



**ALBANY PORT DISTRICT COMMISSION
MEETING
FEBRUARY 23, 2022
12:00 Noon**

AGENDA

- 1) Approval of Minutes from the January 26, 2022 Commission meeting and the February 15, 2022 Special Commission meeting (Attached) (Chairperson intro and discussion of minutes by Board)**
- 2) Public Comment**
- 3) Financial Update (by CFO Stuto)**
- 4) CEO Update (by CEO Hendrick)**
- 5) Real Property/Development Update (by CCO Daly)**
- 6) Sponsorship Request for the Hudson River Trading Game & Navigating the Seas Program (Resolution 6-2022) (Cnsl. Jordan)**
- 7) Other Business (by Chairperson)**
- 8) Enter Executive Session¹**
- 9) Exit Executive Session**
- 10) Next Meeting: March 23, 2022**

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

January 26, 2022

Due to the pandemic the January 26, 2022 Board of Commissioners meeting was held remotely pursuant to the amended legislation under the NYS Open Meetings Law. Prior to the meeting being called to order General Counsel Jordan noted that the meeting was being recorded and transmitted via on-line video. 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, DSI Skubon, Director of Security Williams, Administrative Assistant DiLillo and General Manager Bill Ring of Federal Marine Terminals.

Chairperson Steffens recognized the Port team for the incredible job they did in preparation for the hosting of US Secretary of Energy Granholm, Governor Hochul, Congressman Tonko, Mayor Sheehan, County Executive McCoy and the representatives from Senators Schumer and Gillibrand's offices and our partners from Marmen, Equinor and BP. The event revolved around Albany being a hub for offshore wind development in New York and the country and was in conjunction with the announcement made earlier in the week by Governor Hochul that NYS was committing 500 million dollars in the State budget towards developing 9,000 megawatts in offshore wind by 2035. Chairperson Steffens noted that this continues to elevate our recognition in the Capital Region and the nation.

Chairperson Steffens introduced the minutes of the December 15, 2021 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 Coffey, seconded by Commissioner Tagliento, and passed unanimously.

PUBLIC COMMENT

There were no public comments.

GOVERNANCE COMMITTEE UPDATE

Chairperson Steffens reported that the Governance Committee met prior to the regular meeting. The Committee was presented with the proposed 2022 Nomination of APDC Officers and the list of current APDC policies. The Committee concurred with staff's recommendation to forward both items to the Board for approval. Also discussed by the Committee were the Conflicts of Interest Declarations and the Confidential Board Evaluations.

FINANCIAL UPDATE

CFO Stuto presented an update of the unaudited financials as of December 31, 2021. She noted that the annual audit is scheduled for Monday 1/31/22 and that they will have some adjustments and accruals as they complete the internal review. She reported that there were some changes to last month's forecast for the end of the year. The increase of revenue includes stevedore fees, crane rental, security fees and wharfage from 2021. Currently expenses are below budget in payroll, crane repairs, professional and consultant fees, office supplies, advertising, promotion and association dues. Other expenses are also to be less than projected in the areas of depreciation expense and waterfront development. CFO Stuto reported that revenue is up for the month of December primarily due to maritime activity in heavy lift and steel. Overall, operating expenses were under budget for the year. Capital grant revenue is under budget by 14% due to the timing of the TIGER expenses and the request for reimbursements through the grant.

Commissioner Coffey asked CFO Stuto how Port staff budgets for annual maintenance and repairs for the cranes. He also asked her if the amount budgeted increases each year as the cranes age. CFO Stuto stated that the crane repair budget is based on discussions with the Director of Operations along with review of current year crane repair expenses to evaluate the trend. We have significantly increased our repairs and maintenance budget overall for 2022. Commissioner Coffey questioned whether the Port staff should consider the purchase of a new crane.

CEO UPDATE

CEO Hendrick updated the Board on the following:

- Port staff met on January 13, 2022 with an Albany County Legislator, representatives from the EPA, Housing and Urban Development, NYSDEC, NYS Department of Health, the Albany Housing Authority and the Capital District Transportation Committee regarding improvements in the South End and how the Port can collaborate in this effort.
- CEO Hendrick and Counsel Jordan gave a presentation to the Northeast Diesel Collaborative Working Group regarding the proposed offshore wind tower manufacturing plant and the remediation work at 700 Smith Blvd, discussing the

permitting process, environmental justice and ways in which the Port can reduce its carbon footprint.

- Port staff submitted Goal Plans for both the M/WBE and SDVOB initiatives to New York State for approval.
- Port staff continues to work on the negotiations for a potential property acquisition.

CEO Hendrick provided the Board with the Ships and Barges Report and the Tonnage and Longshore Hours Report for December 2021.

- Ships are up by 11% from the previous year.
- Tonnage is up by 11% from the previous year.
- Longshore hours are up by 25% over 2020.
- 4 ships have come into Port so far this year, making for a great start.

REAL PROPERTY/DEVELOPMENT UPDATE

DSI Skubon reported that there is a high demand for Port property, therefore staff continues to pursue additional property for development and Port use. The Bureau of Ocean and Energy Management has set a date to lease six new offshore wind areas in the NY Bight. NYSERDA is expecting to open their third offshore wind solicitation in the upcoming months. Developers and OEMs are making site visits within the next few weeks looking for any potential property the Port might have available. The expansion site project is moving forward with the permitting process. An RFP has been released for the pre-engineered metal buildings. Bids are due back next week.

Counsel Jordan reported that Port staff met with the Town of Bethlehem Planning Department related to updates on the permitting stage of the expansion project. They are expected to meet again in a few weeks. Meetings with state and federal agencies have been on going. Port staff had their initial meeting with the Albany Planning Board introducing the Building E project, which is a receiving yard. They had some discussion and answered many questions from the Board Members.

Chairperson Steffens asked if the timeline for the project is still on track. Counsel Jordan stated that it was and noted that he anticipates the final impact statement approval in early March.

ELECTION OF OFFICERS FOR 2022

Counsel Jordan presented Resolution 1-2022 relating to the Election of Officers for 2022. He noted that the proposed Election of Officers for 2022 was discussed at the Governance Committee meeting and that the committee recommended that the Board approve the position of officers to remain the same as the previous year. Chairperson Steffens called for a motion to approve Resolution 1-2022. A motion was made by Commissioner Coffey, seconded by Commissioner Abriel and passed unanimously.

MULTI -YEAR CONTRACT REVIEW

Counsel Jordan presented Resolution 2-2022 relating to the multi-year contract review. He reviewed the list of contracts with the Board. After some discussion, Chairperson Steffens called for a motion to approve Resolution 2-2022. A motion was made by Commissioner Abriel, seconded by Commissioner Coffey and passed unanimously.

ANNUAL POLICY REVIEW

Counsel Jordan presented Resolution 3-2022 relating to APDC policies requiring annual review by the Board under the NYS Public Authorities Law. He noted that the list of policies was reviewed with the Governance Committee and after some discussion the Committee recommended that the Board approve the current APDC policies as presented. Chairperson Steffens called for a motion to approve Resolution 3-2022. A motion was made by Commissioner Tagliento, seconded by Commissioner Coffey and passed unanimously.

EXECUTIVE SESSION

Chairperson Steffens called for a motion to enter into Executive Session for the purpose of discussing the proposed sale, acquisition or lease of real property. A motion was made by Commissioner Cinquanti, 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 held on Wednesday, February 23, 2022 at 12:00 p.m.**

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



**ALBANY PORT DISTRICT COMMISSION
MINUTES OF A SPECIAL BOARD MEETING
FEBRUARY 15, 2022**

Due to the pandemic the February 15, 2022 Special Board of Commissioners meeting was held remotely pursuant to the amended legislation under the NYS Open Meetings Law. Prior to the meeting being called to order General Counsel Jordan noted that the meeting was being recorded and transmitted via on-line video. Chairperson Steffens called the meeting to order. In attendance were Commissioners Abriel, Cinquanti, Coffey and Tagliento. Also present were CEO Hendrick, General Counsel Jordan, CCO Daly, CFO Stuto, DSI Skubon, Director of Security Williams, Deputy Director of Security Teller, Administrative Assistant DiLillo, Glen Doherty from Hodgson Russ, George Gottuso from Hill International and Chris Bombardier from Catalyst New York.

Counsel Jordan noted to the Board that further discussions will take place relating to the undertaking, findings and performance of a PLA Feasibility Study, which the Board authorized undertaking at the December meeting and the possible engagement of a recruiting specialist for a project specific position for the expansion project. Counsel Jordan advised the Board that they enter into executive session for part of these discussions.

EXECUTIVE SESSION

Chairperson Steffens called for a motion to enter into Executive Session for the purpose of discussions regarding proposed, pending or current litigation and for matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person. A motion was made by Commissioner Tagliento, seconded by Commissioner Abriel and passed unanimously.

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

PLA FEASIBILITY STUDY UPDATE

CCO Daly reported that in December 2021 Port staff was authorized to undertake a PLA Feasibility Study. The Port team engaged Hill International to facilitate the study in order to evaluate the feasibility of utilizing a PLA for the expansion project. CCO Daly then introduced George Gottuso from Hill International. Mr. Gottuso provided the Board with overview of the PLA study conducted by Hill International noting that they utilized the most up-to-date project scope of work, schedule and cost estimates as well as labor and workforce considerations relevant to the expansion project. After thorough assessment and analysis, Hill International's findings suggested that a PLA could provide modest cost savings and certain non-quantifiable savings through avoidance of costly delays associated with potential strikes, slow-downs, walk-outs or other labor disputes and a no strike provision increasing the likelihood of completing the project on time, flexibility in work hours, increased use of apprentices. Some discussion took place including the priority of achieving utilization of M/WBE and SDVOB businesses on the job as well as local hiring. Resolution 4-2022 was presented to accept the draft PLA Feasibility study with slight revisions noted and direction to proceed with good faith negotiations of a Project Labor Agreement. Chairperson Steffens called for a motion to approve Resolution 4-2022, authorizing the CEO, staff and consultants to use good faith efforts to negotiate a Project Labor Agreement for the expansion project. A motion was made by Commissioner Tagliento, seconded by Commissioner Abriel and passed. Commissioner Cinquanti recused himself from the vote.

RECRUITING CONSULTANTS

CCO Daly presented Resolution 5-2022 related to utilizing a recruiting consultant. She noted that the Construction Project Manager position had been posted since mid-fall without a successful candidate. This position is needed to assist the APDC and staff to facilitate the expansion project through execution to completion. Port staff interviewed several firms that focus on recruiting specialists in the construction and project development fields. After review and evaluation of the responding firms, the staff recommends Ardith Rademacher & Associates to assist with recruiting and identifying a Construction Project Manager. Chairperson Steffens called for a motion to approve Resolution 5-2022 to authorize the CEO to execute the necessary documents to engage Ardith Rademacher & Associates for the purpose of recruiting a Construction Project Manager. A motion was made by Commissioner Abriel, seconded by Commissioner Cinquanti and passed unanimously.

NEXT MEETING

Chairperson Steffens informed all those in attendance that **the next meeting of the APDC Board of Commissioners will be held on Wednesday, February 23, 2022 at 12 noon.**

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

ALBANY PORT DISTRICT COMMISSION
Results Through January 31, 2022

	<u>January 2021</u>	<u>Budget January 2022</u>	<u>January Budget to Actual</u>	<u>Budget 2022</u>
Operating Revenue:				
Rental Income	296,794	302,925	(6,131)	3,635,098
Dockage Fees	37,296	33,167	4,129	398,000
Wharfage Fees:	38,637	35,583	3,054	427,000
Buckeye Revenue	-	-	-	150,000
Stevedore Fees and Services	24,367	35,833	(11,467)	430,000
Crane Equipment Rental	12,740	20,833	(8,093)	250,000
Security Fees	33,015	30,833	2,182	370,000
Other Services and Revenue	1,009	833	176	10,000
Total Operating Revenue	<u>443,858</u>	<u>460,008</u>	<u>(16,150)</u>	<u>5,670,098</u>
Operating Expenses:				
Payroll, Payroll Taxes and Fringe Benefits	400,398	419,633	19,235	2,790,230
Other Post Retirement Benefit Expense	-	-	-	100,000
Repairs, Maintenance and Utilities	34,288	26,875	(7,413)	322,500
Crane Parts and Repairs	-	5,833	5,833	70,000
Insurance	21,842	22,083	241	265,000
Professional and Consulting Fees	18,536	20,917	2,380	251,000
Service Contracts	11,234	15,417	4,183	185,000
Security and Safety Costs	12,203	11,792	(411)	141,500
Education and Training	-	2,500	2,500	30,000
Office Supplies and Expense	1,208	4,333	3,125	52,000
Advertising, Promotion and Association Dues	1,461	18,333	16,872	220,000
Contingency	-	-	-	180,000
Total Operating Expense	<u>501,170</u>	<u>547,716</u>	<u>46,546</u>	<u>4,607,230</u>
Operating Income (Expense) before other items	<u>(57,312)</u>	<u>(87,708)</u>	<u>30,396</u>	<u>1,062,868</u>
Depreciation and Other (Income) Expenses:				
Depreciation Expense	250,000	291,667	41,667	3,500,000
Interest Income	(9)	(83)	(74)	(1,000)
Interest Expense	13,789	12,466	(1,323)	149,589
Waterfront Development	220	300	80	282,890
Municipal Support	-	-	-	170,000
(Gain) Loss on Asset	-	-	-	-
Net Depreciation and Other (Income) Expense	<u>264,000</u>	<u>304,349</u>	<u>40,350</u>	<u>4,101,479</u>
Change in Net Position Before Capital Funding	<u>(321,311)</u>	<u>(392,057)</u>	<u>70,746</u>	<u>(3,038,611)</u>
Capital Grant Revenue	177	-	177	248,000,000
Change in Net Position	<u>(321,134)</u>	<u>(392,057)</u>	<u>70,923</u>	<u>244,961,389</u>

**RESOLUTION 6-2022
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, the APDC Sponsorship Policy (“Policy”) permits APDC support of events and activities which advance 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 Hudson River Trading Game & Navigating the Seas program (2021-2022 School Year) (“Event”); and

WHEREAS, the Event features activities to educate participants in certain economic and navigational aspects of the maritime-industry; and

WHEREAS, the 2022 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, that the APDC finds that this sponsorship request is in accordance with the Policy and authorizes the CEO to pledge APDC sponsorship of the Hudson River Trading Game & Navigating the Seas Program (2021-2022 School Year) in an amount not to exceed \$2,500.

Signed: _____
(Assistant) Secretary

Date of Authorization: February 23, 2022

Prepared by:
Patrick K. Jordan, Esq.



Request for Support: Historic Cherry Hill's Education Programs

Historic Cherry Hill requests **\$2,500** from the Port of Albany in support of our education programs. Funds will be used to deliver programming at no cost to students in the City School District of Albany in 2022 and to fabricate needed materials to transform our signature program, The Hudson River Trading Game, into an outreach program deliverable in the classroom.

With field trips on hold since 2020, Historic Cherry Hill has suspended our acclaimed program, the Hudson River Trading Game and pivoted to remote programming until onsite and in-person visits are possible again. Our most recent program, developed in 2021, explores the Cherry Hill household with a special emphasis on a family of African American siblings, the Knapps, who were raised as wards and servants at Cherry Hill in the 19th century. Our focus on these underrepresented historical narratives directly responds to community interest as well as the need expressed by local teachers for resources for teaching Black history. Support for this program would be an extension of the impressive work that the Port of Albany has been doing engaging with the South End community and partnering to meet the needs of its residents.

We plan to continue our new virtual offerings even after COVID has receded sufficiently to allow for in-person experiences. We will, however, resume in-person offerings, including The Hudson River Trading Game, when public health considerations allow. We are requesting funding to fabricate new materials to transform the HRTG's 34-foot gameboard into a more portable format so that the game can be delivered at regional schools as an outreach program. This transformation will broaden our audience and ensure that even schools without funding for busing are able to benefit from the curricular enrichments that field trips and special programs provide.

Our request:

- ✓ \$1500 to deliver The Cherry Hill Case remote program to 20 schools
- ✓ \$1000 to fabricate a new gameboard for the Hudson River Trading Game.

Thank you so much for considering this request and for your generous support over the years.

Contact: Deborah Emmons-Andarawis, Executive Director, Historic Cherry Hill
deborah@historiccherryhill.org