



**ALBANY PORT DISTRICT COMMISSION  
MEETING  
NOVEMBER 28, 2022  
Immediately following the Governance Committee Meeting**

**AGENDA**

- 1) Approval of Minutes from the October 31, 2022 Commission meeting (Attached)
- 2) Public Comment
- 3) Governance Committee Update (by Comm. Tagliento)
- 4) Financial Update (by CFO Stuto)
- 5) CEO Update (by CEO Hendrick)
- 6) Real Property/Development Update (by CCO Daly, DSI Skubon, SCM Yagan)
- 7) 700 Smith Blvd. Demolition Contract (Resolution 40-2022) (Counsel Jordan)
- 8) Amendment to McFarland-Johnson Beacon Island Infrastructure Improvements Contract (Resolution 41-2022)(by CFO Stuto)
- 9) Amendment to McFarland-Johnson Tower Mfg. Contract (Resolution 42-2022) (by CFO Stuto)
- 10) Professional Eng./Consulting Services - LaBella Associates (Resolution 43-2022) (by SCM Yagan)
- 11) Early Works Package Contract for 700 Smith Blvd. (Resolution 44-2022)(by SCM Yagan)

**12) Other Business (by Chairperson)**

**13) Enter Executive Session<sup>1</sup>**

**14) Exit Executive Session**

**15) Next Meeting: December 21, 2022**

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<sup>1</sup> 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**  
**OCTOBER 31, 2022**

Chairperson Steffens called the meeting to order. In attendance were Commissioners Abriel, Cinquanti and Tagliento. Also present were CEO Hendrick, General Counsel Jordan, CCO Daly, CFO Stuto, DSI Skubon, SCM Yagan, Director of Security Williams and Administrative Assistant DiLillo.

Chairperson Steffens introduced the minutes of the September 28, 2022 Board meeting and the October 11, 2022 Special Board 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**

William Hennigan of Glenmont spoke to the APDC Board about his perspective related to the 80-acre site and the Port Expansion Project.

**FINANCIAL UPDATE**

Chairperson Steffens reported that the Finance Committee met prior to the Board meeting where CFO Stuto reviewed the third quarter financials as well as presented and reviewed the amendments to the proposed 2023 Budget. The Finance Committee recommended the Board approve the amended proposed 2023 Budget as presented.

CFO Stuto reported that there was very little operating change from August to September as opposed to the expected variance. Revenue continues to be strong while holding down expenses. The largest fluctuation was in capital revenue, which is expected to move forward into the next quarter. The updated budget reflected two changes, an increase in revenue and a decrease in salaries and fringe benefits.

**2023 PROPOSED BUDGET**

Chairperson Steffens presented Resolution 38-2022 regarding the 2023 Budget, noting that the Finance Committee met earlier and recommended that the Board approve the amended

proposed 2023 Budget as presented. Chairperson Steffens called for a motion to approve the 2023 Budget as amended. A motion was made by Commissioner Cinquanti, seconded by Commissioner Abriel and passed unanimously.

### **CEO UPDATE**

CEO Hendrick updated the Board on the following:

- Port team continues to meet with project partners related to the offshore wind project as well as meeting with new potential tenants. Staff has been working diligently to bring new business into the Port.
- While attending the American Association of Port Authorities (AAPA) annual convention, Sean Strawbridge was elected as the new Chairman of the Board of Directors. The AAPA Board agreed to form a new committee related to grant opportunities for port authorities which CCO Megan Daly will be a committee member of representing the North Atlantic ports. The AAPA Board also launched a new committee called Port Opportunities with Energy, Resilience and Sustainability (POWERS), which relates to working with new energy projects.

### **REAL PROPERTY/DEVELOPMENT UPDATE**

CCO Daly provided the Board with an update on the Port Expansion Project reporting that the Port team has had several meetings with the project partners, discussing different aspects of the project while working to move it forward. DSI Skubon has been fielding inquiries related to NYSERDA's third round of procurement for offshore wind projects, which are due in January 2023. There has been a great deal of interest from the community for potential development within the Port related to supply chain, investment and workforce opportunities. The Port team participated in meetings with the South End Community Collaborative, the South End Improvement Corporation, A-Village and various other organizations to provide updates and clarification on the Port Expansion Project. Each group shared the work they were doing related to workforce development and local employment opportunities and pursuing potential wrap around services that could be associated with those jobs.

SCM Yagan reported that the Army Corp of Engineers is proceeding as lead agency for the NEPA review. They have facilitated ongoing coordination with NOAA on the biological assessment. The EPA has accepted the site selection but has requested additional on-site layout justification and additional information on the wetland mitigation proposal.

The NYS Department of Environmental Conservation (NYSDEC) issued with condition a SPEDES General Permit for stormwater discharges from construction activity. NYSDEC also approved the Landfill Reclamation Plan. The NYS Department of Health (NHSDOH) approved the revised proposal for the Community Air Monitoring Plan (CAMP). The monitoring equipment is on site and will be operational a few days prior to any construction activity.

Port staff is preparing the award recommendation for the contract for the 700 Smith Blvd. site. All trade packages bid openings are complete and negotiations are currently taking place. The Project Team is expecting to receive a revised GMP submission, which will include a milestone schedule for the project. The Construction Manager at Risk contract is in the final execution phase.

Construction activity remains on hold pending required permits. Port staff holds regular coordination meetings with project partners on scheduling, permitting, estimate reviews, bid progress and equipment and continuously uploads material such as applications, design documents and permits to the Port's dedicated website page. The project team has also developed a construction update newsletter for public access. The newsletter will provide current and anticipated construction activity and any traffic impacts as well as link to a report developed by NYSDOH that will provide CAMP data.

Chairperson Steffens asked for an update on the Tiger Grant. CCO Daly provided the Board an update on the next phase of work, which will include terminal roadway improvements and upgrades to Shed 1.

### **SPECIAL BOND & PROJECT FINANCING COUNSEL SERVICES**

CFO Stuto presented Resolution 39-2022 regarding Special Counsel / Bond and Project Financing Counsel Services. In July 2020 the Board authorized the retention of Hodgson Russ, LLP to provide Special Counsel / Bond and Project Financing Counsel Services related to the expansion project. She stated that Hodgson Russ has proved to be a vital member of the Port's team in dealing with various aspects of the expansion project and that the APDC requires the firm's expertise and assistance to continue work on the APDC's behalf with the next phase of the project. Chairperson Steffens called for a motion to authorize the continued retention of Hodgson Russ, LLP to provide Special Counsel / Bond and Project Financing Counsel Services at a cost not to exceed \$250,000. A motion was made by Commissioner Abriel, seconded by Commissioner Tagliento and passed unanimously.

### **EXECUTIVE SESSION**

Chairperson Steffens called for a motion to enter Executive Session for a discussion regarding the proposed acquisition, sale or lease of real property. 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.

### **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 Monday, November 28, 2022 immediately following the Governance Committee meeting held at 12:00 noon.**

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

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**ALBANY PORT DISTRICT COMMISSION**  
**2022 Forecast - Actual Results through October 31, 2022**

	October 2022	Year to Date Oct-22	Year to Date Budget Oct-22	Actual to Budget Variance YTD	Forecast Nov - Dec 2022	Forecast 2022	Budget 2022	Forecast to Budget Variance
<b>Operating Revenue:</b>								
Rental Income	314,065	3,095,564	3,029,248	66,316	628,130	3,723,695	3,635,098	88,597
Dockage Fees	12,528	400,326	331,667	68,660	50,000	450,326	398,000	52,326
Wharfage Fees:	14,163	331,258	355,833	(24,575)	50,000	381,258	427,000	(45,742)
Buckeye Revenue	-	100,000	100,000	-	50,000	150,000	150,000	-
Stevedore Fees and Services	71,705	404,750	358,333	46,416	85,832	490,582	430,000	60,582
Crane Equipment Rental	15,960	248,220	208,333	39,887	30,000	278,220	250,000	28,220
Security Fees	28,430	409,810	308,333	101,477	60,000	469,810	370,000	99,810
Public Private Partnership Revenue	363,839	2,851,782	3,700,000	(848,218)	3,003,283	5,855,065	5,750,932	104,133
Other Services and Revenue	1,509	8,821	8,333	488	3,019	11,840	10,000	1,840
<b>Total Operating Revenue</b>	<b>822,200</b>	<b>7,850,532</b>	<b>8,400,082</b>	<b>(549,550)</b>	<b>3,960,264</b>	<b>11,810,796</b>	<b>11,421,030</b>	<b>389,766</b>
<b>Operating Expenses:</b>								
Payroll, Payroll Taxes and Fringe Benefits	198,486	2,367,389	2,507,306	(139,916)	368,117	2,735,506	2,790,230	(54,724)
Other Post Retirement Benefit Expense	-	-	-	-	100,000	100,000	100,000	-
Repairs, Maintenance and Utilities	32,448	378,878	268,750	110,128	54,997	433,875	322,500	111,375
Crane Parts and Repairs	1,064	70,195	58,333	11,862	28,000	98,195	70,000	28,195
Insurance	23,618	234,361	220,833	13,528	47,235	281,596	265,000	16,596
Professional and Consulting Fees	12,199	208,827	209,167	(340)	92,801	301,628	251,000	50,628
Service Contracts	16,355	180,449	154,167	26,282	32,710	213,159	185,000	28,159
Security and Safety Costs	16,586	100,687	117,917	(17,230)	41,726	142,413	141,500	913
Education and Training	-	430	25,000	(24,570)	10,000	10,430	30,000	(19,570)
Office Supplies and Expense	6,742	32,694	43,333	(10,640)	10,279	42,972	52,000	(9,028)
Advertising, Promotion and Association Dues	3,785	74,033	183,333	(109,300)	98,390	172,423	220,000	(47,577)
Development Expense Empire Wind Project	332,839	2,588,266	3,500,000	(911,734)	2,802,666	5,390,932	5,390,932	-
Contingency	-	-	-	-	-	-	180,000	(180,000)
<b>Total Operating Expense</b>	<b>644,122</b>	<b>6,236,209</b>	<b>7,288,139</b>	<b>(1,051,930)</b>	<b>3,686,921</b>	<b>9,923,129</b>	<b>9,998,162</b>	<b>(75,033)</b>
<b>Operating Income (Expense) before other items</b>	<b>178,078</b>	<b>1,614,323</b>	<b>1,111,943</b>	<b>502,380</b>	<b>273,344</b>	<b>1,887,667</b>	<b>1,422,868</b>	<b>464,799</b>
<b>Depreciation and Other (Income) Expenses:</b>								
Depreciation Expense	222,858	2,207,850	2,916,667	(708,817)	445,715	2,653,565	3,500,000	(846,435)
Interest Income	(587)	(5,598)	(833)	(4,765)	(1,000)	(6,598)	(1,000)	(5,598)
Interest Expense	10,759	121,495	124,658	(3,163)	21,518	143,013	149,589	(6,576)
Waterfront Development	220	257,521	235,742	21,780	24,855	282,376	282,890	(514)
Municipal Support	-	12,642	141,667	(129,025)	105,786	118,428	170,000	(51,572)
(Gain)Loss on Asset	-	-	-	-	-	-	-	-
<b>Net Depreciation and Other (Income) Expenses</b>	<b>233,250</b>	<b>2,593,911</b>	<b>3,417,899</b>	<b>(823,989)</b>	<b>596,875</b>	<b>3,190,785</b>	<b>4,101,479</b>	<b>(910,694)</b>
<b>Change in Net Position Before Capital Funding</b>	<b>(55,172)</b>	<b>(979,587)</b>	<b>(2,305,956)</b>	<b>1,326,369</b>	<b>(323,531)</b>	<b>(1,303,118)</b>	<b>(2,678,611)</b>	<b>1,375,493</b>
Capital Grant Revenue	849,680	8,631,001	109,650,000	(101,018,999)	74,150,320	82,781,321	245,500,000	(162,718,679)
<b>Change in Net Position</b>	<b>794,508</b>	<b>7,651,414</b>	<b>107,344,044</b>	<b>(99,692,630)</b>	<b>73,826,789</b>	<b>81,478,203</b>	<b>242,821,389</b>	<b>(161,343,186)</b>

**RESOLUTION 40-2022  
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 undertaken the process of remediating the environmental condition of 700 Smith Blvd. in the Port of Albany in order for the APDC to utilize the parcel as a productive leasehold; and

**WHEREAS**, the APDC issued a Request for Proposals in August, 2022 for the 700 Smith Building Demolition Project (the "Project"); and

**WHEREAS**, three responses to the RFP were received on October 12, 2022 and reviewed to ensure compliance with the bidding specifications; and

**WHEREAS**, APDC staff and its engineering consultants recommend awarding the bid to the lowest qualified bidder, WPNT Construction, LLC, at a Project cost not to exceed \$292,890.

**NOW, THEREFORE, BE IT RESOLVED**, that the APDC awards the 700 Smith Building Demolition contract to WPNT Construction, LLC at a cost not to exceed \$292,890 and authorizes the Chief Executive Officer to execute the necessary documents to facilitate the contract.

Signed: \_\_\_\_\_  
Secretary

Date of Authorization: November 28, 2022

Prepared by:  
Patrick K. Jordan, Esq.



**RESOLUTION 41-2022  
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 acre site in the City of Albany with a proposed offshore wind tower manufacturing plant (the "Project"); and

**WHEREAS**, on March 24, 2021 the APDC Board authorized a contract with McFarland-Johnson, Inc. to provide Supplemental Engineering Services for the Phase 1 Infrastructure Design and Permitting related to the Project ("Engineering Services"); and

**WHEREAS**, additional Town of Bethlehem, regulatory agencies and National Grid requirements lead to scope changes related to civil design, permitting and other miscellaneous services to the Project; and

**WHEREAS**, these scope changes lead to additional design and field services related to the civil design and approval process, changes to the soil management plan, additional soil sampling, landfill reclamation plan preparation, additional National Grid designs and permits, further regulatory agencies permitting and project related meetings.

**NOW, THEREFORE, BE IT RESOLVED**, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to process McFarland-Johnson Engineering Services Change Order ECN-03 for the Phase 1 Infrastructure Design and Permitting related to the Expansion Project at a cost not to exceed \$163,520.

Signed: \_\_\_\_\_  
(Assistant) Secretary

Date of Authorization: November 23, 2022

Prepared by:  
Patrick K. Jordan, Esq.

**RESOLUTION 42-2022  
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; 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 acre site in the City of Albany with a proposed offshore wind tower manufacturing plant (the "Project"); and

**WHEREAS**, on March 24, 2021 the APDC Board authorized a contract with McFarland-Johnson, Inc. to provide professional engineering and architectural services and bid and construction administration services related to the Project for the manufacturing facilities to be located at both the expansion site in the Town of Bethlehem and 700 Smith Boulevard in the City of Albany ("Engineering Services"); and

**WHEREAS**, the APDC and its Project partners previously determined that the production of transition pieces in addition to wind towers would be beneficial to the Project; and

**WHEREAS**, architectural and engineering changes to the buildings' designs were required in order to accommodate the transition pieces; and

**WHEREAS**, the additional scope of work related to the foundations, mechanical, electrical and plumbing, crane loads and blast booth changes to the basis of design of the buildings, contractor coordination, revised architectural detailing and redesigned structural elements.

**NOW, THEREFORE, BE IT RESOLVED**, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to process McFarland-Johnson Engineering Services Change Order ECN-04 at a cost not to exceed \$109,860.

Signed: \_\_\_\_\_  
(Assistant) Secretary

Date of Authorization: November 28, 2022

Prepared by:  
Patrick K. Jordan, Esq.

**RESOLUTION 43-2022  
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 acre site in the City of Albany with a proposed offshore wind tower manufacturing plant (the "Project"); and

**WHEREAS**, in March 2022 the APDC issued a Request for Proposals ("RFP") for Construction Owner's Representative Services that included inspection and monitoring services related to the Project, with the contract being awarded to the team of Hudson Meridian and LaBella Associates; and

**WHEREAS**, LaBella Associates has demonstrated a high level of skill and effectiveness in their ability to provide an excellent work product to the APDC for the Project; and

**WHEREAS**, the Project requires additional and more comprehensive inspection, monitoring and testing services, including an enhanced community air monitoring program, reclamation site soil testing and ground settlement monitoring (the "Services") based on supplementary requirements determined in cooperation with the New York State Department of Health and the New York State Department of Environmental Conservation; and

**WHEREAS**, in order for the APDC to maintain a continuity and integrity of services on the Project it is recommended that the APDC authorize the contract for these Services to LaBella Associates.

**NOW, THEREFORE, BE IT RESOLVED**, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to engage LaBella Associates for the additional Services at a cost not to exceed \$1,828,307.90.

Signed: \_\_\_\_\_  
(Assistant) Secretary

Date of Authorization: November 28, 2022

Prepared by:  
Patrick K. Jordan, Esq.

**RESOLUTION 44-2022  
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 acre site in the City of Albany with a proposed offshore wind tower manufacturing plant (the "Project"); and

**WHEREAS**, the portion of the Project that will be constructed in the City of Albany will consist of the manufacturing plant's shipping and receiving facility located at 700 Smith Blvd. including an approximately 20,000 square foot building and approximately 14 acre storage and handling yard; and

**WHEREAS**, the APDC issued a Request for Proposals in June 2022 for the preparation, development and construction of the site at 700 Smith Blvd; and

**WHEREAS**, five responses to the RFP were received on August 8, 2022 and reviewed by staff to ensure compliance with the bidding specifications; and

**WHEREAS**, the early works package identified as necessary to advance the site at 700 Smith Blvd. requires the contractor to develop, prepare and submit an Environmental Site Management Plan for consideration and agreement by NYS DEC and US EPA and other early and long lead work including ordering building steel, electric and other necessary site utility and infrastructure supplies requiring long lead surety ordering which was identified and included in the bid from Peter H. Maloy, Inc.; and

**WHEREAS**, this first phase of work is expected to require an extended duration and for the purpose of advancing the preparation and progress of the site as part of the existing pre-development agreement and funding, the APDC recommends that the APDC award the first phase of work of the 700 Smith Blvd development to James H. Maloy, Inc. at a cost not to exceed \$1,753,000.

**NOW, THEREFORE, BE IT RESOLVED**, that the APDC awards the early works package contract for 700 Smith Blvd. to James H. Maloy, Inc. at a cost not to exceed \$1,753,000 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.