



**ALBANY PORT DISTRICT COMMISSION MEETING  
JULY 19, 2023  
12:00 P.M.**

**AGENDA**

- 1) Approval of Minutes from the June 28, 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 (SCM Yagan)**
- 7) IT Managed Services Award (Resolution 32 -2023)**
- 8) Additional Project Management Services (Resolution 33 -2023)**
- 9) Westway Lease (Resolution 34-2023)**
- 10) Other Business (by Chairperson)**
- 11) Enter Executive Session<sup>1</sup>**
- 12) Exit Executive Session**
- 13) Next Meeting: August 23, 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**  
**June 28, 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 May 24, 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**

Willie White of Albany's South End community spoke to the APDC Board regarding Port traffic patterns and prospective job opportunities for the South End Community.

**FINANCIAL UPDATE**

CFO Stuto reviewed the actuals for the Board through May 31, 2023 and the projected forecast through the end of the year. She reported that revenue forecast has increased by \$37,000 from April and the forecasted budget variance has decreased by the same amount. Operating expense forecast has increased by \$18,000, due to an increase in crane repairs. Overall operating income forecast has increased by \$19,000. Forecast to budget is at an unfavorable variance of \$450,000. The overall operating income forecast is a positive \$1.19 million. Net depreciation and other expenses continues to trend under budget.

CFO Stuto noted that for internal reporting purposes the Public Private Partnership Revenue and the Empire Wind Expense has been moved to the Capital Funding portion of the financial statement. \$200 million has been budgeted for the Expansion Project but she expects to spend \$108 million due to the phasing of the Project. Capital Grant Revenue, which reflects the NYS DOT and TIGER funding for roadwork, terminal and shed repairs is expected to be on budget for this year. Net change in net position is forecasted to come in at \$9 million with a variance of \$200 million.

### **CEO UPDATE**

Chairperson Steffens acknowledged that CEO Hendrick has rolled-off as Chair of the North Atlantic Ports Association but will remain active and on the Board as past Chair. She also congratulated General Counsel Jordan on being elected Chair of the American Association of Port Authorities Legal Committee.

CEO Hendrick updated the Board on the following:

- CEO Hendrick noted that Director of Security Williams will be retiring from his position with the Port in late September.
- CEO Hendrick was invited to participate along with U.S. Education Secretary Miguel Cardona, U.S. Representative Paul Tonko, SUNY Chancellor John King, Jr. and NYS Commissioner of Labor Roberta Reardon on a round table discussion related to workforce development. The Congressman is coordinating another dignitary visit to the Port in July.
- CEO Hendrick recently attended the Green Marine Conference at which he accepted recertification on behalf of the Port. He noted that the Port of Albany was the only Port to represent New York State.
- Longshore hours continue to be lower than this time last year but are expected to increase within the next few months due to additional grain ships expected at the Port.
- Shed 1 roof repairs, fire suppression system and electrical system upgrades have been completed. 100% of the work completed on Shed 1 thus far has been performed by MWBE companies.
- CCO Daly has been confirmed as a speaker at the Offshore Wind Conference in Boston this July.
- CEO Hendrick has been asked to speak at the AAPA Annual Convention and Expo where he will be discussing the Difficulties of Major Projects and Permitting.

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

DEA Vavura provided the Board with an overview of current external communications, focusing on recent coverage and media clips related to the Expansion Project and terminal work. She noted that she is currently working on getting more business news out to the communities. DEA Vavura reported that CCO Daly spoke to the Mount Hope Neighborhood residents to discuss the Expansion Project, other Port business and to answer any questions they had.

DEA Vavura provided updates on internal communication efforts which included the staff convening to discuss the RFP process and collaborating on a new website design.

Chairperson Steffens noted that she and Counsel Jordan attended the open house related to the new planning and environmental study of Interstate 787 hosted by NYSDOT. NYSDOT staff and elected officials asked questions relating to the Port, recognizing the effect that the potential redevelopment of 787 could have on the Port.

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

SCM Yagan provided the Board with a report on the Expansion Project. He reported that DEC is in the 30-day public comment period for the Air State Facilities permit and the Wastewater Treatment Plant permit process. APDC is awaiting DOT's response relating to the APDC permit application package.

Contract negotiations for a revised CMR agreement are complete and the final execution of the contract is currently being processed.

Normanskill Street rail crossings are currently being redesigned. Site preparation work is complete. Surcharge volumes have been placed, with grading on the site complete. The site has been temporarily stabilized and the contractor has demobilized. A closeout walk thru was conducted recently and now staff is working on establishing the final closeout credits. Surcharge settlement is substantially complete across the footprints of Buildings A, B and D. Building C will also be completed soon, allowing the site to be pad ready for the next phase of work. The next contractors have mobilized on site to perform site ready work which includes distributing surcharge volumes across the site, installing limited utilities, lane widening work on River Road, connection and directional drilling for the municipal water line, installation of select components for the fire suppression system, laying out the geofabric and geogrid and spreading the surcharge aggregates. The team is also arranging the schedule to mobilize and install an access road to coordinate with the bridge work.

CCO Daly reported that the NYSERDA Round 3 procurement invited respondents to update their submissions by June 16. All submissions are in the review process. Final determination will be set at a later date.

CCO Daly provided the Board with an update on the terminal and roadway improvements and real estate developments within the Port facility.

CCO Daly discussed with the Board updates on moving forward with the growth strategy and market assessment work. She reported that the staff met collaboratively and reflected on what had been achieved, what had changed and the priorities moving ahead. She noted that the recommendation was to start with a Board strategy session that would ultimately include goals that would be recommendation driven by the Board. The Board suggested inviting Logistec to present to the Board in advance of this strategic work.

### **SHED 1 FLOOR REPAIRS AWARD**

CFO Stuto presented Resolution 29-2023 related to the Shed 1 Roof Repairs. The APDC issued an RFP to solicit bids for the roof repairs and received four responses. After thorough review of the bids received, APDC staff recommended that the Board award the contract to Wm. J. Keller & Sons at a cost not to exceed \$207,250 for the base bid and \$143,600 for the bid alternate. Chairperson Steffens called for a motion to authorize the CEO to execute the necessary documents to award the contract to Wm. J. Keller & Sons at a cost not to exceed \$207,250 for the base bid and \$143,600 for the bid alternate. A motion was made by Commissioner Coffey, seconded by Commissioner Abriel and passed unanimously.

**UPGRADES TO PORTABLE RADIO SYSTEM**

Chairperson Steffens presented Resolution 30-2023 related to Upgrades of the Portable Radio System. APDC staff determined equipment upgrades were necessary due to the age and condition of the existing portable radio equipment. The new portable radio equipment was selected through a New York State contract competitive bidding process. APDC staff selected Motorola Solutions, Inc. to supply, install and upgrade the APDC radio communication system. Chairperson Steffens called for a motion to authorize the CEO to execute the necessary documents to facilitate the purchase of the new equipment with Motorola Solutions, Inc. at a cost not to exceed \$23,448.55. A motion was made by Commissioner Abriel, seconded by Commissioner Tagliento and passed unanimously.

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

SCM Yagan presented Resolution 31-2023 related to the contract with McFarland Johnson to provide Supplemental Engineering Services for Phase 1 Infrastructure Design and Permitting related to the Expansion Project. During the Project development, there have been changes to the Project's civil design scope, additional work related to National Grid site improvements and additional NYSDEC requirements leading to an extended duration of the current environmental monitoring services. Due to these additional requirements and changes in the scope of services, the costs have increased. Therefore, APDC 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-06 for an additional cost not to exceed \$89,010. A motion was made by Commissioner Coffey, seconded by Commissioner Abriel and passed unanimously.

**EXECUTIVE SESSION**

Chairperson Steffens called for a motion to enter into Executive Session for the purpose of discussing matters leading to the appointment, employment, promotion demotion, discipline, suspension, dismissal or removal of a particular person or corporation. A motion was made by Commissioner Cinquanti, 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 Wednesday, July 19, 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.

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**ALBANY PORT DISTRICT COMMISSION**  
**2023 Forecast - Preliminary Results through June 30, 2023**

	June 2023	Year to Date Jun-23	Year to Date Budget Jun-23	Actual to Budget Variance YTD	Forecast July- Dec 2023	Forecast 2023	Budget 2023	Forecast to Budget Variance
<b>Operating Revenue:</b>								
Rental Income	343,604	2,049,897	2,052,976	(3,079)	2,085,708	4,135,605	4,105,952	29,653
Dockage Fees	21,466	108,727	230,000	(121,273)	200,000	308,727	460,000	(151,273)
Wharfage Fees:	38,581	129,009	225,000	(95,991)	180,000	309,009	450,000	(140,991)
Buckeye Revenue	-	50,000	50,000	-	100,000	150,000	150,000	-
Stevedore Fees and Services	28,997	228,562	215,000	13,562	217,753	446,315	430,000	16,315
Crane Equipment Rental	14,910	71,995	145,000	(73,005)	120,000	191,995	290,000	(98,005)
Security Fees	16,785	125,839	225,000	(99,161)	180,000	305,839	450,000	(144,161)
Public Private Administrative Revenue	34,460	136,500	150,000	(13,500)	204,000	340,500	300,000	40,500
Other Services and Revenue	975	4,592	5,000	(408)	5,223	9,815	10,000	(185)
<b>Total Operating Revenue</b>	<b>499,778</b>	<b>2,905,121</b>	<b>3,297,976</b>	<b>(392,855)</b>	<b>3,292,684</b>	<b>6,197,805</b>	<b>6,645,952</b>	<b>(448,147)</b>
<b>Operating Expenses:</b>								
Payroll, Payroll Taxes and Fringe Benefits	248,334	1,609,734	1,486,114	123,620	1,421,816	3,031,550	2,972,228	59,322
Other Post Retirement Benefit Expense	-	-	-	-	100,000	100,000	100,000	-
Repairs, Maintenance and Utilities	38,380	258,189	178,250	79,939	290,022	548,210	356,500	191,710
Crane Parts and Repairs	5,951	46,021	45,000	1,021	55,000	101,021	90,000	11,021
Insurance	30,135	176,987	145,000	31,987	168,000	344,987	290,000	54,987
Professional and Consulting Fees	6,324	113,244	143,000	(29,756)	81,500	194,744	286,000	(91,256)
Service Contracts	5,621	86,745	110,000	(23,255)	108,000	194,745	220,000	(25,255)
Security and Safety Costs	3,037	52,990	77,250	(24,260)	76,278	129,268	154,500	(25,232)
Education and Training	-	1,820	15,000	(13,180)	25,000	26,820	30,000	(3,180)
Office Supplies and Expense	3,405	18,002	28,500	(10,498)	36,084	54,086	57,000	(2,914)
Advertising, Promotion and Association Dues	11,919	64,240	135,000	(70,760)	205,336	269,576	270,000	(424)
Contingency	-	-	-	-	-	-	180,000	(180,000)
<b>Total Operating Expense</b>	<b>353,106</b>	<b>2,427,971</b>	<b>2,363,114</b>	<b>64,857</b>	<b>2,567,036</b>	<b>4,995,007</b>	<b>5,006,228</b>	<b>(11,221)</b>
<b>Operating Income (Expense) before other items</b>	<b>146,672</b>	<b>477,150</b>	<b>934,862</b>	<b>(457,712)</b>	<b>725,649</b>	<b>1,202,798</b>	<b>1,639,724</b>	<b>(436,926)</b>
<b>Depreciation and Other (Income) Expenses:</b>								
Depreciation Expense	222,000	1,331,357	1,380,000	(48,643)	1,332,000	2,663,357	2,760,000	(96,643)
Interest Income	(9,169)	(21,852)	4,504	(26,355)	(10,000)	(31,852)	9,007	(40,859)
Interest Expense	9,431	57,483	55,679	1,804	56,586	114,069	111,358	2,711
Waterfront Development	11,776	282,001	148,945	133,056	10,000	292,001	297,890	(5,889)
Municipal Support	-	32,830	85,000	(52,170)	46,000	78,830	170,000	(91,170)
(Gain)Loss on Asset	-	-	-	-	-	-	-	-
<b>Net Depreciation and Other (Income) Expenses</b>	<b>234,038</b>	<b>1,681,820</b>	<b>1,674,128</b>	<b>7,693</b>	<b>1,434,586</b>	<b>3,116,406</b>	<b>3,348,255</b>	<b>(231,849)</b>
<b>Change in Net Position Before Capital Funding</b>	<b>(87,366)</b>	<b>(1,204,670)</b>	<b>(739,266)</b>	<b>(465,405)</b>	<b>(708,938)</b>	<b>(1,913,608)</b>	<b>(1,708,531)</b>	<b>(205,077)</b>
Public Private Partnership Revenue	2,037,125	30,581,536	99,987,500	(69,405,964)	78,000,000	108,581,536	199,975,000	(91,393,464)
Capital Grant Revenue	1,472,169	1,490,633	5,500,000	(4,009,367)	9,500,000	10,990,633	11,000,000	(9,367)
<b>Grant and Private Partner Revenue</b>	<b>3,509,294</b>	<b>32,072,169</b>	<b>105,487,500</b>	<b>(73,415,331)</b>	<b>87,500,000</b>	<b>119,572,169</b>	<b>210,975,000</b>	<b>(91,402,831)</b>
Development Expense Empire Wind Project	(2,037,125)	(30,581,536)	-	(30,581,536)	(78,000,000)	(108,581,536)	-	(108,581,536)
<b>Change in Net Position</b>	<b>1,384,803</b>	<b>285,963</b>	<b>104,748,235</b>	<b>(104,462,272)</b>	<b>8,791,063</b>	<b>9,077,025</b>	<b>209,266,469</b>	<b>(200,189,444)</b>

**RESOLUTION 32-2023  
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, to achieve seamless, secure and up to date day-to-day operations, the APDC requires a firm to provide information technology services (collectively, the “Services”); and

**WHEREAS**, the APDC issued an RFP dated May 24, 2023, soliciting bids for IT Managed Services; and

**WHEREAS**, in response to the RFP, thirteen proposals were received and subsequently reviewed by a committee that included APDC management and APDC administrative team (“Review Team”) to evaluate the proposals and interview the shortlisted respondents based on the proposal’s services offered, experience, security and value of cost and the Review Team made final evaluation and recommendation to the Board of Commissioners (“Board”); and

**WHEREAS**, based on the responses and evaluation process, the Review Team determined ADNET/Tech II to be a qualified and responsible bidder and recommends that the Board award the contract for IT Managed Services to ADNET/ Tech II.

**NOW, THEREFORE, BE IT RESOLVED**, that the APDC authorizes the Chief Executive Officer to execute the documents necessary to award the IT Managed Services Contract to ADNET/ Tech II for a three year term with three one-year extension options at a cost not to exceed \$58,860 per year.

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

Date of Authorization: July 19,2023  
Prepared by: Patrick K. Jordan, Esq.

**RESOLUTION 33-2023  
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 is developing a “pad-ready” site for an offshore wind manufacturing development across a total of approximately 100 acres, including development within the Port District, with project partner Equinor Wind (the “Project”); and

**WHEREAS**, in July 2023 the APDC completed Site Preparation Contract Parts A and B with the support of several consultant teams and advanced to the “pad-ready” phase of construction and has restructured the construction management team to include additional Project Management Services related to the Project. Subsequently, the APDC single source solicited the professional services of LaBella Associates, PC (“LaBella”) due to their ability to provide a continuity of service, their extensive experience related to the project, established positive working relationships across the existing construction management team, as well as an intimate understanding of the needs of the APDC; and

**WHEREAS**, based on the proposal response from Labella, their previously established qualified and responsible firm determination by the APDC and the confidence of the APDC staff in their ability to serve as a specialist that will act on the APDC’s behalf in overseeing, coordinating, inspecting and tracking the Project from construction to completion and close-out (the “Services”), the APDC staff recommends that the Board award the contract for additional Project Management Services to Labella.

**NOW, THEREFORE, BE IT RESOLVED**, that the APDC authorizes the Chief Executive Officer to execute the necessary documents to award the contract for additional Project Management Services to LaBella at a cost not to exceed \$1,586,000.

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

Date of Authorization: July 19, 2023

Prepared by:  
Patrick K. Jordan, Esq.

**RESOLUTION 34-2023  
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 desires to enter into a lease agreement with Westway Feed Products, Inc. for the use and occupancy of certain parcels of land totaling 3.564 acres located in the Port District (the “Parcel”); and

**WHEREAS**, the Parcel carries an appraised value of \$22,252 annual rent per acre; and

**WHEREAS**, Westway Feed Products, Inc. has proposed leasing the Parcel for 10 years with two 5-year extension options to continue its current business operations located in the Port District, and to continue to provide a desired service to the local area.

**WHEREAS**, the lease rate shall be increased annually based on increases in the Consumer Price Index.

**NOW, THEREFORE, BE IT RESOLVED**, that the APDC concludes that its disposition of the Parcel to Westway Feed Products Inc. is in the best interests of the APDC and authorizes the Chief Executive Officer to execute any documents necessary, including the filing of a statutory 90-day statement, to affect the disposition of the Parcel for the terms described above at a lease rate of not less than the appraised value of the Parcel.

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

Date of Authorization: July 19,2023

Prepared by:  
Patrick K. Jordan, Esq.