

OGDENSBURG BRIDGE AND PORT AUTHORITY

FINANCE COMMITTEE MEETING

MONDAY, JANUARY 31, 2022

- I. Business Items
 - 1. December 2021 Financials
- II. Other Such Matters

OGDENSBURG BRIDGE & PORT AUTHORITY: DECEMBER 2021 BUDGET TO ACTUAL

	Monthly Budget	Monthly Actual	Over/ (Under)	YTD Budget	YTD Actual	Over/ (Under)
INCOME						
Bridge Revenue	166,605	224,731	58,126	1,454,433	1,812,224	357,791
Airport Revenue	28,948	37,832	8,884	222,099	339,991	117,892
Airport Revenue - Fuel Sales	9,300	17,053	7,753	126,414	303,301	176,887
Industrial Park Campus Revenue	72,175	76,367	4,192	655,646	677,022	21,376
Marine Terminal (Port) Revenue	143,173	119,412	(23,761)	535,917	1,437,658	901,741
Railroad Revenue	0	0	0	25,000	8,388	(16,612)
Wind Turbine Revenue	0	0	0	1,035,121	0	(1,035,121)
TOTAL INCOME	420,201	475,395	55,194	4,054,630	4,578,584	523,954

EXPENSES

BRIDGE EXPENSE

Salary Expense	76,315	95,792	19,477	763,170	813,157	49,987
Employee Benefits	254,332	231,100	(23,232)	639,803	521,346	(118,457)
Maintenance Expense	5,527	6,027	500	64,739	75,888	11,149
Bridge Maintenance Expense	324	42	(282)	19,102	14,555	(4,547)
Utility Expense	7,926	7,625	(301)	91,715	58,343	(33,372)
General Expenses	25,877	35,092	9,215	349,336	451,245	101,909
Interest Expense	16,142	6,911	(9,231)	40,475	49,398	8,923
Legal Expense	8,992	15,069	6,077	80,925	76,617	(4,308)
TOTAL BRIDGE EXPENSES	395,435	397,658	2,223	2,049,265	2,060,548	11,283

AIRPORT EXPENSE

Salary Expense	21,300	28,045	6,745	213,010	251,492	38,482
Employee Benefits	56,085	58,595	2,510	143,873	141,637	(2,236)
Maintenance Expense	1,794	5,243	3,449	16,144	118,781	102,637
Fuel Sales Expense	0	31,093	31,093	45,000	176,692	131,692
Utility Expense	6,143	7,262	1,119	49,142	50,891	1,749
General Expenses	16,005	107,502	91,497	224,065	459,917	235,852
Interest Expense	51,512	44,785	(6,727)	463,604	407,419	(56,185)
Legal Expense	6,425	21,792	15,367	57,825	81,704	23,879
TOTAL AIRPORT EXPENSES	159,264	304,318	145,054	1,212,662	1,688,532	475,870

INDUSTRIAL PARK EXPENSE

Salary Expense	476	1,096	620	4,768	4,165	(603)
Employee Benefits	263	117	(146)	2,631	706	(1,778)
Maintenance Expense	1,896	618	(1,278)	17,301	20,061	2,761

	<i>Monthly Budget</i>	<i>Monthly Actual</i>	<i>Over/ (Under)</i>	<i>YTD Budget</i>	<i>YTD Actual</i>	<i>Over/ (Under)</i>
Utility Expense	3,683	1,473	(2,210)	58,185	27,132	(31,053)
General Expenses	3,410	5	(3,405)	30,689	23,594	(7,095)
Interest Expense	250	0	(250)	2,250	1,866	(384)
TOTAL INDUSTRIAL PARK EXPENSES	9,978	3,309	(6,669)	115,823	77,524	(38,152)
MARINE TERMINAL (PORT) EXPENSE						
Salary Expense	25,600	19,237	(6,363)	230,400	208,073	(22,327)
Employee Benefits	30,273	53,910	23,637	96,499	141,444	56,131
Maintenance Expense	2,652	6,999	4,347	33,150	127,266	94,116
Utility Expense	5,378	2,498	(2,880)	46,401	34,950	(11,451)
General Expenses	18,559	28,925	10,366	169,351	146,455	(22,896)
Interest Expense	0	0	0	0	731	731
Legal Expense	0	0	0	0	10,524	10,524
TOTAL MARINE TERMINAL EXPENSES	82,462	111,569	29,107	575,801	669,443	104,828
WIND TURBINE EXPENSE						
Salary Expense	19,165	0	(19,165)	268,304	0	(268,304)
Maintenance Expense	34,147	0	(34,147)	478,060	0	(478,060)
General Expenses	21,428	0	(21,428)	300,000	0	(300,000)
Interest Expense	2,500	0	(2,500)	22,500	10,036	(12,464)
TOTAL WIND TURBINE EXPENSES	77,240	0	(77,240)	1,068,864	10,036	(1,058,828)
RAILROAD EXPENSES	0	0	0	0	5,825	5,825
BORDER STATION EXPENSES	0	0	0	0	16,703	16,703
TOTAL EXPENSES	724,379	816,854	92,475	5,022,415	4,528,612	(493,804)
OPERATING INCOME (Net Gain/(Loss))	(304,178)	(341,459)		(967,785)	49,972	
CARES ACT Reimbursements	0	271,901	271,901	850,000	1,121,943	271,943
OPERATING INCOME (Net Gain/(Loss))	(304,178)	(69,558)		(117,785)	1,171,915	
Principal-Current Portion of Long Term Debt	83,795	59,837	(23,958)	754,157	612,874	(141,283)
2.5% Non Reimbursed OBPA Grant Portion	13,047	12,134	(913)	117,427	24,555	(92,872)
OPERATING INCOME (Net Gain/(Loss))	(401,020)	(141,528)		(989,369)	534,487	

OGDENSBURG BRIDGE & PORT AUTHORITY
STATEMENT OF FINANCIAL POSITION
as of December 31, 2021

ASSETS: Things that OBPA OWNS

Current Assets:

Cash - Checking Accounts	\$	239,654	
Cash - Reserves & Other Restricted Accounts		1,287,600	①
Cash - Security Deposits		5,647	
Accounts Receivable		323,506	
Grants Receivable		22,370	
Investments		-	
Inventories		50,510	
Prepaid Expenses		25,719	
Total Current Assets	\$	1,955,006	

Fixed Assets:

Land & Land Improvements	\$	46,678,770	
Buildings & Building Improvements		89,277,544	
Machinery & Equipment		7,492,913	
Vehicles		1,494,752	
Furniture & Fixtures		142,506	
Signage		181,132	
Bond Issuance Costs - 2017 Series		200,883	
Total Fixed Assets	\$	145,468,500	
Less Accumulated Depreciation		(69,267,211)	
Net Fixed Assets	\$	76,201,289	

Other Assets:

1,492,959

Construction in Progress

\$ 30,127,321 ②

TOTAL ASSETS \$ 109,776,575

LIABILITIES: Things OBPA OWES

Current Liabilities:

Accounts Payable - Regular	\$	1,064,174	③
Accounts Payable - NYS Retirement		285,124	
Accounts Payable - NYS TIGER & Bridge Repair		125,332	
Current Portion of Long Term Debt	\$	701,518	
Accrued Expenses		22,939,930	
Total Current Liabilities		25,116,078	

Other General Liabilities

(120,024)

Long Term Liabilities

Long Term Portion of Long Term Debt	\$	10,100,390	④
Total Long Term Liabilities		10,100,390	

Capital

74,680,132

TOTAL LIABILITIES 109,776,575

(0)

①	Restricted Accounts - Top 5 Bank Accounts	
	Debt Service Reserve Fund - Wilmington Trust	499,795
	Tompkins Trust Security Reserve Deposit	313,568
	M&T Deposit-Bond Payment Reserve Funds	276,401
	Consolidated Reserve Fund - CBNA	170,136
	Parking Lot Operations - MAPCO Account	17,591
		<u>1,277,491</u>
	8 Additional Restricted Bank Accounts share the balance	10,109
②	Construction in Progress - Top 4 Projects	
	TIGER Grant Painting/Rehab Project	19,259,036
	Harbor Deepening Project	7,171,877
	MASLF	1,883,001
	Airport Entitlement Grant - Equipment	707,729
		<u>29,021,642</u>
	8 Additional Projects share the balance	1,105,679
③	Regular Accounts Payable - Top 6 Vendors	
	Greenman-Pederson, Inc. (GPI) Bridge Repair Project	299,776
	MB Companies	128,361
	E-Transit - Maintenance Fees	87,150
	The Wladis Law Firm	64,139
	McFarland Johnson	60,719
	Baseline King - MALSF Project	58,506
		<u>698,650</u>
	105 Additional Vendors share the balance	365,524
④	Long Term Debt - Top 5 Debt Instruments	
	Taxable Bond - 2017 Series (Airport)	6,085,000
	Mortgage - Tompkins Trust (Majority Airport)	2,778,689
	Term Loan w/ CBNA (Used to be LOC - Airport)	444,856
	Line of Credit - Tompkins Trust (Originally - Airport)	280,000
	Term Loan - Tompkins Trust (Airport)	190,000
		<u>9,778,545</u>
	4 Additional Debts share the balance	321,845



Ogdensburg Bridge & Port Authority

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Confidential

20 January 2022

Murnane payments did not run through the Accounting Software's Accounts Payable: Murnane has never even been a vendor in the A/P module. After some research, it was found that payments were made directly from the Project Development Account based on Application submissions

The payments are as follows:

CK #2398	App #1	2016-04-28	96,045.00
CK #2426	App #2 & #3	2016-06-17	285,380.00
CK #2467	App #4 & #5	2016-09-02	619,206.20
CK #2484	App #6 Part	2016-11-21	500,000.00
			<u>1,500,631.20</u>
Payment to Couch White in Escrow for Murnane		2018-01-11	400,000.00
			<u>1,900,631.20</u>

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Many/most of the sub-contractors on this project were paid directly out of the Project Development Account; therefore, it is difficult to trace all of the payments, at this point, to reconcile to the spreadsheet supplied by Murnane regarding costs/payments.

There is also a co-mingling of funds received from: Line of Credit Deposits, FAA Deposits and DOT Deposits. In the description section of Account #1006.020, there is no indication as to what invoices these deposits were paying. As such, it is difficult to track deposit to payment trail.

In April 2017, the Division of Minority & Women's Business Development issued its report on the complaint lodged by Murnane against the OBPA for excessive withholding of liquidated damages for non-compliance with the 30% use of MWBE's on the terminal project. While it was determined that Murnane did not demonstrate good faith efforts to utilize WMBE's, the OBPA was found at fault for failure to comply with procedural requirements. The unpayment of Murnane invoices by the OBPA was not within the scope of the Division. Having said that, the Division felt that if the amount that had been withheld was accurate, that amount far exceeded any remedy the OBPA could justly collect.

Finally, per a resolution addressed at the 08 January 2018 Board Meeting, the final payment of \$400,000 would be made to Murnane's Counsel & that both parties agreed to resolutions to all pending disputes under this Contract including the issue of liquidated damages for unmet MWBE requirements. However, no reference was made in the resolution or the minutes as to what had previously been paid to Murnane, what the WMBE problem was, or the agreed upon amount regarding liquidated damages.

Therefore, the only indication of what the liquidated damages were comes from the spreadsheet supplied by Murnane outlining amounts for different sections of the project, actual MWBE payments, and partial waiver on other payments.

Assumption: This spreadsheet was created as part of the complaint/MWBE review as no waivers had been requested at the beginning of the project per MWBE report, and the initial liquidated damages calculation did not include a partial waiver figure.

To Note: The total contract amount is different from the original calculation to the new calculation. There is no reference to change orders (which it is being assumed that there were) to account for the \$157,403 increase in total contract.

Therefore, it is accepted (with lack of anything to the contrary) that the liquidated damages assessed would equal the \$400,148 as outlined on page 3 of the Murnane spreadsheet.

Further, the liquidated damages were likely 'paid' by holding back a final payment from the OBPA to Murnane.