



ALBANY PORT DISTRICT COMMISSION
MINUTES OF A REGULAR MEETING
NOVEMBER 28, 2022

Chairperson Steffens called the meeting to order. In attendance were Commissioners Cinquanti, Tagliento and Abriel. Also present were CEO Hendrick, General Counsel Jordan, CCO Daly, CFO Stuto, DSI Skubon, SCM Yagan, Director of Security Williams, Administrative Assistant DiLillo and Christian Soller from Hodgson Russ.

Chairperson Steffens introduced the minutes of the October 31, 2022 Board 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 Cinquanti, and passed unanimously.

PUBLIC COMMENT

William Hennigan of Glenmont spoke to the APDC Board about his perspective related to the Port Expansion Project.

GOVERNANCE COMMITTEE UPDATE

Chairperson Steffens reported that the Governance Committee met prior to the Board meeting where the Committee reviewed the Governance Committee Charter and concurred with the staff's recommendation that no changes were needed. The Committee was presented with a proposed schedule of the 2023 meeting dates for the Board and Committee meetings. The Committee approved the proposed schedule. The proposed 2023 APDC committees' membership was also presented to the Governance Committee for review. After some discussion, the Committee recommended that the Board approve the 2023 APDC committees' membership as presented. Chairperson Steffens noted that a resolution will to be presented to the Board for approval at the December Board meeting.

FINANCIAL UPDATE

CFO Stuto reviewed with the Board the financials through October 31, 2022. She reported that the revenue variance is behind by 6.5% due to the expansion project variance of \$800,000 which relates directly to the timing of the project. She noted that the revenue variance is off set by

the remaining revenue items that are ahead of budget. The overall operating expense variance is a positive 14.4%, primarily due to the development expense which is behind budget. Remaining expenses are under budget with the exception of repairs and maintenance, crane repairs, insurance and service contracts. Depreciation expense remains under budget by \$700,000. Capital and grant revenue is behind budget by \$101 million, due to the timing of the expansion project, which brings the overall change in net position to \$99.7 million behind budget.

CFO Stuto presented the forecasted budget variance as of October 31, 2022. She reported that the forecast variance for revenue has a slight decrease of \$152,000, which relates to wharfage and dockage. Total operating expenses are forecasted at an additional \$55,000 compared to what was projected in September. Net depreciation and other expenses have no significant forecasted change. Overall change in net position variance is forecasted to be \$200,000 higher than the September projection.

CEO UPDATE

CEO Hendrick updated the Board on the following:

- The Port received permits from New York State Department of Conservation relating to the expansion project.
- Staff continues to collaborate with engineers regarding remediation at 700 Smith Blvd.
- Ardent Mills, a Port tenant has received their board approval to build and utilize an on-dock import facility for grain. Port staff meet with Ardent Mills staff to discuss the project.
- Longshore hours for October have remained consistent with 2021.
- Port staff continues to meet with Federal Marine Terminals marketing representatives. Latest discussions have been related to shipping wood pulp and the possibility of moving the wood pulp shipments to Philadelphia.

REAL PROPERTY/DEVELOPMENT UPDATE

SCM Yagan provided the Board with an update on the expansion project. He reported that the Port team has ongoing coordination with NOAA on the biological assessment and ongoing coordination with the EPA on demonstrating the Least Environmentally Damaging Practicable Alternatives (LEDPA). The Army Corps of Engineers continues to proceed as lead agency for the NEPA review. A recent site visit from the EPA went very well.

Port Staff received NYSDEC's conditional approval to proceed with limited construction activities. NYSDEC Article 11 and Article 15 permits pertaining to the water and wharf were also received, as well as the SEQR findings statement.

Staff is reviewing the proposed scope of work for the Demolition contract for 700 Smith Blvd. The CMAR contract has been executed. The GMP amendment is in development with the attorneys and will follow the CMAR contract, based on concurrent agreement work with the three parties.

Construction activity on the expansion site has resumed. The contractor is working on the south entrance, site access roads and site grading in preparation for surcharging. Groundwater monitoring wells are being installed in accordance with NYSDEC requirements.

Port staff continues to hold regular coordination meetings with project partners and continuously uploads material to the Port's dedicated website page. The project team has developed a construction update newsletter for public access which provides current and anticipated construction activity and any traffic impacts. SCM Yagan also provided the Board an update on the Community Air Monitoring Plan (CAMP).

CCO Daly reported that Port staff has conducted meetings with multiple stakeholders, including Riverkeeper, Bethlehem Town Board members and various South End groups to provide updates on various aspects of the expansion project. The Port team was invited to participate in a stakeholder group public forum for green development opportunities in Albany County, highlighting the expansion project.

700 SMITH BLVD. DEMOLITION CONTRACT

Counsel Jordan presented Resolution 40-2022 for the demolition of two structures located at 700 Smith Blvd. The Port issued an RFP and received three responses. After thorough review, staff recommended awarding the contract to the lowest qualified bidder, WPNT Construction, LLC at a cost not to exceed \$292,890. Chairperson Steffens called for a motion to award the contract to WPNT Construction, LLC. at a cost not to exceed \$292,890. A motion was made by Commissioner Abriel, seconded by Commissioner Tagliento and passed unanimously.

AMENDMENT TO MCFARLAND JOHNSON BEACON ISLAND INFRASTRUCTURE IMPROVEMENTS

CFO Stuto presented Resolution 41-2022 related to the contract with McFarland Johnson to provide supplemental engineering services for the Phase 1 Infrastructure Design and Permitting related to the expansion project. During discussions with the project partners, it was determined that additional services were needed related to the civil design and approval process. The Port staff recommended that the Board approve the necessary changes related to the project. 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-03 for an additional cost not to exceed \$163,520. A motion was made by Commissioner Tagliento, seconded by Commissioner Abriel and passed unanimously.

AMENDMENT TO MCFARLAND JOHNSON TOWER MFG. CONTRCT

CFO Stuto presented Resolution 42-2022 related to the contract with McFarland Johnson to provide professional engineering services, architectural services and bid and construction administration services related to the project for the manufacturing facilities. During discussions with the project partners related to the proposed offshore wind tower manufacturing plant, it was determined that with owner requested changes of the pre-engineered metal building additional services were necessary related to the redesign of the foundation. Port staff

recommended that the Board approve Change Order ECN-04 authorizing McFarland Johnson to provide additional professional engineering and architectural services related to the project for the manufacturing facilities. 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-04 for an additional cost not to exceed \$109,860. A motion was made by Commissioner Cinquanti, seconded by Commissioner Abriel and passed unanimously.

PROFESSIONAL ENGINEERING/CONSULTING SERVICES

SCM Yagan presented Resolution 43-2022 for Professional Engineering and Consulting Services. In March of 2022 the APDC issued an RFP for Construction Owner's Representative Services that included inspection and monitoring services related to the expansion project. This contract was awarded to Hudson Meridian and LaBella Associates. During discussions on the project, it was determined that additional and more comprehensive inspection, monitoring and testing services were necessary. Port staff recommended that the Board approve the additional services necessary, engaging LaBella Associates to perform these services. Chairperson Steffens called for a motion to authorize the CEO to execute the necessary documents to engage LaBella Associates for the additional services at a cost not to exceed \$1,828,307.90. A motion was made by Commissioner Tagliento, seconded by Commissioner Abriel and passed unanimously.

EARLY WORKS PACKAGE CONTRACT FOR 700 SMITH BLVD.

SCM Yagan presented Resolution 44-2022 regarding the early works package contract for 700 Smith Blvd. The Port issued an RFP in June 2022 for the preparation, development and construction of the site at 700 Smith Blvd. Five responses were received and reviewed by staff. It was determined that the first phase of work is expected to require an extended duration, advanced preparation of the site and ordering supplies requiring long lead time which was identified and included in the bid of James H. Maloy, Inc. Therefore, the staff recommended that the Board award the early works package contract to James H. Maloy, Inc. at a cost not to exceed \$1,753,000. Chairperson Steffens called for a motion to award the early works package for 700 Smith Blvd. to James H. Maloy at a cost not to exceed \$1,753,000. 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 for discussions regarding proposed, pending or current litigation. 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 on Wednesday, December 21, 2022 immediately following the Audit Committee meeting 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 Tagliento and passed unanimously. The meeting was adjourned.