



**ALBANY PORT DISTRICT COMMISSION
MEETING
JULY 27, 2022
Immediately following the Finance Committee Meeting**

AGENDA

- 1) Approval of Minutes from the June 27, 2022 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, DSI Skubon)**
 - 6) PLA Agreement (Resolution 28-2022)(Counsel Jordan)**
 - 7) McFarland Johnson Services (Resolution 29-2022)(CFO Stuto)**
 - 8) Chamber Dinner Sponsorship (Resolution 30-2022)**
 - 9) Other Business (Chairperson)**
 - 10) Enter Executive Session¹**
 - 11) Exit Executive Session**
 - 12) Next Meeting: Wednesday, August 31, 2022**
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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

JUNE 27, 2022

Counsel Jordan noted that pursuant to the Governor's Executive Order related to Open Meetings Law Commissioner Cinquanti, Tagliento and CEO Hendrick were attending the APDC Board meeting virtually. 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, SCM Yagan, Director of Security Williams, Deputy Director of Security Teller and Administrative Assistant DiLillo.

Chairperson Steffens introduced the minutes of the May 25, 2022 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 Abriel, and passed unanimously.

PUBLIC COMMENT

Each resident listed below spoke to the APDC Board about their perspective related to the Port Expansion Project.

Rachel Apunte - Glenmont resident
George Bercharlie - Glenmont resident
Mary Jane Brown - Glenmont resident
Lori Dempf - Glenmont resident
David Freedman - Glenmont resident
Nathaniel Gray - Glenmont resident
Paul Kinnier - Glenmont resident
Sergej Katko - Glenmont resident
Steven Konas - Glenmont resident
Amy Musiker - Glenmont resident
Amanda Rowlands - Glenmont resident
Angela Vanfonda - Glenmont resident

Mary Bercharlie - Glenmont resident
Edward Brown - Glenmont resident
Marina Burkle - Glenmont resident
Clara Dempf - Glenmont resident
Janine Goetz - Glenmont resident
Donna B. Heinrichs - Glenmont resident
Irene Katko - Glenmont resident
Susan Konas - Glenmont resident
Eamon Murphy - Glenmont resident
Steven Peterson - Glenmont resident
Lorraine Thompson - Glenmont resident
Joe P. - Glenmont resident

Christopher Dempf, a Glenmont resident and Counsel representing a group of Glenmont residents spoke to the Board. Mr. Dempf represents an Article 78 legal action against the Town of Bethlehem and Port of Albany regarding his and the group of residents' concerns related to the Port Expansion Project.

At the end of the public comment, Counsel Jordan responded, noting that since the Article 78 proceedings have started he would temper his comments.

FINANCIAL UPDATE

CFO Stuto reviewed the actuals for the Board through May 31, 2022 and the projected forecast through the end of the year. She reported that the overall revenue budget is on target through the end of May, primarily due to the timing and the update of the budget for the public/private partnership revenue. Projection in revenue at the end of the year is expected to be ahead of budget by \$500,000, which is consistent with last month's projection. Overall operating expenses are ahead of budget by \$550,000 compared to one million in April, primarily due to the public/private revenue. Year-end projection for overall expenses is expected to be the same. With an update on the expected depreciation and other expenses, the budget is behind through the end of May and expects to continue to be behind by \$250,000, which is primarily due to depreciation. With these changes, CFO Stuto expects to be ahead of budget by \$690,000 by the end of the year compared to \$463,000 projected last month.

CEO UPDATE

CEO Hendrick updated the Board on the following:

- CEO Hendrick along with Office Manager Stock, DSI Skubon, CCO Daly continue to meet with the Federal Marine Terminals marketing representatives. The group has been working on new lines of shipping between Eastport Maine and the Port of Albany, transporting wood pulp.
- CEO Hendrick attended two conferences last month, North Atlantic Ports Association and the AAPA.
- Docks have been installed at Jennings Landing for the summer season.
- Longshore hours are up slightly for the month of May keeping maritime activity strong.

REAL PROPERTY/DEVELOPMENT UPDATE

CCO Daly reported that Gilbane, the Port's Construction Manager at Risk, will be holding a contractor information meeting on July 7th at the Capital Center. The focus of this meeting is to inform and prepare trade contractors, including minority and woman owned companies. Advertisements have gone out to invite groups to attend this informational meeting in preparation for a wide range of potential bidders. There will also be a separate meeting at a later date which will focus on workforce development. CCO Daly also reported that Marmen's owner and HR team held a number of meetings in person last month with various community and regional

workforce development groups. The team continues to take these steps to be prepared for local hiring.

SCM Yagan reported that in the last four weeks the Port Team has been working on the process for setting the guaranteed maximum price, collaborating with key stakeholders and participating in breakout sessions, working on estimates and a layout of the milestone dates to produce a set schedule. Port Team is working towards creating an early procurement package, which will include items needed prior to the GMP while keeping in line with the project schedule. Port Team has been working alongside the owner's representative who is also developing their own estimate and schedule concurrently, so that all stakeholders are on a solid schedule. Port Team is expected to receive the GMP within the next seven weeks. In relation to the expansion site, the Town of Bethlehem has inspected along with third party inspections of the maintenance of the environmental and storm water controls.

AMENDMENT TO MCFARLAND-JOHNSON TOWER MFG. CONTRACT

CFO Stuto presented Resolution 23-2022 related to the contract with McFarland-Johnson to provide professional engineering services, architectural services and bid and construction administration services related to the project for the manufacturing facilities. During discussions with the project partners in relation to the proposed offshore wind tower manufacturing plant, it was determined that the production of transition pieces, in addition to the wind towers, would be beneficial to the project. This production of transition pieces required changes to the basis of design of the pre-engineered metal buildings, revised architectural detailing and redesigned structural elements along with reanalyzing transportation data and the requested changes to the traffic signal design. The Port staff recommended that the Board approve Change Order ECN-03 authorizing McFarland-Johnson to provide additional professional engineering services, architectural services and bid and construction administration services related to the project for the manufacturing facilities. Chairperson Steffens called for a motion to authorize the CEO to execute the necessary documents to process McFarland-Johnson Professional Engineering Services Change Order ECN-03 for an additional cost not to exceed \$85,895. A motion was made by Commissioner Coffey, seconded by Commissioner Abriel and passed unanimously.

AMENDMENT TO MCFARLAND-JOHNSON BEACON ISLAND CONTRACT

CFO Stuto presented Resolution 24-2022 related to the contract with McFarland-Johnson to provide supplemental engineering services for the Phase 1 Infrastructure Design and Permitting related to the expansion project. During discussions with the project partners in relation to the proposed offshore wind tower manufacturing plant, it was determined that the production of transition pieces in addition to the wind towers would be beneficial to the project. This production of transition pieces would lead to additional design and field services related to the civil design and approval process, updates to the Storm Water Pollution Prevention Plan and related inspections, additional National Grid licensing permits and further regulatory agencies permitting and project related meetings. The Port staff recommended that the Board approve Change Order ECN-02 authorizing McFarland-Johnson to provide additional engineering services for the Phase

1 Infrastructure Design and Permitting related to the expansion project. Some discussion took place. Chairperson Steffens called for a motion to authorize the CEO to execute the necessary documents to process McFarland-Johnson Engineering Services Change Order ECN-02 for an additional cost not to exceed \$190,050. A motion was made by Commissioner Coffey, seconded by Commissioner Tagliento and passed unanimously.

NYSDOT GRANT CONTRACT AUTHORIZATION

CFO Stuto presented Resolution 25-2022 relating to a NYSDOT Grant for the Maritime Freight Handling Expansion Project. She provided the Board with an overview of the project and budget details. Some discussion took place. Chairperson Steffens called for a motion to authorize the CEO to execute all necessary agreements, certifications or reimbursement requests for NYSDOT funding on behalf of the APDC with NYSDOT. A motion was made by Commissioner Coffey, seconded by Commissioner Abriel and passed unanimously.

LEASE AGREEMENT FOR 881 SOUTH PEARL STREET

DSI Skubon presented Resolution 26-2022 relating to a lease agreement for the use and occupancy of a parcel of land (7 acres) located at the Port District. He provided the Board with the details of the proposed lease agreement with Daroga Power, LLC. Chairperson Steffens called for a motion to authorize the CEO to execute any documents necessary, including the filing of a statutory 90-day statement, to affect the disposition of the parcel for the terms agreed upon at a lease rate of not less than the appraised value of the parcel. A motion was made by Commissioner Abriel, seconded by Commissioner Tagliento 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 Coffey, seconded by Commissioner Cinquanti and passed unanimously.

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

OTHER BUSINESS

Counsel Jordan provided the Board with an update on the PLA. He reported that he met with the Trades Council and both parties have proposed some minor language amendments to the agreement. The Trades Council anticipates receiving approval from their Board shortly.

CCO Daly thanked Office Manager Stock for her participation and support in submitting the NYSDOT grant application.

NEXT MEETING

Chairperson Steffens informed all those in attendance that the **next meeting of the APDC Board of Commissioners will be held on Wednesday, July 27, 2022 immediately following the Finance Committee Meeting at 12:00 noon.**

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

DRAFT

**RESOLUTION 28-2022
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, in furtherance of the APDC mission the APDC has embarked on the expansion of the Albany Port District in the Town of Bethlehem and a 14.5 site in the City of Albany with a proposed offshore wind tower manufacturing plant (the “Project”); and

WHEREAS, the Project is supported by the New York State Energy Research and Development Authority (“NYSERDA”) via a Public Private Partnership and NYSERDA encourages projects to make best faith efforts to consider a Project Labor Agreement (“PLA”); and

WHEREAS, New York State Labor Law §222 authorizes the use of a PLA which is a pre-hire collective bargaining agreement between a contractor and a bona fide building and construction trade labor organization establishing the labor organization as the collective bargaining representative for all persons who will perform work on a public work project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform project work; and

WHEREAS, the APDC contracted with Hill International to facilitate a Project Labor Agreement Feasibility Study (“PLA Study”) in order to evaluate the feasibility of utilizing a PLA for this project by assessing the economic, quantifiable and non-quantifiable benefits of a PLA for this Project; and

WHEREAS, the PLA Study conducted by Hill International undertook an analysis of the most up to date project scope of work, schedule and cost estimates and the labor and workforce considerations relevant to the Project and concluded that a PLA is feasible and could potentially be beneficial for the Project by creating uniformity in work rules and staffing requirements, uniformity in the settlement of any work disputes, a reliable source of skilled and experienced labor and obtaining the best work at the prevailing wages this Project has prescribed; and

WHEREAS, the PLA Study found that particularly due to this Project's aggressive schedule, a PLA could provide 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 and the utilization of Minority & Women-Owned Businesses and local residents.

WHEREAS, that the APDC accepted the findings of the draft Project Labor Agreement Feasibility Study and directed the Project Team to proceed with negotiations of a PLA for the Project, which includes the construction work associated with the Beacon Island Site, as well as the Port Expansion Site Preparation, and the construction associated with 700 Smith Boulevard in the City of Albany; and

WHEREAS, the Project Team has completed its negotiations, has presented a proposed PLA to the APDC Board for its review and recommends its adoption.

NOW, THEREFORE, BE IT RESOLVED, that the APDC approves the proposed the Project Labor Agreement regarding the construction work associated with the Beacon Island Site, including the Port Expansion Site Preparation, and the construction work associated with 700 Smith Boulevard in the City of Albany.

BE IT FURTHER RESOLVED, that the APDC authorizes the Chief Executive Officer to execute the proposed Project Labor Agreement, and to take any necessary actions to implement said Agreement to facilitate each portion of the Project.

Signed: _____
(Assistant) Secretary

Date of Authorization: July 27, 2022

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 29-2022
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, in furtherance of the APDC mission the APDC has embarked on the expansion of the Albany Port District in the Town of Bethlehem and a 14.5 site in the City of Albany with a proposed offshore wind tower manufacturing plant (the “Project); and

WHEREAS, the APDC has also pursued property investments and expansion in Rensselaer County that could further the APDC efforts to benefit the offshore wind development supply chain; and

WHEREAS, the Governor and the New York State Energy Research and Development Authority authorized the state’s offshore wind initiative and procurement opportunities for attracting offshore wind supply chain and energy development as part of the goal to develop 9,000 megawatts of offshore wind by 2035; and

WHEREAS, APDC is striving to maximize its competitive position, support offshore wind supply chain companies and investment opportunities and APDC is in a public private partnership agreement to develop the Marmen-Welcon Offshore Wind Tower Manufacturing facility at Beacon Island as well as planning for additional strategic offshore wind supply chain attraction opportunities; and

WHEREAS, the APDC conducted a lengthy development process for the Project performed by multiple professional service consultants including McFarland Johnson that have the history and experience with the APDC leadership team on the Project, site, permitting and development; and

WHEREAS, for consistency and integrity of services as it relates to the Project development and offshore wind supply chain endeavors, the APDC seeks to have professional services that assist when necessary to maintain consistency on the Project team and supply chain development opportunities; and

WHEREAS, under the APDC procurement requirements, professional services vendors must be selected based on variety of reasons including accountability, responsibility, skill, judgement and continuity of service; and

WHEREAS, McFarland-Johnson has demonstrated a high level of responsibility, skill and judgement in their ability to provide an excellent work product to the APDC regarding the Project and offshore wind supply chain developments; and

WHEREAS, in order for the APDC to maintain a continuity of service based on the current successful work and to maintain the necessary development schedule the APDC desires to retain McFarland Johnson to provide the necessary Advisory Services related to construction oversight of the Project and assistance with offshore wind supply chain developments.

NOW, THEREFORE, BE IT RESOLVED, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to enter into an Advisory Services Agreement with McFarland Johnson at a cost not to exceed \$75,600.

Signed: _____
(Assistant) Secretary

Date of Authorization: July 27, 2022

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 30-2022
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, 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 Capital Region Chamber (“Chamber”) has requested APDC sponsorship of the Chamber’s Annual Dinner to be held on September 29, 2022 (“Event”);

WHEREAS, the Chamber anticipates that over 1,000 attendees, comprised of business executives, community leaders and state and local officials, will attend the Event; and

WHEREAS, staff has determined that the Chamber’s request complies with the Policy.

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 Event at the Premier Sponsor Table level at a cost not to exceed \$3,800.

Signed: _____
(Assistant) Secretary

Date of Authorization: July 27, 2022

Prepared by:
Patrick K. Jordan, Esq.