



ALBANY PORT DISTRICT COMMISSION MEETING AUGUST 28, 2023

Immediately Following the Finance Committee Meeting

AGENDA

- 1) Approval of Minutes from the July 19, 2023 Commission meeting (attached)**
- 2) Public Comment**
- 3) Financial Update (by CFO Stuto)**
- 4) CEO Update (by CEO Hendrick)**
- 5) External Affairs and Communications update (by DEA Vavura)**
- 6) Real Property/Development Update (CCO Daly, SCM Yagan)**
- 7) USS Slater Sponsorship (Resolution 35-2023)(Counsel Jordan)**
- 8) Procurement Policy Amendments (Resolution 36 -2023)(CFO Stuto)**
- 9) CMAR GMP Award (Resolution 37-2023)(SCM Yagan)**
- 10) Raft and Normanskill Streets and Rail Improvements (Resolution 38-2023)(SCM Yagan)**
- 11) National Exhibition of the American Society of Marine Artists Sponsorship (Resolution 39-2023)(Counsel Jordan)**
- 12) Other Business (by Chairperson)**
- 13) Enter Executive Session¹**

16) Exit Executive Session

17) Next Meeting: September 27, 2023

¹ Only if necessary (and if approved by a majority vote of the Commission), to discuss:

- a. matters which will imperil the public safety if disclosed;
- b. any matter which may disclose the identity of a law enforcement agent or informer;
- c. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- d. discussions regarding proposed, pending or current litigation;
- e. collective negotiations pursuant to article fourteen of the civil service law;
- f. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
- g. the preparation, grading or administration of examinations; and
- h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.



ALBANY PORT DISTRICT COMMISSION
MINUTES OF A REGULAR MEETING
July 19, 2023

Chairperson Steffens called the meeting to order. In attendance were Commissioners Abriel, Cinquanti, Coffey and Tagliento. Also present were CEO Hendrick, General Counsel Jordan, CFO Stuto, SCM Yagan, DEA Vavura, Director of Security Williams, Deputy Director of Security Teller and Administrative Assistant DiLillo.

Chairperson Steffens introduced the minutes of the June 28, 2023 Commission meeting. No changes were made to the minutes. Chairperson Steffens called for a motion to approve the minutes. A motion was made by Commissioner Abriel, seconded by Commissioner Tagliento, and passed unanimously.

PUBLIC COMMENT

Tabora Marcus with the City of Albany introduced herself to the Board and spoke about her position as a Neighborhood Specialist which focuses on assisting Albany City residents with quality of life issues. Ashley Hilaire, also with the City of Albany spoke to the Board about her position as a Neighborhood Specialist who advocates for housing services for City residents.

FINANCIAL UPDATE

CFO Stuto reviewed with the Board the forecast budget through June 30, 2023. She reported that revenue forecasted in June is \$25,000 less than what was forecasted in May. The financials show a small change in rental income, dockage, crane and security fees. The expense forecast has also decreased by \$40,000. These two updates produce a positive change in the net operating income forecast of \$14,000. The net depreciation and other income expenses forecast remains consistent from last month. The projected change in net position is \$200,000 under what was budgeted. The Public Private Partnership and Grant Revenue has remained consistent with last month's projections. These projections are based on the timing of the expansion project and other Port projects.

Chairperson Steffens inquired as to the reason for the decrease in the dockage, wharfage and crane rentals. CFO Stuto responded that it was based on the decrease of ships docking at the Port. Some expected cargo was transported via barge and/or truck in place of ship, causing a decrease in dockage and wharfage fees.

CFO Stuto noted that she would be forwarding an updated and revised procurement manual for their review which will be presented at the next Board meeting for their requested approval.

CEO UPDATE

CEO Hendrick updated the Board on the following:

- Port staff hosted U.S. Secretary of the Interior Deb Haaland a few weeks ago. During her tour of the expansion site and facility she confirmed her full support of the Administration's efforts to combat climate change.
- Due to the retirement of Director of Security Williams, the administration is currently seeking a replacement for his position.
- John Schneidawin has accepted the position of Director of Strategic Initiatives. He will be starting in August.
- Logistec's business development team will be joining the Board and staff at the next Board meeting.
- DEA Vavura has been appointed to the Public Relations Committee for the AAPA.
- Shed 1 roof repairs, new fire suppression system and electrical system upgrades have been completed and approved.
- Terminal and roadway improvements are currently underway.
- Longshore hours for the month of June are the highest for this year to date.

EXTERNAL AFFAIRS AND COMMUNICATIONS UPDATE

DEA Vavura provided the Board with an overview of recent media coverage related to the Expansion Project and other terminal work. She noted that she is currently collaborating with Port tenants on communication needs.

DEA Vavura noted that the Port team has been hosting many on site tours for cabinet level positions as well as working with and providing tours to representatives from Empire State Development, NYSERDA, the Office of General Services and the Division of Budget.

REAL PROPERTY/DEVELOPMENT UPDATE

SCM Yagan provided the Board with a report on the Expansion Project. He reported that the DEC 30-day public comment periods for the Air State Facilities permit and the Wastewater Treatment Plant permit have closed. Once comments have been addressed we expect to receive the permits. The APDC has addressed DOT's comments related to the permitting package.

The Contract Manager at Risk agreement with Gilbane has been executed for the "pad-ready" phase of work.

Finalizing details with DEC to allow for demolition work at 700 Smith Blvd to proceed. Also confirming rail crossing details along Normanskill Street for the 700 Smith Blvd. site.

The contractor is continuing expansion site work, including laying out geogrid and geofabric and distributing surcharge piles across the site at Buildings A, B and D and into the storage yard portion of the site. Approximately 2/3 of the site has been covered with material, a 4 foot thick layer of stone and layers of fabric. The Port team has been working with the Town of Bethlehem Engineering and Stormwater Department to obtain approval to install temporary sediment basins and system components that carry stormwater. Bridge work is expected to start within the next couple of months.

Secretary of the Interior Haaland, Congressman Paul Tonko, County Legislator Carolyn McLaughlin, Gregory Lampman, Director of NYSERDA's Offshore Wind, Elizabeth Kline, Director of the Bureau of Ocean Energy Management and executive teams from both Equinor and Marmen met with APDC Staff to discuss the project and tour the expansion site.

IT MANAGED SERVICES

CFO Stuto presented Resolution 32-2023 related to IT Managed Services. The APDC issued an RFP to solicit proposals for IT Managed Services and received thirteen responses. After thorough review of the proposals received and interviews of the shortlisted respondents, the review team recommended that the Board award the contract to ADNET/Tech II for a three year term with three one-year extension options at a cost not to exceed \$58,850 for the first year with an annual 4% escalation thereafter. Chairperson Steffens called for a motion to authorize the CEO to execute the necessary documents to award the contract to ADNET/Tech II for a three year term with three one-year extension options at a cost not to exceed \$58,850 for the first year with an annual 4% escalation thereafter. A motion was made by Commissioner Coffey, seconded by Commissioner Abriel and passed unanimously.

ADDITIONAL PROJECT MANAGEMENT SERVICES

SCM Yagan presented Resolution 33-2023 related to additional Project Management Services. In July the APDC completed Site Preparation Contract Parts A and B with the support of several consultant teams and advanced to the "pad-ready" phase of construction and has restructured the construction management team to include additional Project Management Services related to the Project. The APDC then single source solicited the professional services of LaBella Associates due to their ability to provide a continuity of service, their extensive experience related to the project, established working relationships across the existing construction management team, as well as an intimate understanding of the needs of the APDC and after thorough review of their proposal response and the confidence of the APDC staff in LaBella's ability to serve as a specialist that will act on the APDC's behalf, the APDC staff recommended that the Board award the contract for additional Project Management Services to LaBella Associates at a cost not to exceed \$1,586,000. Chairperson Steffens called for a motion to authorize the CEO to execute the necessary documents to award the contract for additional Project Management Services to LaBella Associates at a cost not to exceed \$1,586,000. A motion was made by Commissioner Tagliento, seconded by Commissioner Abriel and passed unanimously.

WESTWAY LEASE

Counsel Jordan presented Resolution 34-2023 related to a lease agreement with Westway Feed Products, Inc. for the use and occupancy of certain parcels of land totaling 3.564 acres located within the Port District. The APDC proposed leasing the parcel for 10 years with two 5-year extension options and an annual lease rate increase based on the Consumer Price Index. Chairperson Steffens called for a motion to authorize the CEO to execute the documents necessary to affect the lease of the parcel for the terms agreed upon at a lease rate not less than the appraised value of the parcel. A motion was made by Commissioner Coffey, seconded by Commissioner Abriel and passed unanimously.

EXECUTIVE SESSION

Chairperson Steffens called for a motion to enter into Executive Session for the purpose of discussions regarding proposed, pending or current litigation. A motion was made by Commissioner Abriel, seconded by Commissioner Tagliento and passed unanimously.

No action was taken during Executive Session. The regular meeting resumed.

OTHER BUSINESS

No other business for discussion.

NEXT MEETING

Chairperson Steffens informed all those in attendance that the **next meeting of the APDC Board of Commissioners will be Monday, August 28, 2023 immediately following the Finance Committee meeting being held at noon.**

Chairperson Steffens called for a motion to adjourn the meeting. A motion was made by Commissioner Abriel, seconded by Commissioner Coffey and passed unanimously. The meeting was adjourned.

**RESOLUTION 35-2023
OF THE
ALBANY PORT DISTRICT COMMISSION**

WHEREAS, the Albany Port District Commission (the “APDC”) is a public corporation and a district corporation of the state of New York (the “State”) established pursuant to Chapter 192 of the Laws of 1925, as amended (the “Act”); and

WHEREAS, the APDC strives to responsibly and effectively manage the publicly-owned maritime Port of Albany-Rensselaer, contributing to the economy of the Capital Region and beyond while emphasizing transparency and public stewardship as prescribed in the APDC Mission Statement; and

WHEREAS, in furtherance of the APDC Mission, the APDC Sponsorship Policy (“Policy”) permits APDC sponsorship of events and for purposes that advances the APDC mission through providing financial assistance in the areas of maritime commerce or economic development; and

WHEREAS, the APDC has been asked to consider sponsoring the 2023 USS Slater Night (“Event”); and

WHEREAS, the Event promotes maritime commerce and maritime-industry services as a whole and endeavors to bring residents and visitors from throughout the Capital Region and beyond to the Hudson River waterfront resulting in greater utilization of the Corning Preserve; and

WHEREAS, the 2023 approved APDC operating budget allocates an amount sufficient to support the Event at a sponsorship level not to exceed \$5,000.

NOW, THEREFORE, BE IT RESOLVED, the APDC finds that this sponsorship request is in accordance with the Policy and authorizes the Chief Executive Officer to pledge APDC sponsorship of the 2023 USS Slater Night in an amount not to exceed \$5,000.

Signed: _____
(Assistant) Secretary

Date of Authorization: August 28,2023

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 36-2023
OF THE
ALBANY PORT DISTRICT COMMISSION**

WHEREAS, the Albany Port District Commission (the “APDC”) is a public corporation and a district corporation of the state of New York (the “State”) established pursuant to Chapter 192 of the Laws of 1925, as amended; and

WHEREAS, the APDC strives to responsibly and effectively manage the publicly-owned maritime Port of Albany-Rensselaer, contributing to the economy of the Capital Region and beyond while emphasizing transparency and public stewardship as prescribed in the APDC Mission Statement; and

WHEREAS, section 2824 of NYS Public Authorities Law requires board members of state and local authorities to adopt certain policies related to oversight of management and staff; and

WHEREAS, in accordance with the APDC Committee Charter, annual policy review and approval helps improve oversight, accountability and transparency at the Port, thereby strengthening public confidence in its operations; and

WHEREAS, the APDC Finance Committee has reviewed the recommended amendments to the APDC Procurement Policy as described in the attached memorandum and recommends the approval of the amendments.

NOW, THEREFORE, BE IT RESOLVED, that the APDC approves the amended Procurement Policy as presented.

Signed: _____
(Assistant) Secretary

Date of Authorization: August 28, 2023

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 37-2023
OF THE
ALBANY PORT DISTRICT COMMISSION**

WHEREAS, the Albany Port District Commission (the “APDC”) is a public corporation and a district corporation of the state of New York established pursuant to Chapter 192 of the Laws of 1925, as amended; and

WHEREAS, the APDC strives to responsibly and effectively manage the publicly-owned maritime Port of Albany-Rensselaer, contributing to the economy of the Capital Region and beyond while emphasizing transparency and public stewardship as prescribed in the APDC Mission Statement; and

WHEREAS, in furtherance of the APDC mission the APDC has embarked on the expansion of the Albany Port District in the Town of Bethlehem and is developing a “pad-ready” site for an offshore wind manufacturing development (the “Project”); and

WHEREAS, upon completion of the State Environmental Quality Review Act process the APDC began the construction and permitting design and engineering phases of the development of the expansion site; and

WHEREAS, the APDC has entered into a Lease Agreement with the Town of Bethlehem Industrial Development Agency (the “IDA”) which granted the APDC certain Project assistance pursuant to New York State General Municipal Law and the IDA’s enabling statute; and

WHEREAS, in April 2022 the APDC issued a Request for Proposals (“RFP”) for Construction Manager at Risk Services (CMAR) related to the Project seeking experts able to manage complex construction with multi-discipline component work to develop and submit the most competitive guaranteed maximum price for the Project and pursuant to the terms of the Lease Agreement; and

WHEREAS, the CMAR Preconstruction phase services contract was awarded to Gilbane, Inc. (“Gilbane”) who subsequently completed procurement and has produced a Guaranteed Maximum Price (“GMP”) proposal; and

WHEREAS, a GMP structure offers both predictability in cost and risk sharing, and the unique complexities and financial arrangements of the Project underscore the need for such a contractual approach to avoid cost or schedule overruns; and

WHEREAS, based on the evaluation of the GMP, it is recommended that the APDC award the contract for the pad-ready construction scopes to Gilbane, at a cost not to exceed \$73,088,475 with an additional Owner’s Contingency of \$5,959,653; and

WHEREAS, the Owner's Contingency shall be for the purpose of owner directed scope additions and/or unanticipated field conditions, accessible only via three-way authorization of the Port's Senior Construction Project Manager, Chief Financial Officer and Chief Executive Officer.

NOW, THEREFORE, BE IT RESOLVED, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to award the contract for the pad-ready GMP to Gilbane at a cost not to exceed \$73,088,475 plus an Owner's Contingency of \$5,959,653 for a total authorization limit of \$79,048,128.

Signed: _____
(Assistant) Secretary

Date of Authorization: August 28, 2023

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 38-2023
OF THE
ALBANY PORT DISTRICT COMMISSION**

WHEREAS, the Albany Port District Commission (the “APDC”) is a public corporation and a district corporation of the state of New York established pursuant to Chapter 192 of the Laws of 1925, as amended; and

WHEREAS, the APDC strives to responsibly and effectively manage the publicly-owned maritime Port of Albany-Rensselaer, contributing to the economy of the Capital Region and beyond while emphasizing transparency and public stewardship as prescribed in the APDC Mission Statement; and

WHEREAS, in furtherance of the APDC mission the APDC has embarked on the expansion of the Albany Port District through the development of a “pad-ready” site for an offshore wind manufacturing development across a total of approximately 100 acres, including development within both the Town of Bethlehem and the City of Albany (the “Project”); and

WHEREAS, the APDC issued a Request for Proposals for the preparation, development and construction of a portion of the Project for 700 Smith Blvd. in the City of Albany and roadway and rail crossing improvements on Raft St. and Normanskill St. in both Albany and Bethlehem; and

WHEREAS, Peter H. Maloy, Inc. (“Maloy”) was subsequently awarded the early-works phase of the Project, with future Project phasing to be approved when funding resources were authorized to; and

WHEREAS, Maloy has provided updated pricing for the roadwork and rail crossing scopes which are necessary to satisfy the municipal site plan approvals received for the Project; and

WHEREAS, the next phase of work to advance the pad-ready site is to provide roadway access via the internal connection of Port properties as part of the existing pre-development agreement, and therefore staff recommends that the APDC award the roadway and rail crossing improvements work of the 700 Smith Blvd. development portion of the Project to Maloy at a cost not to exceed \$5,025,000 with an additional Owner’s Contingency of \$95,000; and

WHEREAS, the Owner’s Contingency shall be for the purpose of owner directed scope additions and/or unanticipated field conditions, accessible only via the three-way authorization of the Port’s Senior Construction Project Manager, Chief Financial Officer and Chief Executive Officer.

NOW, THEREFORE, BE IT RESOLVED, that the APDC awards the roadway and rail crossing improvements contract for the 700 Smith Blvd. development portion of the Project to James H. Maloy, Inc. at a cost not to exceed \$5,025,000 with an additional Owner's Contingency of \$95,000 for a total authorization limit of \$5,120,000 and authorizes the Chief Executive Officer to execute the necessary documents to facilitate the contract.

Signed: _____
(Assistant) Secretary

Date of Authorization: November 28, 2022

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 39-2023
OF THE
ALBANY PORT DISTRICT COMMISSION**

WHEREAS, the Albany Port District Commission (the “APDC”) is a public corporation and a district corporation of the state of New York established pursuant to Chapter 192 of the Laws of 1925, as amended; and

WHEREAS, the APDC strives to responsibly and effectively manage the publicly-owned maritime Port of Albany-Rensselaer, contributing to the economy of the Capital Region and beyond while emphasizing transparency and public stewardship as prescribed in the APDC Mission Statement; and

WHEREAS, in furtherance of the APDC Mission, the APDC Sponsorship Policy (“Policy”) permits APDC sponsorship of events and for purposes that advances the APDC mission through providing financial assistance in the areas of maritime commerce or economic development; and

WHEREAS, the APDC has been asked to consider sponsoring the National Exhibition of the American Society of Marine Artists to be held at the Albany Institute of History & Art from September 9 through December 31, 2023 (“Event”); and

WHEREAS, the Event will offer the public opportunities to see works by nationally recognized artists showcasing waterways and oceans through paintings of marine views, depictions of historical events and scenes capturing life, work and leisure in harbors and ports and along inland waters and seacoasts; and

WHEREAS, the 2023 approved APDC operating budget allocates an amount sufficient to support the Event at a sponsorship level not to exceed \$2,500.

NOW, THEREFORE, BE IT RESOLVED, the APDC finds that this sponsorship request is in accordance with the Policy and authorizes the Chief Executive Officer to pledge APDC sponsorship of the National Exhibition of the American Society of Marine Artists in an amount not to exceed \$2,500.

Signed: _____
(Assistant) Secretary

Date of Authorization: August 28,2023

Prepared by:
Patrick K. Jordan, Esq.