



**ALBANY PORT DISTRICT COMMISSION**  
**MINUTES OF A REGULAR MEETING**  
**MAY 24, 2023**

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

Chairperson Steffens introduced the minutes of the April 26, 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. Lowell Chilton and Rev. Kate Drefke of the Albany Maritime Ministry introduced themselves to the Board and provided an overview of their roles within the Maritime Ministry and their vision for the Ministry moving forward.

**FINANCIAL UPDATE**

Commissioner Coffey noted that the Finance Committee met prior to the Board meeting. He reported that CFO Stuto presented and reviewed the first quarter financials and the budget goals for 2023. The Finance Committee approved the Finance Committee Charter and voted to approve the Investment Policy as presented, which will be forwarded to the Board for approval.

**INVESTMENT POLICY**

Chairperson Steffens presented Resolution 24-2023 related to the APDC Investment Policy. She reported that the Finance Committee reviewed the APDC Investment Policy and recommended that the Board approve the policy as presented. Chairperson Steffens called for a motion to approve the APDC Investment Policy as presented. A motion was made by Commissioner Tagliento, seconded by Commissioner Abriel and passed unanimously.

### **CEO UPDATE**

CEO Hendrick updated the Board on the following:

- Port staff has been working with Logistec representatives to secure new contract partners which will help to increase customer development opportunities within the Port facilities.
- Ardent Mills has recently been making upgrades to its facility which will allow them to accept additional shipments of grain in the future.
- Port Maintenance staff and Office Manager Cheryl Stock participated in the Dagan Truck Pull event raising over \$2,000 for Special Olympics from the Port team and nearly \$50,000 from the event overall.
- CCO Daly has been asked to present at the American Association of Port Authorities Conference in Boston, MA this July.

### **EXTERNAL AFFAIRS AND COMMUNICATIONS UPDATE**

DEA Vavura reviewed with the Board the analytics she provided relating to the Port's website. She also provided the Board with an overview of external communications, noting that working within the social media area there is a need to identify the audience, where they obtain their information and then continuously making those changes to keep it current. She provided updates on internal communication efforts which included staff meeting participation, weekly updates, obtaining staff feedback and the Port's connection with the Maritime Ministry.

DEA Vavura also reported on community outreach with various organizations. She also noted that the Port will be seeking a Communications Intern to join the Port team within the next few months for a summer opportunity.

Commissioner Coffey and Chairperson Steffens offered insights for obtaining additional information related to external communications and social media. They suggested researching how the Port compares industry wide, how many followers the Port has on the various social media platforms, how the Port can attract viewers to the webpage and how the Port can assist in marketing its tenants.

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

CCO Daly reported that the IRS has released guidance on the Inflation Reduction Act passed by Congress may have offshore wind impact incentives for developers, which could affect the Expansion Project. She said this is being reviewed currently. She also reported on the NYSEDA Round 3 procurement results expected in the new few months. Port staff will be revisiting the growth strategy and market assessment work that was created for the Port in 2016 and 2018, reflecting on what has been accomplished, where things stand now and what future work could be done. More is expected to be reported at the next Board meeting.

SCM Yagan provided the Board with a report on the Expansion Project. He reported that the Port received the acceptance from the NYSDEC related to the third good cause exception request. The NYSDEC Air State Facilities permit and the Wastewater Treatment Plant permit are currently

under review. The team continues to coordinate with DEC on the removal of contaminated soils. The Port team met with NYSDOT and property owners at the intersection of Route 144 (River Rd.) and Corning Hill Road to discuss design changes related to adjacent lots.

The Port team is working through contract negotiations for a revised CMR agreement which will include a reduced scope of work for this current phase. Site preparation is near complete. Surcharge volumes have been placed, with grading on the site being virtually completed. The site has been temporarily stabilized and the contractor has significantly scaled back their occupancy. Surcharge settlement is substantially complete across the footprints of Buildings A and B. The team has removed a significant amount of contaminated soil to date from the site, demonstrating a betterment of the conditions at the site. Port staff has brought several groups to the site for tours including Mayor Sheehan and City staff, Assembly Members, Equinor, Logistec and various community leaders. SCM Yagan noted that seeing the reflection of each person touring the site has been very rewarding. People have gotten a true sense of the undertaking and efforts taken to accomplish what has been constructed to date.

### **CYBERSECURITY UPDATE**

Counsel Jordan provided the Board with an update related to the Port's cybersecurity. He reported that the administration is very pleased with the IT services that Tech II has provided to date. The Port's IT infrastructure continues to receive thousands of attacks per month, however, the security software that has been installed has been able to combat these cyberattacks. The firewall, which has been enhanced within the last year, has been able to exclude multiple countries from inbound and outbound data access. All monitors, desktops, servers, and laptops continue to be upgraded with anti-virus protection. Since the upgrades, there has been no reported or detected malicious software infections in any equipment. Staff actively participates in training and awareness programs. The new server that the Board previously approved will be installed within the next month. Port staff has recently issued an RFP for Information Technology Services.

### **TUGBOAT ROUNDUP SPONSORSHIP**

Chairperson Steffens presented Resolution 25-2023 related to the sponsorship of the 2023 Tugboat Roundup Event. She noted that this request complies with the Port's Sponsorship Policy. Chairperson Steffens called for a motion to approve Resolution 25-2023 sponsoring the 2023 Tugboat Roundup Event in the amount of \$500. A motion was made by Commissioner Abriel, seconded by Commissioner Tagliento and passed unanimously.

### **CONVEYANCE OF NIAGARA MOHAWK POWER CORPORATION PROPERTY**

Counsel Jordan presented Resolution 26-2023 related to the conveyance of property from Niagara Mohawk Power Corporation. The APDC found it was necessary to acquire a .24 acre portion of land from Niagara Mohawk Power Corporation to enable the APDC to appropriate utilize the lands adjacent to Normanskill Street for Port infrastructure purposes. Chairperson Steffens called for a motion to approve Resolution 26-2023 authorizing the CEO to execute the necessary documents to facilitate the conveyance of property from Niagara Mohawk Power Corporation at a purchase

price of \$17,000 and any and all costs associated with the closing. A motion was made by Commissioner Abriel, seconded by Commissioner Tagliento and passed unanimously.

### **AMENDMENT TO EXPANSION SITE PREPARATION CONTRACT**

SCM Yagan presented Resolution 28-2023 relating to the Port Expansion Site Preparation Project. While excavating the Expansion Project site the contractor encountered soils that contained a pre-existing petroleum contamination deposit which were mandated to be removed by the New York State Department of Environmental Conservation and additional exploration was required to determine the limits of the contamination pursuant to law and best environmental practices, therefore causing the budgeted costs related to the Port Expansion Site Preparation to increase. Port staff recommended that the Board approve the required changes related to the scope of work. Chairperson Steffens called for a motion to authorize the CEO to execute the necessary documents to process Wm. J. Keller & Sons Construction Corp. Change Order for Port Expansion Site Preparation at a cost not to exceed \$231,380. A motion was made by Commissioner Coffey, seconded by Commissioner Abriel and passed unanimously.

### **AMENDMENT TO EXPANSION SITE PREPARATION CONTRACT**

SCM Yagan presented Resolution 28-2023 related to the contract with McFarland Johnson to provide supplemental engineering services for Phase 1 Infrastructure Design and Permitting related to the Expansion Project. After the original required three months of environmental monitoring, NYSDEC now requires additional subconsultant services for monitoring purposes under the groundwater monitoring well plan, and additional independent data validation services related to groundwater monitoring well sampling and reporting. Due to these additional requirements in the scope of work, the budget costs have increased. Port staff recommended that the Board approve the required changes related to the scope of work. 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-05 for an additional cost not to exceed \$123,700. A motion was made by Commissioner Coffey, seconded by Commissioner Abriel and passed unanimously.

### **EXECUTIVE SESSION**

There were no items for discussion for 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 held Wednesday, June 28th, 2023 at 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.