



ALBANY PORT DISTRICT COMMISSION MEETING OCTOBER 30, 2023

Immediately Following the Finance Committee Meeting

AGENDA

- 1) Approval of Minutes from the September 27, 2023 Commission meeting (attached)**
- 2) Public Comment**
- 3) Financial Update (by CFO Stuto)**
- 4) CEO Update (by CEO Hendrick)**
- 5) External Affairs and Communications update (by DEA Vavura)**
- 6) Real Property/Development Update (CCO Daly, SCM Yagan)**
- 7) Growth Strategy and Market Assessment Goals**
- 8) Proposed 2024 Budget (Resolution 40-2023)(CFO Stuto)**
- 9) Amendment to Terminal and Roadway Improvements Contract (Resolution 41-2023) (CFO Stuto)**
- 10) Government Relations & Representation Extension - Catalyst New York LLC (Resolution 42-2023) (CFO Stuto)**
- 11) Amendment to McFarland-Johnson Beacon Island Infrastructure Improvements Contract (Resolution 43-2023) (SCM Yagan)**
- 12) Other Business (by Chairperson)**
- 13) Enter Executive Session¹**
- 14) Exit Executive Session**
- 15) Next Meeting: November 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
September 27, 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, DSI Schneidawin, Director of Security Williams, and Administrative Assistant DiLillo.

Chairperson Steffens introduced the minutes of the August 28, 2023 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 Tagliento, seconded by Commissioner Abriel, and passed unanimously.

PUBLIC COMMENT

Rev. Kate Drefke, Chaplain for Albany Maritime Ministry

FINANCIAL UPDATE

Chairperson Steffens noted that the Finance Committee met earlier. Commissioner Coffey reported that the Finance Committee reviewed the financials year to date and identified and discussed any variances between the forecast and actual budget. CFO Stuto presented the Finance Committee with a detailed proposed 2024 budget. Questions relating to the budget were discussed for CFO Stuto to address prior to the Finance Committee meeting next month.

Chairperson Steffens congratulated the Port staff on the completion of the Shed 1 renovations. She noted that a ribbon cutting ceremony took place earlier in the day with Port staff, tenants, Mayor Kathy Sheehan, Assemblymember Pat Fahy and Janet Ho, NYSDOT Assistant Commissioner for Finance and Integrated Model Services.

CEO UPDATE

CEO Hendrick updated the Board on the following:

- CEO Hendrick recognized Port staff for all their hard work in getting the Shed 1 renovations completed. He mentioned that 90% of the work performed was by Woman-owned businesses, noting that Jessica Lansing worked diligently on making sure contractors met the 30% goal for MWBE.
- CEO Hendrick attended a meeting this month with the Sandy Hook Pilots Assoc.
- Logistec's business development team will be joining the Board and staff at the next Board meeting.
- Port Staff has met with Plug Power representatives on two separate occasions where they each had the opportunity to tour their facilities and discuss grant opportunities relating to infrastructure and equipment.
- There has been an increase in longshore hours this month.
- CEO Hendrick congratulated Dave Williams on his retirement.
- Cheryl Stock has been appointed as the new Security Director for the APDC.

EXTERNAL AFFAIRS AND COMMUNICATIONS UPDATE

DEA Vavura provided the Board with an overview of recent media coverage and potential future coverage related to the Expansion Project and terminal work. She noted that the Port staff recently hosted a security drill within the facility and arranged the ribboning cutting ceremony for the completion of Shed 1.

DEA Vavura reported that the Port team has been looking to expand education partnerships within Albany and Rensselaer counties. She noted that staff has hosted several onsite tours for Town of Bethlehem representatives and Albany County representatives.

REAL PROPERTY/DEVELOPMENT UPDATE

CCO Daly reported that the commerce staff has been working strategically reviewing the growth strategy and market assessment and budget goals. Staff has been looking at capital improvements that need to be made while exploring grant opportunities and business initiatives. Staff has been collaborating with CEG, Albany County and Port of Coeymans on a cumulative port economic evaluation related to the region's offshore wind initiatives.

SCM Yagan provided the Board with a report on the Expansion Project. He stated that the Wastewater Treatment Plant permit and the Air State Facilities permit have been received. The APDC has addressed DOT's comments related to its permitting package and are awaiting issuance of permits.

The Port team is working on finalizing the GMP amendment to the Contract Manager at Risk agreement and finalizing the timing for the Normanskill Street improvement scope of the project.

The contractor is continuing expansion site work, including laying out geo-fabric and geo-grid and distributing surcharge aggregates at Buildings A, B and D and into the storage yard portion of the site, which is approximately 90% complete. 75% of the whole site has been covered with material. The Port team obtained approval to begin infilling the temporary sediment basins. Stormwater system components are being installed. The Community Air Monitoring Program has been operational throughout the project's process and it has been reported that there has not been a single ash driven threshold exceedance to date. The Ground Water Monitoring Well Plan has also not shown any escalation of constituents.

SCM Yagan also reported that he had the opportunity to attend the OSW Port and Vessel Summit. He was able to meet with representatives from other ports as well as developers and vessel manufacturers. He noted that while attending the summit he recognized the degree to which the Port of Albany is at the forefront of the OSW manufacturing supply chain.

EXECUTIVE SESSION

There were no items for discussion in Executive Session.

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 Wednesday October 25, 2023 immediately following the Finance Committee meeting being held at noon.**

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

**RESOLUTION 40-2023
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, paragraph 4 of the APDC Enabling Legislation (“Legislation”) requires the APDC to “formulate and adopt a financial program”; and

WHEREAS, in accordance with the Public Authorities Accountability Act of 2005 (“PAAA”), the APDC is required to adopt the 2024 Budget no later than November 1, 2023; and

WHEREAS, the APDC Board of Commissioners has reviewed the proposed 2024 Budget.

NOW, THEREFORE, BE IT RESOLVED, that the APDC approves the 2024 APDC Budget.

Signed: _____
(Assistant) Secretary

Date of Authorization: October 30, 2023

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 41 -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 has embarked on a strategic infrastructure investment plan focusing on making marine terminal improvements and efficiencies; and

WHEREAS, the APDC was awarded funding under the United States Department of Transportation’s Transportation Investment Generating Economic Recovery (TIGER) program and the NYSDOT Passenger and Freight Rail Assistance Program (PFRAP) to assist in implementing the strategic infrastructure investment plan construction; and

WHEREAS, on April 26, 2023, the APDC Board authorized a contract with New Castle Paving, LLC for Terminal and Road Improvements; and

WHEREAS, during construction it was determined that additional work was necessary in order to have proper access to the railway siding adjacent to Shed 1. This additional scope of work includes the removal of two idle railroad tracks and the placement of a new track constructed at the required loading dock height.

NOW, THEREFORE, BE IT RESOLVED, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to process the New Castle Change Order for Terminal and Road Improvements at a cost not to exceed \$255,844.30. The new contract cost will be \$8,692,747.46.

Signed: _____
(Assistant) Secretary

Date of Authorization: October 30, 2023
Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 42-2023
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, the APDC utilizes services for Government Relations and Representation to assist with communications, strategic development, support and grant, funding or resource development from local, state and federal agencies; and

WHEREAS, on October 27, 2021 the APDC Board authorized a contract with Catalyst New York, LLC (“Catalyst”) for Government Relations and Representation for a term of two years with two one year options; and

WHEREAS, throughout the past two years Catalyst has maintained a high level of service and integrity representing the APDC on current critical projects and Port-related issues. Therefore, the APDC wishes to exercise its option to extend the contract with Catalyst for one additional year under the same contractual terms with a cost not to exceed \$5,000 per month.

NOW, THEREFORE, BE IT RESOLVED, that the APDC extends the Government Relations and Representation contract with Catalyst New York, LLC for an additional one year term at a cost not to exceed \$5,000 per month and authorizes the Chief Executive Officer to execute the necessary documents to facilitate the extension.

Signed: _____
Secretary

Date of Authorization: October 30, 2023

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 43-2023
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 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, the existing contracted services related to stormwater design, inspection services, power infrastructure and construction administration having defined quantities of meetings, hours or inspections that have been exhausted; and

WHEREAS, the APDC direction to redesign aspects of the site's power infrastructure (e.g., medium and high voltage componentry) will require additional design hours and coordination time with National Grid and the Project's contractors; and

WHEREAS, these duration and scope changes have led to proposed additional Engineering Services and subconsultant services for the power design changes, construction inspections and construction administration.

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-07 for the Phase 1 Infrastructure Design and Permitting related to the Expansion Project at a cost not to exceed \$118,600. The new contract cost will be \$3,104,138.

Signed _____
(Assistant) Secretary

Date of Authorization: October 30, 2023

Prepared by:
Patrick K. Jordan, Esq.