



**ALBANY PORT DISTRICT COMMISSION
MEETING**

July 22, 2020

12:00 P.M.

Pursuant to the Governor's Executive Order No. 202.1, issued March 12, 2020, Article 7 of the Public Officers Law related to public body meetings is suspended and the July 22, 2020 APDC Board of Commissioners meeting will be held remotely. Commissioners and APDC staff are authorized to attend the meeting by conference call. Specified APDC staff will meet in person to facilitate the meeting. In accordance with the Executive Order the meeting will be available for public viewing via on-line live video transmission and recorded, as public in-person access to the meeting is not permitted.

AGENDA

- 1) **Approval of Minutes from the June 22, 2020 Commission meeting (Attached)**
- (Chairperson intro and discussion of minutes by Board)
- 2) **Finance Committee / Financial Update (by Comm. Coffey and CFO Stuto)**
- 3) **CEO Update (by CEO Hendrick)**
- 4) **Real Property/Development Update (by Dir. Daly)**
- 5) **Bond and Project Financing Counsel Services (Resolution 18-2020) (by Dir. Daly)**
- 6) **Project Financing Services (Resolution 19-2020) (by CFO Stuto)**
- 7) **Maritime Business Assessment (by Mgr. Vasil)**
- Tonnage/Longshore Labor Report (Attached)
- 8) **Other Business (by Chairperson)**
- 9) **Enter Executive Session¹**

10) Exit Executive Session

11) Next Meeting: August 26, 2020 (by Chairperson)

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 REGULAR MEETING

June 22, 2020

Due to the pandemic the June 22, 2020 Board of Commissioners meeting was held remotely pursuant to the Governor's Executive Order No. 202.1, issued March 12, 2020, which suspended Article 7 of the Public Officers Law related to public body meetings. Prior to the meeting being called to order General Counsel Jordan noted that the meeting was being recorded and transmitted via on-line video. For the recording he stated that in attendance were Chairperson Steffens and Commissioners Cinquanti, Coffey and Tagliento. Also present were CEO Hendrick, General Counsel Jordan, Economic Development and Procurement Director Daly, CFO Stuto, Maritime Business Development Manager Vasil and Director of Security Williams.

Chairperson Steffens called the meeting to order and introduced the minutes of the May 20, 2020 special Commission meeting. No changes were made to the minutes. Chairperson Steffens called for a motion to approve the minutes of said meeting. A motion was made by Commissioner Cinquanti, seconded by Commissioner Tagliento and passed unanimously. Chairperson Steffens then introduced the minutes of the May 27, 2020 regular Commission meeting. No changes were made to the minutes. Chairperson Steffens called for a motion to approve the minutes of said meeting. A motion was made by Commissioner Tagliento, seconded by Commissioner Cinquanti and passed unanimously.

FINANCIAL UPDATE

CFO Stuto presented the May 31, 2020 income statement including projections through the end of the year. CFO Stuto focused on the forecast fluctuations from the forecast projected at the end of April 2020. Total operating revenue is projected at a budget increase of \$60,000 due to an increase in stevedore revenue, dockage and wharfage received from Ardent Mills. Net depreciation and other income remains consistent, with depreciation expected to come in approximately \$300,000 under budget. The overall change on net position is projected to be \$6.9 million, which is \$2 million under the 2020 budget, and a change of \$110,000 from what was projected last month. This change for last month's projection is due to continued curtailment of expenses together with the increase in projected revenue.

CEO UPDATE

CEO Hendrick updated the Board on the following:

- Work on the expansion site is progressing. CME is currently handling soil boring investigations. A submerged aquatic vegetations study has been completed. Upland and wharf engineering work is progressing, initial bridge design reviews have been held and a multi-state and federal agency review meeting was held.
- Ground preparation work has started on the new maritime warehouse site. Project managers, engineers and contractors have been meeting regularly.
- The maintenance department has worked throughout the pandemic. The team has been busy with road repairs, extending the useful life of the internal roadways in advance of the next stage of the TIGER improvement plans.

REAL PROPERTY/DEVELOPMENT UPDATE

Director Daly reported that the Port leadership team organized a call with our local, state and federal elected officials and their staff in order to update the delegation regarding the projects that are currently taking place and the Port's future plans. The primary focus of the discussion involved the Port's expansion project. The team explained the SEQRA process that took place and the mitigation efforts that the Port will undertake. There was a detailed discussion regarding the offshore wind market and the potential business enterprises that could locate in the Port. Workforce development was an important point of interest and how everyone involved can partner to advance local job opportunities. Finally the group discussed how the Port can assist with the City's summer youth program.

LINE OF CREDIT

CFO discussed Resolution 16-2020 regarding a proposed line of credit through KeyBank. The loan would be a revolving line of credit base on grant funding. CFO Stuto contacted several lending institutions to see which could offer the best rate. KeyBank provided the lowest rate. The monthly interest would be 2.59% based on the London Inter-bank Offered Rate in addition to the origination fee. Commissioner Coffey and CFO Stuto discussed the course she undertook regarding the loan process. Chairperson Steffens called for a motion to approve Resolution 16-2020, authorizing the CEO to execute the documents necessary to effectuate the line of credit. A motion was made by Commissioner Coffey, seconded by Commissioner Cinquanti and passed unanimously.

TECH II

Chairperson Steffens presented Resolution 17-2020 regarding the proposed renewal of the APDC's contract with Tech II for information technology services for an additional year, pointing to the level of service received and the cost savings realized. Counsel Jordan stated that the Port has been pleased with the high level of services that Tech II has provided since they were awarded

the contract in 2019 and that they have done an exceptional job supporting the Port's staff during the current pandemic, with much of the staff working remotely. Chairperson Steffens called for a motion to renew the contract with Tech II for an additional year. A motion was made by Commissioner Coffey, seconded by Commissioner Cinquanti and passed unanimously.

MARITIME BUSINESS ASSESSMENT

Manager Vasil provided an overview of the Ships, Barges and Tonnage Report and Longshore Hours Report for the first half of 2020. To date the Port has had 17 vessel calls this year compared to 11 for the same time period in 2019. There were increases in all shipping areas, including heavy lift, project cargo, scrap metal and forest product sectors. There was also an increase in tonnage and labor hours. The Port is continuing work with FMT to increase marketing coverage.

Compared to other northeast ports the Port of Albany is fairing very well. Forest products in particular have been trending upward with an over 40% tonnage increase at the Port this year. Part of that success is due to the Port's developing attractive rail pricing that has assisted customers with major moves. The Port had a successful trial shipment of lumber in May which will lead to a much larger shipment in the third quarter. Manager Vasil stated the fourth quarter may be slower than anticipated but the forecast for the year is still positive compared to 2019.

OTHER BUSINESS

There was no other business.

EXECUTIVE SESSION

Chairwoman Steffens called for a motion to enter into Executive Session for a discussion regarding the proposed acquisition, sale or lease of real property or the proposed acquisition of securities. A motion was made by Commissioner Cinquanti, seconded by Commissioner Coffey and passed unanimously. No action was taken in Executive Session.

NEXT MEETING

Chairperson Steffens informed all those in attendance that the **next meeting of the APDC Board of Commissioners will be held on Monday, July 22, 2020 at 12:00 noon, with a Finance Committee meeting at 11:30.**

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

**RESOLUTION 18-2020
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 Port invested in a growth strategy and market analysis performed in 2016 and updated in 2018, leading to a recommendation of expansion of the Port District; and

WHEREAS, as recommended by the Growth Strategy in 2018 the APDC purchased an 80-acre piece of land in the Town of Bethlehem in order to expand the Port District and increase future business potential; and

WHEREAS, the APDC has completed the State Environmental Quality Review Act process and generic permitting approval phase of the acquired property and is currently undertaking construction and permitting design and engineering and is ready to proceed toward the development of the expansion site; and

WHEREAS, the APDC desires to retain a firm to provide the necessary specialized legal services related to the complex financial structuring and bonding such a development plan will entail; and

WHEREAS, on March 3, 2020, the APDC issued a Request for Qualifications (“RFQ”) for Special Counsel / Bond and Project Financing Counsel Services to assist the Port regarding the legal finance structure and bonding necessary to effectuate the expansion project; and

WHEREAS, in response to the RFQ, six responses were received and subsequently reviewed by a committee that included a Commissioner, APDC leadership and the APDC’s financial consultant (“Review Team”) to evaluate and interview the firms, and were shortlisted and invited to provide proposals including scope, team, approach, schedule and fee and the Review Team made a final evaluation and recommendation to the Board of Commissioners (“Board”); and

WHEREAS, based on the responses and evaluation process, the Review Team recommends that Hodgson Russ LLP be retained to provide Special Counsel / Bond and

Project Financing Counsel Services at a cost not to exceed \$100,000 for the first phase of necessary work.

NOW, THEREFORE, BE IT RESOLVED, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to retain Hodgson Russ LLP to provide Special Counsel / Bond and Project Financing Counsel Services at a cost not to exceed \$100,000.

Signed: _____
(Assistant) Secretary

Date of Authorization: July 22, 2020
Prepared by: Patrick K. Jordan

**RESOLUTION 19-2020
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 Port invested in a growth strategy and market analysis performed in 2016 and updated in 2018, leading to a recommendation of expansion of the Port District; and

WHEREAS, as recommended by the Growth Strategy in 2018 the APDC purchased an 80-acre piece of land in the Town of Bethlehem in order to expand the Port District and increase future business potential; and

WHEREAS, the APDC has completed the State Environmental Quality Review Act process and generic permitting approval phase of the acquired property and is currently undertaking construction and permitting design and engineering and is ready to proceed toward the development of the expansion site; and

WHEREAS, the APDC desires to retain a firm to provide the financing and advisement services necessary for the Port to be prepared to achieve financing related to site development, infrastructure and first major tenant construction; and

WHEREAS, on February 28, 2020, the APDC issued a Request for Qualifications (“RFQ”) for Project Financing Services for the Port of Albany Expansion Project to provide the project financing and advisement services necessary to effectuate the expansion project; and

WHEREAS, in response to the RFQ, five responses were received and subsequently reviewed by a committee that included a Commissioner, APDC leadership and the APDC’s financial consultant (“Review Team”) to evaluate and interview the firms, and were shortlisted and invited to provide proposals including scope, team, approach, schedule and fee and the Review Team made a final evaluation and recommendation to the Board of Commissioners (“Board”); and

WHEREAS, based on the responses and evaluation process, the Review Team recommends that Piper Sandler & Co. be retained to provide Project Financing Services.

NOW, THEREFORE, BE IT RESOLVED, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to retain Piper Sandler & Co. to provide Project Financing Services.

Signed: _____
(Assistant) Secretary

Date of Authorization: July 22, 2020
Prepared by: Patrick K. Jordan

Ships & Barges Report

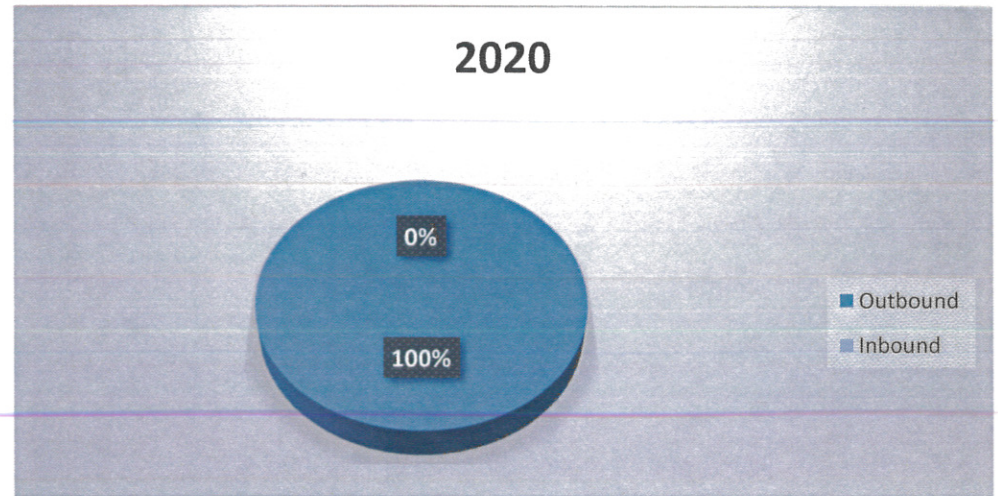
June-2020

Outbound	2019	2020	Change	Percentage
Heavy Lift/Project	1	2	1	100%
Barges-Heavy Lift/Project	2	1	-1	-50%
Scrap Iron	0	0	0	-
Steel	0	0	0	-
Totals	3	3	0	0%

Inbound	2019	2020	Change	Percentage
Heavy Lift/Project	0	0	0	-
Barges-Heavy Lift/Project	0	0	0	-
Calcium Chloride	0	0	0	-
Molasses/Fertilizer	0	0	0	-
Steel	0	0	0	-
Urea	0	0	0	-
Wind Energy	0	0	0	-
Woodpulp	2	0	0	-100%
Totals	2	0	-2	-100%

Year to Date

Total	2019	2020	Change	Percentage
Heavy Lift/Project	4	4	0	0%
Barges-Heavy Lift/Project	3	6	3	100%
Calcium Chloride	0	0	0	-
Molasses/Fertilizer	0	0	0	-
Scrap Iron	2	3	1	50%
Steel	0	0	0	-
Urea	0	0	0	-
Wind Energy	0	0	0	-
Woodpulp	7	7	0	0%
Totals	16	20	4	25%



Ships & Barges

	2019	2020	Change	Percentage
Outbound	8	12	4	50%
Inbound	8	8	0	0%
Totals	16	20	4	25%

Lay Berth

	2019	2020	Change	Percentage
	2	0	-2	-100%
	9	4	-5	-56%
Change				
%				

June-2020

Tonnage Report - Monthly

Outbound	2019	2020	Change	Percentage
Heavy Lift/Project	937	500	-437	-47%
Barges-Heavy Lift/Project	576	77	-499	-87%
Scrap Iron	0	0	0	-
Steel	0	0	0	-
Totals	1513	577	-936	-62%

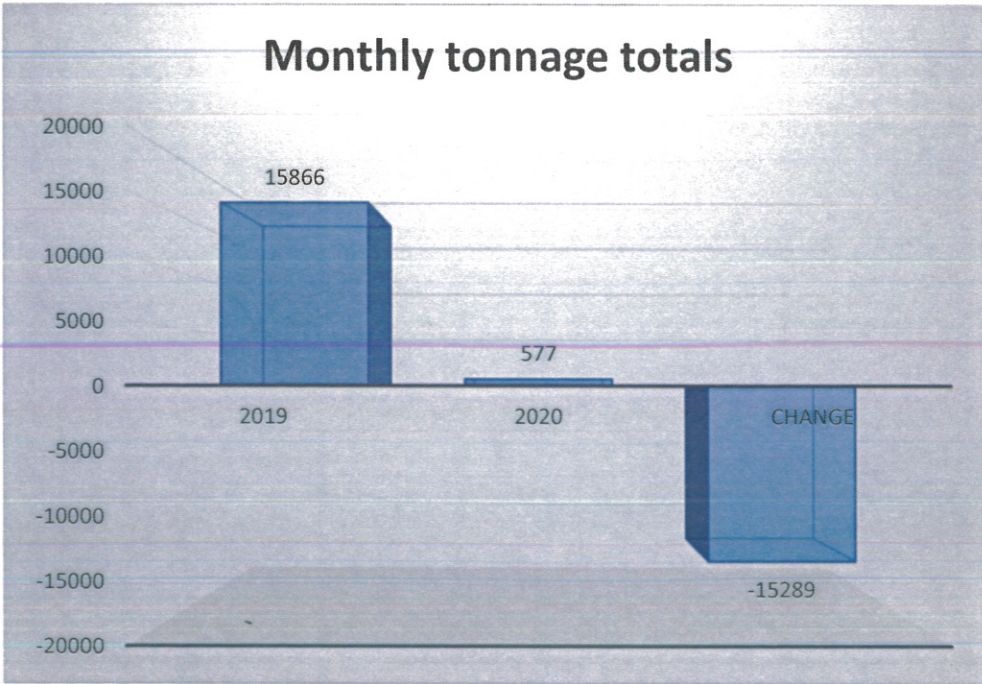
Inbound	2019	2020	Change	Percentage
Heavy Lift/Project	0	0	0	-
Barges-Heavy Lift/Project	0	0	0	-
Calcium Chloride	0	0	0	-
Molasses/Fertilizer	0	0	0	-
Steel	0	0	0	-
Urea	0	0	0	-
Wind Energy	0	0	0	-
Woodpulp	14353	0	-14353	-100%
Totals	14353	0	-14353	-100%

June- 2019-2020 Totals

Total	2019	2020	Change	Percentage
Heavy Lift/Project	937	500	-437	-47%
Barges-Heavy Lift/Project	576	77	-499	-87%
Calcium Chloride	0	0	0	-
Molasses/Fertilizer	0	0	0	-
Scrap Iron	0	0	0	-
Steel	0	0	0	-
Urea	0	0	0	-
Wind Energy	0	0	0	-
Woodpulp	14353	0	-14353	-100%
Totals	15866	577	-15289	-96%

Tonnage Report Monthly

Total	2019	2020	Change	Percentage
Outbound	1513	577	-936	-62%
Inbound	14353	0	-14353	-100%
Totals	15866	577	-15289	-96%



June-2020

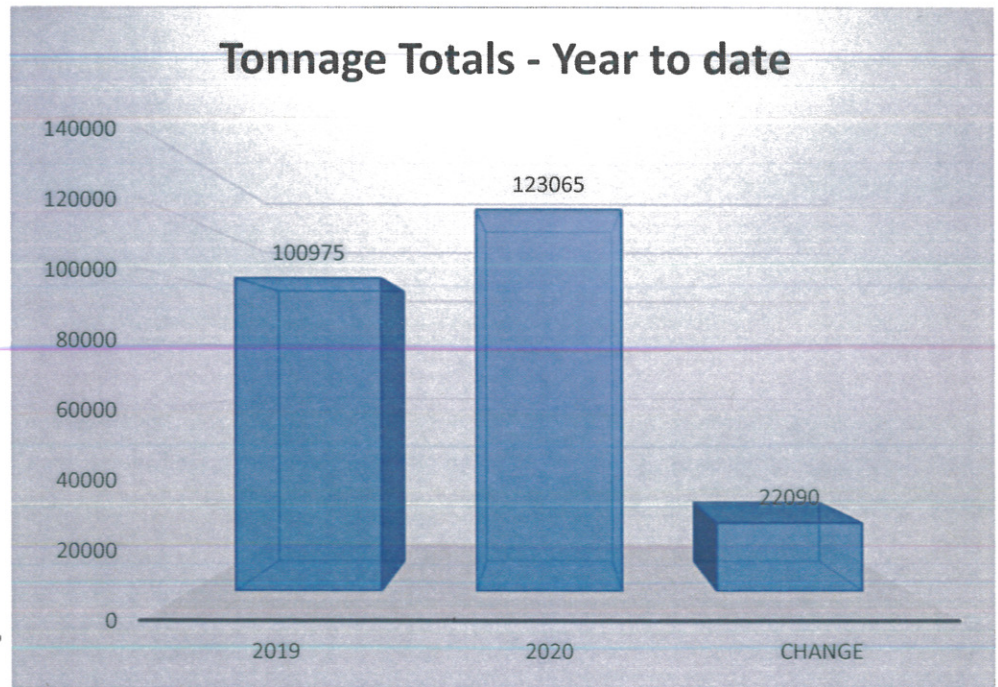
Tonnage Report - Year to Date

Outbound	2019	2020	Change	Percentage
Heavy Lift/Project	2314	985	-1329	-57%
Barges-Heavy Lift/Project	576	1771	1195	207%
Scrap Iron	57101	71131	14030	25%
Steel	0	0	0	-
Totals	59991	73887	13896	23%

Inbound	2019	2020	Change	Percentage
Heavy Lift/Project	0	728	728	100%
Barges-Heavy Lift/Project	267	0	-267	-100%
Calcium Chloride	0	0	0	-
Molasses/Fertilizer	0	0	0	-
Steel	0	0	0	-
Urea	0	0	0	-
Wind Energy	0	0	0	-
Woodpulp	40717	48450	7733	19%
Totals	40984	49178	8194	20%

Year to Date

Total	2019	2020	Change	Percentage
Heavy Lift/Project	2314	1713	-601	-26%
Barges-Heavy Lift/Project	843	1771	928	110%
Calcium Chloride	0	0	0	-
Molasses/Fertilizer	0	0	0	-
Scrap Iron	57101	71131	14030	25%
Steel	0	0	0	-
Urea	0	0	0	-
Wind Energy	0	0	0	-
Woodpulp	40717	48450	7733	19%
Totals	100975	123065	22090	22%



Tonnage Report Year to Date

Total	2019	2020	Change	Percentage
Outbound	59991	73887	13896	23%
Inbound	40984	49178	8194	20%
Totals	100975	123065	22090	22%

LONGSHORE HOURS

2019-2020 Comparison

	2019	2020
January	1253.0	2709.5
February	3589.0	3317.5
March	2729.0	3214.0
April	2541.0	2531.0
May	3749.0	3280.0
June	3470.0	2159.0
July		
August		
September		
October		
November		
December		
Total:	17331.0	17211.0

2016-2017-2018-2019-2020 Comparison

	2016	2017	2018	2019	2020
January	2130.5	5265.0	1431.0	1253.0	2709.5
February	4010.0	4591.0	2739.0	3589.0	3317.5
March	3663.0	6166.0	2237.5	2729.0	3214.0
April	2509.5	9438.0	3757.0	2541.0	2531.0
May	2470.0	6549.5	12123.5	3749.0	3280.0
June	2975.0	6939.0	7848.5	3470.0	2159.0
July	2929.0	5437.0	3960.5	2048.5	
August	3829.5	2992.0	6113.5	1205.0	
September	4309.0	3604.5	4905.0	2771.5	
October	5153.5	2738.0	5663.0	2163.0	
November	4146.0	6133.5	2926.5	1696.0	
December	6474.0	2133.5	4480.0	2850.5	
Total:	44599.0	61987.0	58185.0	30065.5	17211.0

