



**ALBANY PORT DISTRICT COMMISSION
MEETING
FEBRUARY 28, 2023
12:00 noon**

AGENDA

- 1) **Approval of Minutes from the January 30, 2023 Commission meeting (attached)**
- 2) **Public Comment**
- 3) **Financial Update (by CFO Stuto)**
- 4) **CEO Update (by CEO Hendrick)**
- 5) **Real Property/Development Update (by CCO Daly, SCM Yagan)**
- 6) **Overhead Door and Security Gate Service Contract (Resolution 07-2023) (CFO Stuto)**
- 7) **Amendment to Expansion Site Preparation Contract (Resolution 08-2023) (CFO Stuto)**
- 8) **Capital Region Chamber Dinner Sponsorship (Resolution 09-2023) (Cnsl. Jordan)**
- 9) **Shed 1 Roof Repair (Resolution 10-2023) (CFO Stuto)**
- 10) **Shed 1 Electrical System Upgrades (Resolution 11-2023) (CFO Stuto)**
- 11) **Shed 1 Fire Sprinkler System Upgrades (Resolution 12-2023)(CFO Stuto)**
- 12) **Other Business (by Chairperson)**
- 13) **Enter Executive Session¹**

14) Exit Executive Session

15) Next Meeting: March 29, 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
JANUARY 30, 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, CCO Daly, 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 December 21, 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 Cinquanti, seconded by Commissioner Abriel, and passed unanimously.

PUBLIC COMMENT

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

Joanne Maier – Glenmont, NY
Chris Dempf – Glenmont, NY

GOVERNANCE COMMITTEE UPDATE

Counsel Jordan noted that the Governance Committee met prior to the regular meeting. He reported that the Board and APDC staff have returned the required Conflict of Interest Declarations and that the Committee was presented with the proposed 2023 Nomination of APDC Officers and the list of Annual APDC Policies as well a summary of the results of the Confidential Board Evaluations. After review and discussion, both the APDC Officers Nominations and the list of Annual Policies were voted on by the Committee and forward with the Committee's positive recommendation to the full Board for approval.

FINANCIAL UPDATE

CFO Stuto presented a preliminary update on the financials as of December 31, 2022. She noted that the annual audit with UHY has commenced. She reported that year to date the actual budget to variance for operating revenues fell short by \$2.1 million due to the Public/Private Partnership Revenue and the timing of the Project. The remainder of the revenues came in above budget by \$367,000. Operating expenses are under budget by \$3.156 million. Operating expenses excluding the Public/Private Partnership are under budget by \$109,000. Net depreciation and other expenses were under budget by \$1 million. Year to date change in net position is short of the budget by \$222 million, which factors in the capital grant revenue. CFO Stuto noted that there were no significant changes from what was projected last month for the end of the year.

CEO UPDATE

CEO Hendrick updated the Board on the following:

- CEO Hendrick and DEA Vavura met with Rensselaer Planning staff to discuss an upcoming public hearing pertaining to future traffic planning on Broadway and Riverside Avenue.
- CEO Hendrick and CCO Daly recently attended an AAPA Conference which highlighted port opportunities relating to energy resilience and sustainability.

REAL PROPERTY/DEVELOPMENT UPDATE

CCO Daly introduced Penelope Vavura, the new Director of External Affairs to the Board. DEA Vavura spoke to the Board sharing with them her main focus as she moves forward in her position at the Port.

SCM Yagan provided the Board with an update on the expansion project. He reported that the Army Corps of Engineers informed the Port that the responses given to the National Marine Fisheries related to the Project's mitigation plan have satisfied their original objections. The Port team received the preliminary jurisdictional determination from the Army Corps of Engineers identifying the boundaries of the wetlands, which enables the ACOE to move forward with drafting their findings statement, then ultimately issuing the Federal permits.

The ground water monitoring well baseline sampling report has been submitted to the Department of Environmental Conservation for review. The Port received confirmation from the DEC that the Project's water withdrawal activity is a non-permit requirement, providing that certain thresholds are not exceeded. Project partners are working together to respond to comments from DEC relating to the air state facilities permit and the wastewater treatment plant design for the SPEDES permit. The NYS Perm 42 permit has been approved for the construction entrance work.

The Project team is working through the release of recommendations to award on the various subcontracts for the early works package. Ground water monitoring wells have been installed. The surcharge of Building A is complete, and the subbase of Building B has been completed to an elevation of 19 feet. The installation of sedimentation basins 1, 2 and 3 are also complete.

Staff met recently with the Town of Bethlehem administration to discuss the progress of the Project as well as tour the site. The Port team continues to update the website, including CAMP statistics, which are shared with the Department of Health. SCM Yagan noted that he recently received confirmation that there have been no environmental exceedances on the Project site.

ELECTION OF OFFICERS FOR 2023

Counsel Jordan presented Resolution 01-2023 related to the election of the APDC Officers for 2023. He noted that the proposed slate of officers for 2023 was discussed at the Governance Committee meeting and that the Committee recommended that the Board approve the position of officers as presented. Chairperson Steffens called for a motion to approve Resolution 01-2023. A motion was made by Commissioner Coffey, seconded by Commissioner Abriel and passed unanimously.

MULTI-YEAR CONTRACT REVIEW

Counsel Jordan presented Resolution 02-2023 related to multi-year contracts. He reviewed the list of contracts with the Board. After some discussion, Chairperson Steffens called for a motion to approve Resolution 02-2023. A motion was made by Commissioner Abriel, seconded by Commissioner Tagliento and passed unanimously.

ANNUAL POLICY REVIEW

Counsel Jordan presented Resolution 03-2023 related to APDC policies requiring annual review by the Board under the NYS Public Authorities Law. He noted that the attached list of policies were reviewed with the Governance Committee and the Committee recommended that the Board approve the current APDC policies as presented. Chairperson Steffens called for a motion to approve Resolution 03-2023. A motion was made by Commissioner Cinquanti, seconded by Commissioner Abriel and passed unanimously.

SPONSORSHIP REQUEST FOR HUDSON RIVER TRADING GAME & NAVIGATING THE SEAS PROGRAM

Chairperson Steffens presented Resolution 04-2023 related to Historic Cherry Hill's request for sponsorship of the Hudson River Trading Game & Navigating the Seas Program (22/23SY). She noted that this request complies with the Port's Sponsorship Policy. Chairperson Steffens called for a motion to approve Resolution 04-2023. A motion was made by Commissioner Coffey, seconded by Commissioner Cinquanti and passed unanimously.

**AMENDMENT TO MCFARLAND JOHNSON BEACON ISLAND
INFRASTRUCTURE IMPROVEMENTS CONTRACT**

CFO Stuto presented Resolution 05-2023 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, it was determined that there would be additional scope of services needed associated with the permitting process. Port staff recommended that the Board approve the necessary changes related to the project. 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-04 for an additional cost not to exceed \$193,646. A motion was made by Commissioner Tagliento, seconded by Commissioner Cinquanti and passed unanimously.

AMENDMENT TO EXPANSION SITE PREPARATION CONTRACT

CFO Stuto presented Resolution 06-2023 related to the Port Expansion Site Preparation Project. During the course of the contracted work additional requirements arose causing scope changes to the project with both civil design and physical construction. After discussions and further review of the changes, Port staff recommended that the Board approve the necessary changes related to the Project. Chairperson Steffens called for a motion to authorize the CEO to execute the necessary documents to process Wm. J Keller & Sons Construction Corp. change orders for an additional cost not to exceed \$4,010,046. 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 current litigation and 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 Tuesday, February 28, 2023 at 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.

ALBANY PORT DISTRICT COMMISSION
Results Through January 31, 2023

	January 2023	Budget Jan-23	January Budget to Actual	Budget 2023
Operating Revenue:				
Rental Income	338,515	342,163	(3,648)	4,105,952
Dockage Fees	37,253	38,333	(1,080)	460,000
Wharfage Fees:	43,326	37,500	5,826	450,000
Buckeye Revenue	-	-	-	150,000
Stevedore Fees and Services	22,041	35,833	(13,792)	430,000
Crane Equipment Rental	11,445	24,167	(12,722)	290,000
Security Fees	27,428	37,500	(10,072)	450,000
Public Private Partnership Revenue	20,500	25,000	(4,500)	300,000
Other Services and Revenue	705	833	(128)	10,000
Total Operating Revenue	<u>501,213</u>	<u>541,330</u>	<u>(40,117)</u>	<u>6,645,952</u>
Operating Expenses:				
Payroll, Payroll Taxes and Fringe Benefits	389,097	397,686	8,589	2,972,228
Other Post Retirement Benefit Expense	-	-	-	100,000
Repairs, Maintenance and Utilities	17,583	29,708	12,125	356,500
Crane Parts and Repairs	-	7,500	7,500	90,000
Insurance	27,925	24,167	(3,758)	290,000
Professional and Consulting Fees	29,825	23,833	(5,992)	286,000
Service Contracts	9,372	18,333	8,961	220,000
Security and Safety Costs	1,306	12,875	11,569	154,500
Education and Training	-	2,500	2,500	30,000
Office Supplies and Expense	4,581	4,750	169	57,000
Advertising, Promotion and Association Dues	17,693	22,500	4,807	270,000
Development Expense Empire Wind Project				
Contingency	-	-	-	180,000
Total Operating Expense	<u>497,382</u>	<u>543,853</u>	<u>46,471</u>	<u>5,006,228</u>
Operating Income (Expense) before other items	3,831	(2,523)	6,354	1,639,724
Depreciation and Other (Income) Expenses:				
Depreciation Expense	223,878	230,000	6,122	2,760,000
Interest Income	408	751	342	9,007
Interest Expense	6,116	9,280	3,164	111,358
Waterfront Development	220	300	80	297,890
Municipal Support	-	-	-	170,000
(Gain)Loss on Asset	-	-	-	-
Net Depreciation and Other (Income) Expense	<u>230,622</u>	<u>240,330</u>	<u>9,708</u>	<u>3,348,255</u>
Change in Net Position Before Capital Funding	<u>(226,791)</u>	<u>(242,853)</u>	<u>16,062</u>	<u>(1,708,531)</u>
Capital Grant Revenue	7,200	-	177	210,975,000
Change in Net Position	<u>(219,591)</u>	<u>(242,853)</u>	<u>16,239</u>	<u>209,266,469</u>

**RESOLUTION 07-2023
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, section 5 subsection 6 of the APDC Enabling Legislation authorizes the APDC to "equip and maintain port facilities within...the district"; and

WHEREAS, the APDC issued an RFP dated January 9, 2023, soliciting bids to service APDC facilities by repairing and replacing as needed, necessary equipment, specifically, Overhead Doors and Port Entry Security Gate ("Equipment") and received two responses; and

WHEREAS, after a thorough review of the bids received APDC staff recommends utilizing All Type Professional Door Services Inc, the lowest qualified bidder, for the regular hourly labor rate of \$145/hour and the after-hours/emergency rate of \$217.50/hour with a 30% mark-up on cost.

NOW, THEREFORE, BE IT RESOLVED, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to award the Overhead Door and Security Gate Service Contract to All Type Professional Doors Services, Inc.

Signed: _____
(Assistant) Secretary

Date of Authorization: February 28, 2023

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 08-2023
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, on May 6, 2022, the APDC Board authorized a contract with Wm. J. Keller & Sons Construction Corp for Port Expansion Site Preparation – Including Grubbing, Surcharging, Earthwork and Clearing related to 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, during the course of the contracted work additional municipal, agency and utility infrastructure requirements and design changes arose causing scope changes to the Project with both civil design and physical construction repercussions; and

WHEREAS, these scope changes thereby caused the budgeted costs related to the Port Expansion Site Preparation to increase to account for these specific requirements associated with the changes needed in civil design and physical construction.

NOW, THEREFORE, BE IT RESOLVED, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to process Wm. J. Keller & Sons Construction Corp. Change Orders for Port Expansion Site Preparation at cost not to exceed \$2,321,219.83.

Signed: _____
(Assistant) Secretary

Date of Authorization: February 28, 2023

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 09-2023
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 Capital Region Chamber ("Chamber") has requested APDC sponsorship of the Chamber's Annual Dinner to be held on June 15, 2023 ("Event");

WHEREAS, the Chamber anticipates that over 1,000 attendees, comprised of business executives, civic 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: February 28, 2023

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 10-2023
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, section 5 subsection 6 of the APDC Enabling Legislation authorizes the APDC to "equip and maintain port facilities within...the district"; and

WHEREAS, the APDC is charged with maintaining all warehouses and sheds located within the maritime terminal, keeping them safe and secure; and

WHEREAS, the APDC issued an RFP dated January 13, 2023, soliciting bids for Shed 1 Roof Repairs and received four responses; and

WHEREAS, the Roof Repairs are partially funded through grants under the NYSDOT Passenger and Freight Rail Assistance Program and the USDOT Transportation Investment Generating Economic Recovery; and

WHEREAS, after a thorough review of the bids received APDC staff recommends utilizing Titan Roofing, a certified Minority Business Enterprise and the lowest qualified bidder, for roof repairs for Shed 1 at a cost not to exceed \$836,200.

NOW, THEREFORE, BE IT RESOLVED, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to award the Shed 1 Roof Repairs contract to Titan Roofing at the cost not to exceed \$836,200.

Signed: _____
(Assistant) Secretary

Date of Authorization: February 28, 2023

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 11-2023
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, section 5 subsection 6 of the APDC Enabling Legislation authorizes the APDC to "equip and maintain port facilities within...the district"; and

WHEREAS, the APDC is charged with maintaining all warehouses and sheds located within the maritime terminal, keeping them safe and secure; and

WHEREAS, the APDC issued an RFP dated January 17, 2023 soliciting bids for Electrical System Upgrades for Shed 1 and received four responses; and

WHEREAS, the Electrical System Upgrades are partially funded through grants under the NYSDOT Passenger and Freight Rail Assistance Program and the USDOT Transportation Investment Generating Economic Recovery; and

WHEREAS, after a thorough review of the bids received APDC staff recommends utilizing J. McBain Electric Company, Inc, a Woman-owned Business Enterprise and the lowest qualified bidder, for Electrical System Upgrades for Shed 1 at a cost not to exceed \$84,607.

NOW, THEREFORE, BE IT RESOLVED, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to award the Shed 1 Electrical System Upgrades contract to J. McBain Electric Company, Inc. at the cost not to exceed \$84,607.

Signed: _____
(Assistant) Secretary

Date of Authorization: February 28, 2023

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 12-2023
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, section 5 subsection 6 of the APDC Enabling Legislation authorizes the APDC to "equip and maintain port facilities within...the district"; and

WHEREAS, the APDC is charged with maintaining all warehouses and sheds located within the maritime terminal, keeping them safe and secure; and

WHEREAS, the APDC issued an RFP dated January 17, 2023 soliciting bids for Fire Sprinkler System Upgrades for Shed 1 and received three responses; and

WHEREAS, the Fire Sprinkler System Upgrades are partially funded through grants under the NYSDOT Passenger and Freight Rail Assistance Program and the USDOT Transportation Investment Generating Economic Recovery; and

WHEREAS, after a thorough review of the bids received APDC staff recommends utilizing RBM-Guardian Fire Protection, Inc., a Woman-owned Business Enterprise and the lowest qualified bidder, for the Fire Sprinkler System Upgrades for Shed 1 at a cost not to exceed \$ 255,746.

NOW, THEREFORE, BE IT RESOLVED, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to award the Shed 1 Fire Sprinkler System Upgrades contract to RBM-Guardian Fire Protection, Inc. at the cost not to exceed \$255,746.

Signed: _____
(Assistant) Secretary

Date of Authorization: February 28, 2023

Prepared by:
Patrick K. Jordan, Esq.