

OGDENSBURG BRIDGE & PORT AUTHORITY
BOARD MEETING
THURSDAY, APRIL 7, 2022

A meeting of the Board of Directors of the Ogdensburg Bridge and Port Authority was held in the Board Room of the Administration Building on Thursday, April 7, 2022 at 4:00 PM.

The following were present:

Vernon D. Burns, Chairperson (arrived at 4:12PM)
Megan J. M. Whitton, Vice-Chairperson
David D. King, Secretary
Jennifer Quirk-Pickman, Assistant Treasurer
Nicole Terminelli, Assistant Secretary

ALSO: Jennifer Granzow, Counsel
Steven J. Lawrence, Executive Director
Patricia A. Nisco, Chief Financial Officer
Stephanie L. Saracco, Airport Manager
Anthony Adamczyk, Director of Economic Development

ABSENT: Christopher B. T. Coffin, Treasurer
Toni Kennedy, Member

- I. Vice-Chair Whitton called the meeting to order at 4:06 PM.
- II. Letters and Communications to the Board. There were some news articles pertaining to the Authority.
- III. Approval of Board Minutes. On a motion by David D. King, seconded by Jennifer Quirk-Pickman, the minutes from the March 10 and March 31, 2022 meetings were approved by roll-call vote.

AYES: David D. King
Jennifer Quirk-Pickman
Nicole Terminelli
Megan J.M. Whitton

MOTION CARRIED

- IV. Reports

Presentation and Reports:

Facilities Chair David D. King stated that the Facilities Committee met and discussed the AEAS program. Chief Financial Officer Patricia A. Nisco gave a brief overview of the February financials. Accounts Payable is at \$456,000. \$150,000 has been paid against the amount owed to NYSLRS. The Bridge Traffic, Airport Activity/Occupancy, Building Occupancy, and Port Activity reports were discussed briefly. Executive Director Steven J. Lawrence noted that there was a big change in Bridge traffic in the first week of the new border requirements. There was \$21,000 in revenue, while the same week in 2019 saw \$28,000 in revenue. Board Chair Vernon D. Burns asked if the budget was assuming 60% of 2019 traffic. Executive Director Steven J. Lawrence confirmed that this was correct. Two wind turbine projects will be coming to the Port this year, with the first ship arriving on April 23, 2022.

V. Unfinished Business.
There was none.

VI. Business Items.

A. General Administration

1. Approval of Purchase of a John Deere Zero-Lawn Mower. The Authority's two John Deere lawn tractors are over eleven years old and have been used daily by the grounds crew during the grass cutting season. Staff has obtained a quote under NYS Landscaping Grounds Contract PC68131 for the purchase of a zero-turn lawn mower. Cazenovia Equipment of Canton NY submitted a quote of \$7,906.99 for the purchase of a John Deere ZG332LP-72 Gasoline Zero-Turn Mower. Based on staff review, it is recommended that the Authority purchase the John Deere ZG332LP-72 Gasoline Zero-Turn Mower for the cost of \$7,906.99.

Sale of Surplus Property. On a motion by Jennifer Quirk-Pickman, seconded by David D. King it was,

RESOLVED, that the Executive Director is hereby authorized and directed to purchase a new John Deere ZD331LP-72 Diesel Zero-Turn Mower from Cazenovia Equipment of Canton NY for a total cost not to exceed \$7,906.99.

A vote was called.

AYES: Jennifer Quirk-Pickman
Vernon D. Burns
Nicole Terminelli
Megan J. M. Whitton
David D. King

MOTION CARRIED

2. Approval of HVAC Annual Maintenance Contract with Trane. Trane has provided preventative maintenance services for the Ogdensburg Border Station HVAC system and was selected based on New York State Contract pricing (OGS Contract #PT68873). Trane has submitted a new Service agreement for the period April 1, 2022, through March 31, 2023, for the amount of \$9,034.00, less a 3 percent discount if advanced payment is received. This 2022-2023 service agreement amount is 5.5% above the 2021-2022 agreement. Based on the New York State Contract pricing and discount, expertise required to perform services, historical relationship with the facility, as well as the fact that all HVAC roof units, controls, and computer control/software are all manufactured by Trane, staff recommends approval of the agreement with Trane. On a motion by David D. King, seconded by Jennifer Quirk-Pickman, it was,

RESOLVED, that the Executive Director is hereby authorized and directed to execute an agreement with Trane to provide HVAC maintenance services at the Ogdensburg Border Station for the period April 1, 2022 through March 31, 2023, for a cost not to exceed \$9,034.00.

A vote was called.

AYES: Vernon D. Burns
Nicole Terminelli
Megan J. M. Whitton
David D. King
Jennifer Quirk-Pickman

MOTION CARRIED

B. Ogdensburg-Prescott International Bridge

1. Approval of Lease Supplement No. 3 with Mack Global Design. Staff has negotiated Lease Supplement No. 3 with Mack Global Design for 368 square feet of office space in Room 201C of the Bridge Administration Building for a sixteen (16) month period from December 1, 2021 through March 31, 2023 at a rate of \$12.39 per square foot equaling \$380.00 per month, \$4,560.00 per year including utilities. All other terms and conditions of the original Lease Agreement shall remain in full force and effect and are hereby ratified and affirmed. On a motion by Megan J. M. Whitton, seconded by David D. King, it was,

RESOLVED, that the Executive Director is hereby authorized and directed to execute Lease Supplement No. 3 with Mack Global Design for 368 square feet of office space in Room 201C of the Bridge Administration Building for a sixteen (16) month period from December 1, 2021 through March 31, 2023 at a rate of \$12.39 per square foot equaling \$380.00 per month, \$4,560 per year including utilities, and be it;

FURTHER RESOLVED, that all other terms and conditions of the original Lease Agreement shall remain in full force and effect and are hereby ratified and affirmed.

A vote was called.

AYES: Nicole Terminelli
Megan J. M. Whitton
David D. King
Jennifer Quirk-Pickman
Vernon D. Burns

MOTION CARRIED

2. Approval of Lease Supplement No. 2 with the State University of New York. Staff has negotiated Lease Supplement No. 2 with the State University of New York for 1,054 square feet of office space in Room 104 of the Bridge Administration Building for a three-year period from July 1, 2022 through June 30, 2025 at a rate of \$1,265 per month, \$15,180.00 per year including utilities. Lease Supplement No. 2 also includes an updated Exhibit A which is the March 16, 2020 version of the State University of New York Standard Contract Clauses. All other terms and conditions of the original Lease Agreement shall remain in full force and effect and are hereby ratified and affirmed. On a motion by Jennifer Quirk-Pickman, seconded by David D. King, it was,

RESOLVED, that the Executive Director is hereby authorized and directed to execute Lease Supplement No. 2 with the State University of New York for 1,054 square feet of office space in Room 104 of the Bridge Administration Building for a three-year period from July 1, 2022 through June 30, 2025 at a rate of \$1,256 per month, \$15,180.00 per year including utilities, and be it;

FURTHER RESOLVED, that Lease Supplement No. 2 includes an updated Exhibit A which is the March 16, 2020 version of the State University of New York Standard Contract Clauses, and be it;

FURTHER RESOLVED, that all other terms and conditions of the original Lease Agreement shall remain in full force and effect and are hereby ratified and affirmed.

A vote was called.

AYES: Megan J. M. Whitton
David D. King
Jennifer Quirk-Pickman
Vernon D. Burns
Nicole Terminelli

MOTION CARRIED

3. Approval of Lease Supplement No. 2 with Glenda Jones. Staff has negotiated Lease Supplement No. 2 with Glenda Jones for 180 square feet of office space in

Room 210 of the Bridge Administration Building for a one-year period from April 1, 2022 through March 31, 2023 at a rate of \$188.64 per month including utilities. All other terms and conditions of the original Lease Agreement shall remain in full force and effect and are hereby ratified and affirmed. On a motion by David D. King, seconded by Megan J. M. Whitton, it was,

RESOLVED, that the Executive Director is hereby authorized and directed to execute Lease Supplement No. 2 with Glenda Jones for 180 square feet of office space in Room 210 of the Bridge Administration Building for a one-year period from April 1, 2022 through March 31, 2023 at a rate of \$188.64 per month including utilities, and be it;

FURTHER RESOLVED, that all other terms and conditions of the original Lease Agreement shall remain in full force and effect and are hereby ratified and affirmed.

A vote was called.

AYES: David D. King
Jennifer Quirk-Pickman
Vernon D. Burns
Nicole Terminelli
Megan J. M. Whitton

MOTION CARRIED

C. Commerce Park

1. Approval of Lease Supplement No. 1 with 5G Technologies USA Ltd. Staff has negotiated Lease Supplement No. 1 with 5G Technologies USA, Ltd. for 850 square feet of office space in Building 4 of the Commerce Park Campus for a three-month period from April 1, 2022 through June 30, 2022 at a rate of \$6.22 per square foot equaling \$440.58 per month, \$5,287 per year. 5G Technologies USA, Ltd. will be responsible for its pro-rated share of utilities. All other terms and conditions of the original Lease Agreement shall remain in full force and

effect and are hereby ratified and affirmed. On a motion by Jennifer Quirk-Pickman, seconded by Nicole Terminelli, it was,

RESOLVED, that the Executive Director is hereby authorized and directed to execute Lease Supplement No. 1 with 5G Technologies USA, Ltd. for 850 square feet of office space in Building 4 of the Commerce Park Campus for a three-month period from April 1, 2022 through June 30, 2022 at a rate of \$6.22 per square foot equaling \$440.58 per month, \$5,287 per year.

FURTHER RESOLVED, that 5G Technologies USA, Ltd. will be responsible for its pro-rated share of utilities, and be it;

FURTHER RESOLVED, that all other terms and conditions of the original Lease Agreement shall remain in full force and effect and are hereby ratified and affirmed.

A vote was called.

AYES: Jennifer Quirk-Pickman
Vernon D. Burns
Nicole Terminelli
Megan J. M. Whitton
David D. King

MOTION CARRIED

D. Ogdensburg International Airport

1. Approval of Construction Inspection Support for Drainage Improvement Project.

This item was not yet ready.

2. Approval of Bid Award for the Airport Drainage Improvement Project. Three bids for the Airport Drainage Improvement project were received on April 1, 2022, with the low bid submitted by Barrett Paving Materials Inc., Watertown, NY.

Three bids were received as follows:

Bidder	Base Bid
Barrett Paving Materials	\$2,241,753.00
Marcy Excavating Services	\$2,591,093.35
Perras Excavating	\$2,899,534.97

As a recap, financing participation for this project is as follows:

Federal Aviation Administration (95%)	\$ 2,129,665.34
New York State Department of Transportation (2.5%)	\$ 56,043.83
Ogdensburg Bridge and Port Authority (2.5%)	<u>\$ 56,043.83</u>
	\$ 2,241,753.00

The certified bid tabs have been reviewed and found to be in order. Based on the contractor's qualifications, and experience on similar projects, McFarland Johnson is recommending award of the construction contract to Barrett Paving Materials based on the lowest responsible bid. Staff recommends that the contract be awarded to Barrett Paving Materials for a total contract cost of \$2,241,753.00. On a motion by Jennifer Quirk-Pickman, seconded by David D. King, it was,

RESOLVED, that the Executive Director is hereby authorized and directed to execute contract documents with Barrett Paving Materials, Inc. for the Airport Drainage Improvement Project, identified as FAA AIP No. 3-36-0089-060-2021, at the Ogdensburg International Airport for a cost not to exceed \$2,241,753.00.

A vote was called.

AYES: Vernon D. Burns
Nicole Terminelli
Megan J. M. Whitton
David D. King
Jennifer Quirk-Pickman

MOTION CARRIED

E. Port of Ogdensburg

1. Board Memo – Suspension of Harbor Deepening Project. Executive Director Steven J. Lawrence explained that the funding for the entire project, the dock expansion and the deepening, was in place last summer. The projects were coupled by the USACE. There was a sole bidder on the deepening project for \$24 million. This brought the project total up to \$42.2 million. The Authority was to pay 35% of the project and the USACE 65%. The USACE, however, had a \$10

million cap on their funding, so the overage would not be split 35/65. David D. King stated that it was surprising that the project could have gone on for so long and the budget could be off by so much. Board Chair Vernon D. Burns stated that originally the two projects were separate. Mr. Burns relayed a conversation with the Army Corps, asking why not increase the \$10 million limit. Mr. Burns stated that the Corps would not even request that the limit be raised, because they wanted to spread out the extra funding in infrastructure spending to other states. Mr. Burns stated that this project had already been in the works for 5 years and was shovel ready. Mr. Burns said that this is a slap in the face to the Authority and to the State of New York. Mr. Burns said that the State of New York and the Governor's office stepped up to fund this project until it nearly doubled and that it is totally unacceptable that that a federal agency like the Corps would do this to the Authority and to the State. Mr. Burns declared that the Corps has let the Authority, Norther New York, and the entire state of New York down. On a motion by Nicole Terminelli, seconded by Jennifer Quirk-Pickman, the resolution was amended to correct the figures contained therein. On a motion by David D. King, seconded by Nicole Terminelli, it was resolved that,

WHEREAS, the Ogdensburg Bridge & Port Authority planned a Harbor Deepening Project to improve the port facilities and improve economic activity at the port; and

WHEREAS, the Project was to be funded in part by the Continuing Authorities Program (CAP) Section 107 and administered through the US Army Corps of Engineers; and

WHEREAS, the US Army Corps of Engineers committed Ten Million Dollars (\$10,000,000.00) to this Project; and

WHEREAS, the initial cost estimate for the project was Eleven Million Three Hundred Thousand Dollars (\$11,300,000.00); and

WHEREAS, the US Army Corps of Engineers was solely responsible for bidding the Project; and

WHEREAS, the sole bid received by the US Army Corps of Engineers was Twenty-Seven Million Six Hundred Seventy Thousand and Six Hundred and Fifteen Dollars (\$27,670,615.00) and

WHEREAS, due to the passage of time and increases in the cost of labor and materials, the estimated project cost was revised to Twenty-Seven Million Six Hundred Seventy Thousand and Six Hundred and Fifteen Dollars (\$42,200,000.00); and

WHEREAS, the Ogdensburg Bridge & Port Authority is responsible for a local share of the total Project cost that is equal to the difference between the funds committed by the US Army Corps of Engineers and the total Project cost; and

WHEREAS, the excess cost over the funds committed by the US Army Corps of Engineers is Eleven Million Four Hundred Thousand Dollars (\$11,400,000); and

WHEREAS, the Ogdensburg Bridge & Port Authority cannot commit this extraordinary sum at this time; and

WHEREAS, the US Army Corps of Engineers has withdrawn its funding commitment effective as of April 1, 2022 based on the Authority's inability to fund the excess costs; and

WHEREAS, the Ogdensburg Bridge & Port Authority remains committed to the Project as it is of great importance to the operation of the port facility; and

WHEREAS, the Ogdensburg Bridge & Port Authority continues to identify and seek alternative funding for the Project.

NOW, THEREFORE, the Harbor Deepening Project must be put on hold until such time as the cost escalations resulting from the US Army Corps of Engineers bidding process can be controlled and sufficient funding can be obtained from available sources.

A vote was called.

AYES: Nicole Terminelli
Megan J. M. Whitton
David D. King
Jennifer Quirk-Pickman

NAYS: Vernon D. Burns

MOTION CARRIED

F. Other Such Matters

1. Approval of Lease Agreement with LiveFast Motors LLC. Board Chair Vernon D. Burns recused himself from the discussion, as it pertained to a family member. Staff has negotiated a Lease Agreement with a new tenant, LiveFast Motors LLC, for 103 square feet of office space in Building 1 of the Commerce Park Campus for a one (1) year period from April 1, 2022 through March 31, 2023 at a rate of \$11.86 per square foot equaling \$101.83 per month, \$1,222.00 per year including utilities. Megan J. M. Whitton asked if the price was in line with other tenants. Director of Economic Development Anthony Adamczyk answered that it was. On a motion by Jennifer Quirk-Pickman, seconded by Nicole Termineli, it was,

RESOLVED, that the Executive Director is hereby authorized and directed to execute a Lease Agreement with a new tenant, LiveFast Motors, LLC, for 103 square feet of office space in Building 1 of the Commerce Park Campus for a one (1) year period from April 1, 2022 through March 31, 2023 at a rate of \$11.86 per square foot equaling \$101.83 per month, \$1,222.00 per year including utilities.

A vote was called.

AYES: Megan J. M. Whitton
David D. King
Jennifer Quirk-Pickman
Nicole Terminelli

MOTION CARRIED

Executive Director Steven J. Lawrence stated that there was a need for Executive Session under Section 105 §1d under the Open Meetings Law, to discuss proposed, pending, or current litigation. The next meeting date was set for Thursday, May 19, 2022 at 4:00 PM. On a motion by Jennifer Quirk-Pickman, seconded by David D. King, the meeting went into Executive Session at 5:11 PM. On a motion by Jennifer Quirk-Pickman, seconded by David D. King, the meeting resumed

at 5:38 PM. There was no action to be taken out of the Executive Session. On a motion by David D. King, seconded by Jennifer Quirk-Pickman, the meeting adjourned at 5:39 PM.

David D. King
Secretary

Vernon D. Burns
Chairperson