



**ALBANY PORT DISTRICT COMMISSION
MEETING
JANUARY 31, 2024
Immediately following the Governance Committee Meeting**

AGENDA

- 1) Approval of Minutes from the December 20, 2023 Commission meeting (attached)**
- 2) Public Comment**
- 3) Governance Committee Update**
- 4) Financial Update (by CFO Stuto)**
- 5) CEO Update (by CEO Hendrick)**
- 6) Real Property/Development Update (by CCO Daly, SCM Yagan)**
- 7) Election of 2024 APDC Officers (Resolution 1-2024) (Cnsl. Jordan)**
- 8) Annual Multi-Year Contract Review (Resolution 2-2024) (Cnsl. Jordan)**
- 9) Annual Policy Review (Resolution 3-2024) (Cnsl. Jordan)**
- 10) Gorman Bros. Lease Extension and Assignment (Resolution 4-2024)(Cnsl. Jordan)**
- 11) Riegel Rail Contract (Resolution 5-2024) (Cnsl. Jordan)**
- 12) Purchase of Equipment (Resolution 6-2024) (CFO Stuto)**
- 13) Other Business (by Chairperson)**
- 14) Enter Executive Session¹**

15) Exit Executive Session

16) Next Meeting: February 28, 2024

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
DECEMBER 20, 2023

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, SCM Yagan, DSI Schneidawin, Director of Security Stock and Administrative Assistant DiLillo.

Chairperson Steffens introduced the minutes of the November 29, 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 Abriel, seconded by Commissioner Tagliento, and passed unanimously.

PUBLIC COMMENT

There were no public comments.

AUDIT COMMITTEE UPDATE

Commissioner Cinquanti reported that the Audit Committee met with Alex Zhang, Jessica Blaha and Brian Kearns from UHY Advisors who presented the Committee with an overview of the 2023 audit plan. Commissioner Cinquanti noted that the Committee will meet again with UHY Advisors in March for the results of the Audit.

FINANCIAL UPDATE

Chairperson Steffens noted that the Finance Committee met prior to the Board meeting. CFO Stuto presented to the Board the financials through November 30, 2023. She reported that the budget to actual variance is an unfavorable \$315,000, which is an improvement from October. The projected year end variance has also improved from October, which is primarily due to dockage revenue, stevedore revenue and security fees. Operating expenses budget to actual and budget to forecast variances are consistent with October. Through the end of November, the operating income is at \$1.4 million and is forecasted to be \$1.3 million by the end of the year. Other income expenses is forecasted to come in under budget by \$240,000 at the end of the year. The Net Public/ Private Revenue and Expense and Capital Grant Revenue projections

are consistent with prior months. The change in net position forecast is \$10.06 million, which is a significant change in the budget, but is related to the project timing and funding.

CEO UPDATE

CEO Hendrick updated the Board on the following:

- Port staff participated in the Christmas at Sea program hosted by the Maritime Ministry.
- Maritime Ministry along with local clergy and Port staff held a memorial service commemorating the 20th anniversary of the Stellamare tragedy.
- Longshore hours have been strong this month due to two scrap ships requiring long labor intensive hours.
- Ardent Mills has begun making final upgrades to the offloading system that they are putting in place at the grain mill. They expect to have it completed soon.

REAL PROPERTY/DEVELOPMENT UPDATE

CCO Daly reported it has been a very busy month with meetings, presentations and tours. She noted that DEA Vavura along with Port staff met with regionwide BOCES Counselors. The Port also hosted a meeting with Questar BOCES District Superintendents, with NYSERDA and Historic Cherry Hill staff also participating.

CCO Daly stated that Logistec's Commercial Team will be attending next month's Board meeting to provide the Board with updates and future development.

SCM Yagan provided the Board with a report on the Expansion Project. He reported that the Port received the utility permit from DOT. The railroad crossing details have been finalized.

Work is continuing on the expansion site with a temporary security fence being installed. Approximately 95% of the surcharge distribution is complete, 90% of the storm water system installation is complete and the retaining wall installation is near completion. Test pits have been dug for a water tie-in off River Road. The Port team, with the assistance of Gilbane, continues to host site tours of the Expansion Project.

APPOINTMENT OF COMMITTEE MEMBERS

Chairperson Steffens presented Resolution 45-2023 related to the appointment of APDC Committee Members. She noted that the Governance Committee reviewed and discussed the proposed appointments. Chairperson Steffens called for a motion to approve Resolution 45-2023 as presented. A motion was made by Commissioner Abriel, seconded by Commissioner Cinquanti and passed unanimously.

CAPITAL REGION CHAMBER SPONSORSHIP

Chairperson Steffens presented Resolution 46-2023 related to the sponsorship of the Capital Region Chamber Dinner being held on March 14, 2024. She noted that this event is a great opportunity for networking and visibility for the Port and its staff. Chairperson Steffens called for a motion to authorize the CEO to pledge APDC sponsorship of the Capital Region Chamber Dinner at the Premier Sponsor Table level at a cost not to exceed \$3,900. A motion was made by Commissioner Tagliento, seconded by Commissioner Abriel and passed unanimously.

EMPLOYEE STANDARD WORKDAY

Counsel Jordan presented Resolution 47-2023 related to Employee Standard Workhours. He stated that NYS Retirement now requires all municipal agency partners, with their Board approval, to have on file the official work hours for each employee eligible for NYS retirement. Chairperson Steffens called for a motion to approve Resolution 47-2023. A motion was made by Commissioner Cinquanti, seconded by Commissioner Abriel and passed unanimously.

EXECUTIVE SESSION

Chairperson Steffens called for a motion to enter executive session to discuss the proposed acquisition, sale or lease of real property. A motion was made by Commissioner Cinquanti, seconded by Commissioner Abriel and passed unanimously.

No action was taken during executive session.

OTHER BUSINESS

Counsel Jordan provided the Board with an update on the Article 78 proceedings related to the Expansion Project. He noted that two of the actions have been moved to Federal Court and that it would have no impact on moving forward with the construction at the Expansion Project site.

Counsel Jordan noted to the Board Members that within the next few weeks he will be emailing them the Board's performance evaluations and the conflict of interest declarations for review and completion.

NEXT MEETING

Chairperson Steffens informed all those in attendance that the **next meeting of the APDC Board of Commissioners will be Wednesday January 31, 2024 immediately following the Governance Committee meeting being 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.

**RESOLUTION 1-2024
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, Article II of the APDC bylaws provides for the election of APDC officers in accordance with APDC’s enabling legislation and Public Authorities Law; and

WHEREAS, the Members of the Commission desire to approve the Commissioners listed below as the officers of the APDC for 2024:

Chairperson:	_____
Treasurer:	_____
Secretary:	_____
Assistant Secretary:	_____

NOW, THEREFORE, BE IT RESOLVED, that effective immediately, the APDC elects the Commissioners identified above as the officers of the APDC.

Signed: _____
(Assistant) Secretary

Date of Authorization: January 31, 2024

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 2-2024
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, Section 2879 of the New York State Public Authorities Law requires procurement policies of state and local authorities to require annual board review of any contract involving services to be rendered over a period in excess of one year (the “Contracts”); and

WHEREAS, the Contracts requiring review are enumerated on Schedule A, which is attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the APDC has reviewed the Contracts enumerated on Schedule A.

Signed: _____
(Assistant) Secretary

Date of Authorization: January 31, 2024

Prepared by:
Patrick K. Jordan, Esq.

SCHEDULE A

APDC ANNUAL SERVICE CONTRACT REVIEW

Vendor Name	Service	Contract Start Date	Renewal Term	Contract Expiration Date
UHY Advisors	Audit Services	1/1/2021	4 one-year renewals	12/31/2025
Marshall & Sterling	Insurance Service Provider	2/1/2021	3 year term with 2 one-year renewals	1/31/2026
CDH	Accounting Software Maintenance Services	9/1/2021	10-year agreement	8/31/2031
Catalyst New York	Government Relations and Representation	11/1/2021	2-year term with 2 one-year renewals	10/31/2025
McFarland Johnson	Professional Engineering Services for Port Expansion Project	5/5/2021	No Renewal	
Moffatt Nichol	Professional Engineering Services for Port Expansion Project	5/15/2021	No Renewal	
All Type Professional Doors	Service Contract for Overhead Door Repairs	3/20/2023	2-year term with 2 one-year renewals	1/31/2027
McCarthy Tire	Tire Service Contract (Forklift)	4/11/2023	2-year term with 2 one-year renewals	1/31/2027
Intercity Tire	Tire Service Contract (Truck & Heavy Equip.)	4/4/2023	2-year term with 2 one-year renewals	1/31/2027
Alta	Equipment Parts Contract	11/9/2021	1-year term with 2 one-year renewals	12/31/2024
Taylor Northeast	Equipment Parts Contract	11/9/2021	1-year term with 2 one-year renewals	12/31/2024
Adnet	Information Technology Services	8/2/2023	3 year term	8/1/2026

**RESOLUTION 3-2024
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, Section 2824 of NYS Public Authorities Law requires board members of state and local authorities to adopt certain policies related to oversight of management and staff; and

WHEREAS, in accordance with the APDC Committee Charter, annual policy review and approval helps improve oversight, accountability and transparency at the Port, thereby strengthening public confidence in its operations; and

WHEREAS, the APDC Governance Committee has reviewed the APDC Policies enumerated on the attached Schedule A (“Existing Policies”) and recommends the continued approval of the Existing Policies.

NOW, THEREFORE, BE IT RESOLVED, that the APDC approves the Existing Policies enumerated on Schedule A.

Signed: _____
(Assistant) Secretary

Date of Authorization: January 31, 2024

Prepared by:
Patrick K. Jordan, Esq.

Resolution 3-2024

Annual Policy Review

Schedule A

Code of Ethics

Extension of Credit Prohibition

Indemnification

Personnel Handbook

Procurement

Prompt Payment

Property Acquisition

Property Disposition

Sexual Harassment

Whistleblower

**RESOLUTION 4-2024
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 leased approximately 3.19 acres to Gorman Brothers, Inc. (“Gorman Brothers”) since May 1, 1984, with the current lease expiring at the end of the current renewal period on April 30, 2024; and

WHEREAS, Gorman Brothers is in the process of selling and transferring its business assets located at the Port of Albany and has requested a one year extension of its lease, including an increased lease rate for the extension, to April 30, 2025; and

WHEREAS, Gorman Brothers has also requested to assign its rights, interest and obligations under the current lease and proposed one year extension to All States Construction, Inc.; and

WHEREAS, Gorman Brothers is current with lease payments and in compliance with all terms under its current lease with the APDC.

NOW, THEREFORE, BE IT RESOLVED, that the APDC authorizes the Chief Executive Officer to execute a one year extension of the current lease held by Gorman Brothers until April 30, 2025.

BE IT FURTHER RESOLVED, that the APDC authorizes the Chief Executive Officer to execute any documents necessary to effect the assignment of the lease held by Gorman Brothers to All States Construction, Inc.

Signed: _____
(Assistant) Secretary

Date of Authorization: January 31, 2024

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 5-2024
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, section 5 subsection 6 of the APDC Enabling Legislation authorizes the APDC to “acquire, lease, erect, construct, make, equip and maintain port facilities with or outside the district” and in furtherance of the APDC mission, the APDC has embarked on a strategic infrastructure investment plan endeavoring to increase maritime heavy lift and project cargo capacities at APDC’s facilities and 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 to assist in implementing the strategic infrastructure investment plan; and

WHEREAS, in conjunction with the Albany Port Railroad it has been determined that in order for the APDC and its tenants to import certain heavy weight and over-dimensional products the rail lines leading to the maritime terminal and adjacent to the Big Lift Warehouse must be reconstructed to support such commercial efforts; and

WHEREAS, the Albany Port Railroad utilizes WJ Riegel Rail Solutions, LLC (“Riegel Rail”) for all new construction, replacement and repair of the rail tracks throughout the Port District and because of its expertise, qualifications and prior experience and for the urgent services potentially needed and costs associated with utilizing service providers from outside the area the APDC considers Riegel Rail a single source for procurement;

WHEREAS, the APDC has received a proposal from Riegel Rail in the amount of \$595,152 for rail infrastructure improvements leading to the maritime terminal and Big Lift Warehouse to increase the operational capabilities of the APDC.

NOW, THEREFORE, BE IT RESOLVED, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to award the contract for rail infrastructure improvements to WJ Riegel Rail Solutions, LLC at a cost not to exceed \$595,152.

Signed: _____
(Assistant) Secretary

Date of Authorization: January 31, 2024

Prepared by:
Patrick K. Jordan, Esq.

**RESOLUTION 6-2024
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, item 6 of the APDC Enabling Legislation (“Legislation”) authorizes the APDC to “equip and maintain port facilities within...the district”; and

WHEREAS, the APDC needs to replace a 2017 Chevy Suburban due to the age of the vehicle and escalating mileage; and

WHEREAS, the 2017 Chevy Suburban was utilized by the Chief Executive Officer to perform daily Port operations and responsibilities, industry related travel and the facilitation of various tours within the Port District and region and a replacement is necessary; and

WHEREAS, NYE Automotive Group has available a 2023 Chevrolet Suburban (“New Equipment”) at a purchase price of \$ 50,617.50; and

WHEREAS, the New Equipment was selected through a competitive bidding process; and

WHEREAS, the 2024 APDC budget allocates an amount sufficient to fund this purchase.

NOW, THEREFORE BE IT RESOLVED, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to facilitate the purchase of the New Equipment at a cost of \$50,617.50 and any costs associated with the delivery, title and fees for the New Equipment.

Signed: _____
(Assistant) Secretary

Date of Authorization: January 31, 2024

Prepared by:
Patrick K. Jordan, Esq.

Ships & Barges Report

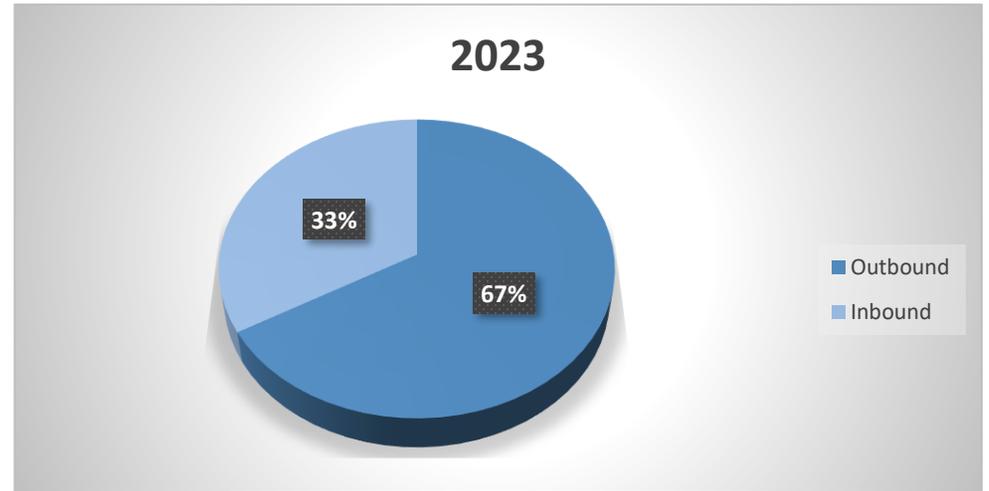
December-2023

Outbound	2022	2023	Change	Percentage
Heavy Lift/Project	0	0	0	0%
Barges-Heavy Lift/Project	0	1	1	100%
Scrap Iron	1	1	0	0%
Steel	0	0	0	0%
Totals	1	2	1	100%

Inbound	2022	2023	Change	Percentage
Heavy Lift/Project	0	0	0	0%
Barges-Heavy Lift/Project	0	0	0	0%
WHEAT	0	1	1	100%
Molasses/Fertilizer	0	0	0	0%
Steel	0	0	0	0%
Lumber	0	0	0	0%
Containerboard	0	0	0	0%
Woodpulp	2	0	-2	-100%
Totals	2	1	0	0%

Year to Date

Total	2022	2023	Change	Percentage
Heavy Lift/Project	13	17	4	31%
Barges-Heavy Lift/Project	9	3	-6	-67%
WHEAT	0	3	3	300%
Molasses/Fertilizer	0	0	0	0%
Scrap Iron	4	5	1	25%
Steel	4	0	-4	-100%
Lumber	0	0	0	0%
Containerboard	1	0	-1	-100%
Woodpulp	17	10	-7	-41%
Totals	48	38	-10	-21%



Ships & Barges

	2022	2023	Change	Percentage
Outbound	18	15	-3	-17%
Inbound	30	22	-8	-27%
Totals	48	37	-11	-43%

Lay Berth

	2022	2023	Change	Percentage
(barges/vessels) 2022	0	3	3	100%
(tugboats) 2022	0	4	4	100%
Change	3	4	1	33%
%	100%	100%	0%	0%

December-2023

Tonnage Report - Monthly

Outbound	2022	2023	Change	Percentage
Heavy Lift/Project	0	0	0	0%
Barges-Heavy Lift/Project	0	239	239	23900%
Scrap Iron	27035	25666	-1369	-5%
Steel	0	0	0	0%
Totals	27035	25905	-1130	-4%

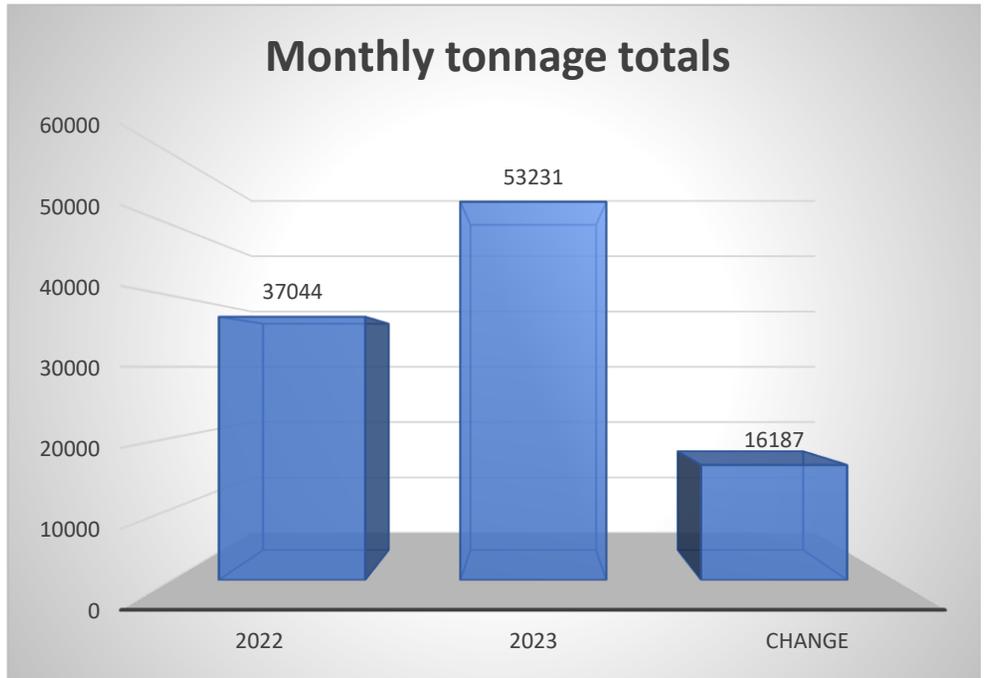
Inbound	2022	2023	Change	Percentage
Heavy Lift/Project	0	0	0	0%
Barges-Heavy Lift/Project	0	0	0	0%
WHEAT	0	27326	27326	2732600%
Molasses/Fertilizer	0	0	0	0%
Steel	0	0	0	0%
Lumber	0	0	0	0%
Containerboard	0	0	0	0%
Woodpulp	10009	0	-10009	-100%
Totals	10009	27326	17317	173%

December- 2022-2023 Totals

Total	2022	2023	Change	Percentage
Heavy Lift/Project	0	0	0	0%
Barges-Heavy Lift/Project	0	239	239	23900%
WHEAT	0	27326	27326	2732600%
Molasses/Fertilizer	0	0	0	0%
Scrap Iron	27035	25666	-1369	-5%
Steel	0	0	0	0%
Lumber	0	0	0	0%
Containerboard	0	0	0	0%
Woodpulp	10009	0	-10009	-100%
Totals	37044	53231	16187	44%

Tonnage Report Monthly

Total	2022	2023	Change	Percentage
Outbound	27035	25905	-1130	-4%
Inbound	10009	27326	17317	173%
Totals	37044	53231	16187	44%



December-2023

Tonnage Report - Year to Date

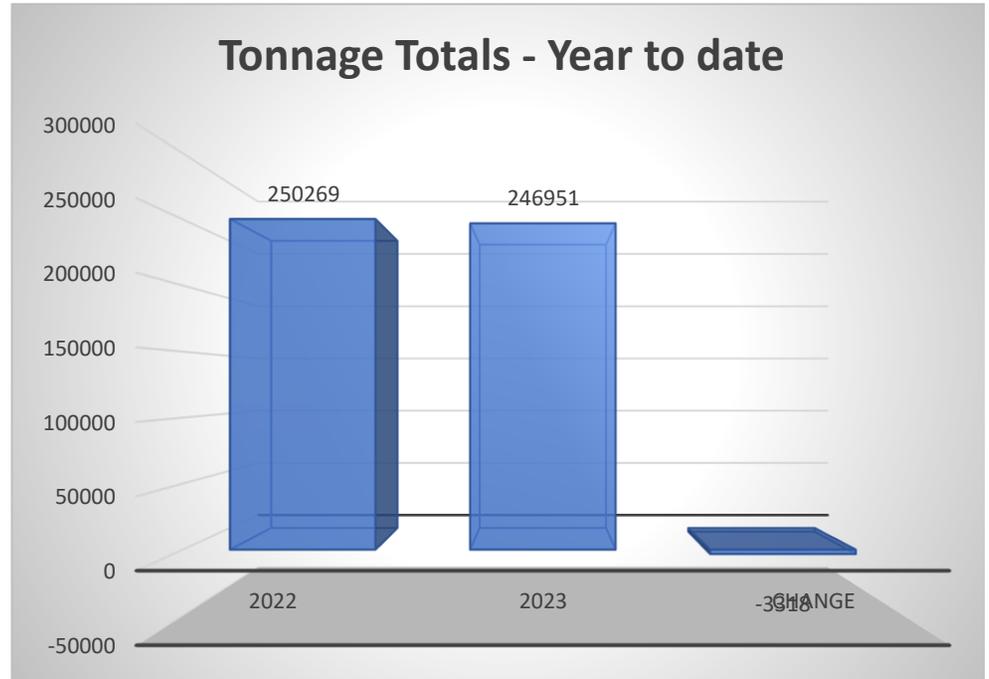
Outbound	2022	2023	Change	Percentage
Heavy Lift/Project	3172	5855	2683	85%
Barges-Heavy Lift/Project	1254	328	-926	-74%
Scrap Iron	120271	112225	-8046	-7%
Steel	0	0	0	0%
Totals	124697	118408	-6289	-5%

Inbound	2022	2023	Change	Percentage
Heavy Lift/Project	1700	3824	2124	125%
Barges-Heavy Lift/Project	4616	0	-4616	-100%
WHEAT	0	92684	92684	9268400%
Molasses/Fertilizer	0	0	0	0%
Steel	18616	0	-18616	-100%
Lumber	0	0	0	0%
Containerboard	2322	0	-2322	-100%
Woodpulp	98318	32035	-66283	-67%
Totals	125572	128543	2971	2%

Year to Date

Total	2022	2023	Change	Percentage
Heavy Lift/Project	4872	9679	4807	99%
Barges-Heavy Lift/Project	5870	328	-5542	-94%
WHEAT	0	92684	92684	9268400%
Molasses/Fertilizer	0	0	0	0%
Scrap Iron	120271	112225	-8046	-7%
Steel	18616	0	-18616	-100%
Lumber	0	0	0	0%
Containerboard	2322	0	-2322	-100%
Woodpulp	98318	32035	-66283	-67%
Totals	250269	246951	-3318	-1%

Tonnage Totals - Year to date



Tonnage Report Year to Date

Total	2022	2023	Change	Percentage
Outbound	124697	118408	-6289	-5%
Inbound	125572	128543	2971	2%
Totals	250269	246951	-3318	-1%

December 2023

LONGSHORE HOURS

2022-2023 Comparison

	2022	2023
January	3597.5	3079.5
February	4179.0	2067.5
March	8300.5	2484.0
April	4715.5	2065.0
May	3515.0	1790.5
June	4430.0	4147.0
July	4047.0	4231.5
August	4270.0	2215.0
September	4455.0	3554.0
October	2865.5	4447.5
November	1571.0	2891.0
December	4215.5	3261.5
Total:	50161.5	36234.0

2019-2020-2021-2022-2023 Comparison

	2019	2020	2021	2022	2023
January	1253.0	2709.5	7018.0	3597.5	3079.5
February	3589.0	3317.5	5363.0	4179.0	2067.5
March	2729.0	3214.0	3151.0	8300.5	2484.0
April	2541.0	2531.0	4781.0	4715.5	2065.0
May	3748.0	3280.0	3489.0	3515.0	1790.5
June	3470.0	2159.0	2755.5	4430.0	4147.0
July	2048.5	2504.5	2156.5	4047.0	4231.5
August	1205.0	2351.5	5191.5	4270.0	2215.0
September	2771.5	1870.0	2417.0	4455.0	3554.0
October	2163.0	2831.0	3174.0	2865.5	4447.5
November	1696.0	2775.5	1449.0	1571.0	2891.0
December	2850.5	2497.0	3973.5	4215.5	3261.5
Total:	30064.5	32040.5	44919.0	50161.5	36234.0

