



**ALBANY PORT DISTRICT COMMISSION MEETING**  
**JUNE 28, 2023**  
**12:00 P.M.**

**AGENDA**

- 1) Approval of Minutes from the May 24, 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 (by CCO Daly, SCM Yagan)**
- 7) Shed 1 Floor Repairs Award (Resolution 29 -2023)**
- 8) Upgrades to Portable Radio System (Resolution 30 -2023)**
- 9) Amendment to McFarland-Johnson Beacon Island Infrastructure Improvements Contract ( (Resolution 31 -2023)**
- 10) Other Business (by Chairperson)**
- 11) Enter Executive Session<sup>1</sup>**
- 12) Exit Executive Session**
- 13) Next Meeting: July 26, 2023**

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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**  
**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 NYSERDA 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.

DRAFT

**RESOLUTION 29-2023  
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 May 22, 2023, soliciting bids for Shed 1 Floor Repairs and received four responses; and

**WHEREAS**, the Floor Repairs are partially funded through grants under the NYSDOT Passenger and Freight Rail Assistance Program and the TIGER Grant: and

**WHEREAS**, after a thorough review of the bids received APDC staff recommends utilizing Wm. J. Keller & Sons, the lowest qualified bidder, for floor repairs for Shed 1 at a cost not to exceed \$207,250 for the base bid and \$143,600 for the bid alternate.

**NOW, THEREFORE, BE IT RESOLVED**, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to award the Shed 1 Floor Repairs contract to Wm. J. Keller & Sons at the cost not to exceed \$207,250 for the base bid and \$143,600 for the bid alternate.

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

Date of Authorization: June 28, 2023

Prepared by:  
Patrick K. Jordan, Esq.

**RESOLUTION 30-2023  
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 of the APDC Enabling Legislation (“Legislation”) authorizes the APDC to “equip and maintain port facilities within...the district”; and

**WHEREAS**, the APDC currently owns Portable Radio Equipment that is used daily by security personnel within the APDC facility (“Facility”); and

**WHEREAS**, due to the age of the existing Portable Radio Equipment and the need to have the most current technology, APDC staff has determined that equipment upgrades are necessary to maintain the high level of safety and to avoid any service interruption within the Facility; and

**WHEREAS**, the New Portable Radio Equipment (“New Equipment”) was selected through a New York State contract competitive bidding process; and

**WHEREAS**, Motorola Solutions, Inc. has the necessary New Equipment to supply, install and upgrade the APDC radio communication system at a purchase price of \$23,448.55; and

**WHEREAS**, the 2023 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 not to exceed \$23,448.55 .

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

Date of Authorization: June 28, 2023

Prepared by:  
Patrick K. Jordan, Eq.

**RESOLUTION 31-2023  
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**, there have been changes in the Project civil design scope, additional work related to National Grid site improvements and additional New York State Department of Environmental Conservation requirements leading to an extended duration of the current environmental monitoring services and Project scope changes related to those monitoring services; and

**WHEREAS**, these scope changes have led to additional design and field services related to the civil design of the Project and ground water monitoring, additional subconsultant services for the monitoring services required under the groundwater monitoring well plan and for additional services and coordination meetings related to construction administration, agency permitting, and National Grid requirements related to the Project.

**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-06 for the Phase 1 Infrastructure Design and Permitting related to the Expansion Project at a cost not to exceed \$89,010. The new contract cost will be \$2,985,538.

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

Date of Authorization: June 28, 2023

Prepared by:  
Patrick K. Jordan, Esq.