible Technical Services program to cover 50% of the costs of the \$9,500 baseline study.
4. In response to the low usage rate thus far in 2009, the CDYCI Board has approved a functional reduction in the size of the Facility to 16 beds with corresponding reductions in variable expenses, and an increase in the Per Diem rate from \$374.69 to \$499.63, effective at the beginning of April 2009 (See Memo 09-10).

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 Nov/Dec 2008 issue of Capital District Data, with the latest taxable sales data, 2009 HUD income eligibility requirements, and 2008 poverty level thresholds, was prepared, printed, mailed, and posted online (http://cdrpc.org/v31_n6.pdf).
4. The Jan/Feb 2009 issue of Capital District Data, with 2008 building permit data, was prepared, printed, mailed, and posted online (http://cdrpc.org/v32_n1.pdf).

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5. The Foreign-Trade Zone expansion application (See Memo 09-09) is being rewritten in accordance with a new proposed FTZ Board application Framework. Discussions with the FTZ Board have been very encouraging regarding the Commission's use of the new Framework. The basis of the application will be a request for FTZ authority for a 10-county service area (Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Warren, and Washington counties) with six magnets, as follows:
 - #1 Northeast Industrial Park
 - #2 Rotterdam Industrial Park
 - #3 Port of Albany & CP Rail Siding
 - #4 Saratoga Technology + Energy Park
 - #5 Luther Forest Technology Campus (less AMD chip fab site)
 - #6 Florida Business Park Extension

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.

C. MEETINGS:

- 3/9/09 Fabozzi: CDTA Transit Management Association study advisory committee meeting.
- 3/9/09 Shannon: Albany County Stormwater Coalition meeting to review the Stormwater GIS.
- 3/10/09 Ferraro: Tech Valley Metrics Task Force meeting.
- 3/11/09 Shannon: Rensselaer County Stormwater Coordinators' Committee meeting.
- 3/11/09 Ferraro: Albany County Ten Year Plan to End Homelessness Executive Committee meeting.
- 3/12/09 Shannon: Albany County Stormwater Coalition meeting.
- 3/13/09 Engstrom: American Public Works Association Awards Luncheon to receive the Management Innovation Award on behalf of Rocky Ferraro and himself.
- 3/13/09 Ferraro: Capital Region Library Council Trustee meeting.
- 3/13/09 Ferraro: Presentation to the Capital Region Business Alliance.
- 3/18/09 Fabozzi: Village of Scotia linkage study meeting.

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- 3/18/09 Engstrom: NYS Environmental Facilities Corporation presentation on stimulus funding for water quality projects.
- 3/19/09 Ferraro & Engstrom: CSO LTCP Technical Committee meeting.
- 3/19/09 Ferraro: Rensselaer County 10 Year Plan to End Homelessness Executive Committee meeting.
- 3/19/09 Shannon: Saratoga County Stormwater Coordinators' meeting.
- 3/22/09 Fabozzi: Presentation on regional development patterns at the Schenectady farmer's market.
- 3/24/09 Ferraro, Engstrom & Shannon: CSO LTCP meeting with DEC.
- 3/25/09 Fabozzi: Albany Bike Master Plan committee conference call.
- 3/25/09 Ferraro, Engstrom & Shannon: Meeting with DEC Region 4 to discuss planning 604(b) activities for upcoming year.
- 3/25/09 Ferraro: CDYCI Board meeting.
- 3/26/09 Fabozzi: Presentation on regional development patterns at UAlbany.
- 3/26/09 Shannon: Albany County Stormwater Coalition meeting.
- 3/26/09 Ferraro: Saratoga Affordable Housing Study Committee meeting.
- 3/26/09 Ferraro: Regional Coordinating Council meeting.
- 3/27/09 Fabozzi: Union College Mohawk River Watershed Symposium.
- 3/27/09: Ferraro: Meeting with NYS Economic Development Council to discuss NYS Association of Foreign-Trade Zones.
- 3/30/09 Ferraro & Shannon: New York State Association of Foreign-Trade Zones meeting.
- 3/30/09 Engstrom: CSO LTCP Citizen Advisory Committee meeting.
- 3/30/09 Ferraro: Menands Economic Work Group meeting.
- 3/31/09 Ferraro: Canal Recreationway Commission meeting.
- 4/1/09 Shannon: Schenectady County Water Quality Coordinating Committee meeting.
- 4/1/09 Ferraro: CDTC Planning Committee meeting.

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- 4/2/09 Ferraro, Fabozzi & Shannon: Department of Labor training on Local Employment Dynamics and On-The-Map data.
- 4/6/09 Ferraro, Fabozzi & Shannon: Meeting with Lesley Lombardo, Albany County Planner regarding training and outreach opportunities.
- 4/7/09 Ferraro: Saratoga Affordable Housing Group Board meeting.
- 4/7/09 Shannon: Presentation to the Village of Colonie Seniors Center on the 2010 Census and address canvassing operations.
- 4/7/09 Ferraro, Engstrom & Shannon: NYSARC conference call regarding the NYSERDA wind contract.
- 4/7/09 Fabozzi: Village of Scotia linkage study meeting.
- 4/8/09 Shannon: Meeting with Anita Styczynski, Local Census Bureau Partnership Specialist to coordinate local outreach activities.
- 4/9/09 Shannon: Saratoga County Stormwater Coordinators' meeting.
- 4/9/09 Ferraro & Engstrom: CSO LTCP Technical Committee meeting.
- 4/10/09 Ferraro: Capital District Library Council Trustee meeting.
- 4/13/09 Engstrom: Green Island Power Authority announcement of hydropower plant expansion.
- 4/13/09 Ferraro: Tech Valley Metrics Task Force meeting.
- 4/14/09 Fabozzi & Ferraro: ARISE regional forum: New Opportunities for Tech Valley.
- 4/15/09 Shannon: Rensselaer County Stormwater Coordinators' meeting.
- 4/17/09 Shannon: Meeting with 4 county GIS/Stormwater representatives to discuss presentation for the HVCC workshop.
- 4/17/09 Ferraro: Tech Valley Civic Forum Co-conveners meeting.
- 4/20/09 Ferraro, Fabozzi, Engstrom: Meeting with DEC regarding involvement with their Mohawk River Watershed Action Agenda.
- 4/21/09 Fabozzi: CDTC Bike/Ped meeting.
- 4/22/09 Ferraro: CDYCI Board meeting.
- 4/23/09 Fabozzi: CDTA Land Use workshop.

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- 4/23/09 Shannon: Albany County Stormwater Coalition meeting.
- 4/23/09 Ferraro: Regional Coordinating Council meeting.
- 4/24/09 Fabozzi: Presentation on regional development patterns at Skidmore College.
- 4/27/09 Fabozzi: Schenectady Gateway Linkage Study advisory committee meeting.
- 4/27/09 Ferraro, Engstrom, Fabozzi & Shannon: CSO LTCP Technical Committee meeting.
- 4/28/09 Ferraro: Career Exploration Day at HVCC.
- 4/28/09 Ferraro: Regional Transportation Coordination Committee meeting.
- 4/29/09 Fabozzi: CDTC Planning Committee meeting.
- 4/30/09 Ferraro: Saratoga Affordable Housing Committee meeting.
- 4/30/09 Fabozzi: CDTC Regional Linkage Forum meeting.
- 4/30/09 Fabozzi: City of Mechanicville Linkage study advisory committee meeting.
- 4/30/09 Ferraro & Shannon: Conference call with CUNY regarding census data display and access methods.
- 5/4/09 Ferraro: Tech Valley Metrics Task Force meeting.
- 5/4/09 Ferraro: Presentation to Malta Town Board re: Transfer and Purchase of Development Rights.
- 5/5/09 Fabozzi: UAlbany School of Public Health GIS Conference.
- 5/5/09 Ferraro & Engstrom: NYSARC Executive Directors meeting
- 5/6/09 Fabozzi: CDTC Planning Committee meeting.
- 5/6/09 Engstrom: Schenectady County Water Quality Coordinating Committee meeting.
- 5/6/09 Ferraro & Shannon: Meeting with Empire State Development and selected Data Affiliates to discuss creating standardized ACS data display and guidance materials.
- 5/7/09 Fabozzi, Engstrom & Shannon: EPA workshop: Managing Wet Weather with Green Infrastructure.
- 5/8/09 Ferraro: Capital District Library Council Trustee meeting.

**The Capital District Regional Planning Commission
and**

**Albany County Dept. of Economic Development, Conservation, & Planning,
Rensselaer County Economic Development & Planning,
Saratoga County Planning Department, and
Schenectady County Planning Dept.**

Present a Local Government Planning & Zoning Workshop

June 4, 2009 8:00 to 3:00

**Bulmer Telecommunications Center,
Hudson Valley Community College, Troy, New York**

Program Sessions

Time	Session A	Session B	Session C
8:00-8:30	Registration		
8:30-9:45	ABCs of SUPs (Special Use Permits): At this session experts will discuss how special use permits (a.k.a. conditional uses) work, and what rules local board must follow when reviewing them. Code Enforcement Officers will receive 1 hour Credit from the OFPC.	Unraveling the Mystery of the Use Variance: Looks specifically what an applicant must prove in order to get a use variance. Code Enforcement Officers will receive 1hour Credit from the OFPC.	
10:00-12:00	Managing Your Infrastructure: Using Geographic Information Systems for Stormwater Management: Albany, Rensselaer, Saratoga and Schenectady Counties will demonstrate their GIS platforms and the ways in which these systems may be accessed for stormwater management and municipal planning purposes. Real world examples and strategies will be presented. Target audiences: Stormwater Management Officers; Building Inspectors; Engineers; Planning and Zoning Board members.		
12:00-1:00	Lunch		
1:00-3:00	Planning Board Overview: This course will address the powers and duties of town, village and city planning boards and commissions. Code Enforcement Officers will receive 1hour Credit from the OFPC.	Zoning Board Overview: A discussion of the powers and duties of the Zoning Board of Appeals including standards for issuances of use and area variances. Code Enforcement Officers will receive 1hour Credit from the OFPC.	Erosion and Sediment Control: Two hour course on construction site erosion and sediment control. A shorter version of the course required for construction site operators. No contractor credit will be given.

If your municipality has passed a resolution accepting this training, it will meet the State law for Planning and Zoning Boards continuing education requirements (sample resolutions available upon request). A certificate of attendance will be provided to Planning and Zoning Board attendees for each session attended.

Service credit hours of Continuing Legal Education for Attorneys and Code Enforcement Officers for attending courses are available. Fee required for attorneys. Contact DOS at 473-3355 for CLE details.

Fee: \$30, which includes lunch. Please make checks payable to CDRPC.

Registration Deadline: May 27, 2009

Registration Form

Registration will end when seats are filled or by May 27, 2009.
To register, please fill out and mail, e-mail or fax this form to:

Capital District Regional Planning Commission
One Park Place, Suite 102
Albany, New York 12205
Fax: 453-0856

E-mail: Donna@CDRPC.org

Please photocopy this form as needed for additional registrants. If you have any questions, call Donna Reinhart at CDRPC: 453-0850.

Name: _____

Affiliation: _____

Address: _____

Telephone: _____

Fax: _____

E-mail: _____

Please indicate the 8:30 session you plan to attend:

- ABCs of SUPs (Special Use Permits)
 Unraveling the Mystery of the Use Variance

Please indicate the 1:00 session you plan to attend:

- Planning Board Overview
 Zoning Board Overview
 Erosion and Sediment Control

Directions to HVCC: From the North: The Hudson Valley campus is minutes from exit 7 of the Northway (I-87). Follow Rte. 7 East approximately 1.5 miles to I-787 South. Take I-787 South to Rte. 378 East. Over bridge bear right to Rte. 4 south and continue for 1 mile to the campus on your left. **From the South:** Take Exit 23 off I-87 (NYS Thruway). Follow I-787 North 6 miles to the exit for Rte. 378 East and follow as above. **From the East:** Take Exit B-1 of the Massachusetts Turnpike and follow I-90 approximately 9 miles to Exit 8. Turn left off ramp to Route 4. Campus is 5 miles ahead on the right. **From the West:** Take Exit 24 off I-90 (NYS Thruway), continue on I-90 East 6 miles to I-787 North (Troy). Follow I-787 as above.