

HUGH L. CAREY BATTERY PARK CITY AUTHORITY  
Meeting of the Members  
200 Liberty Street, 24<sup>th</sup> Floor  
New York, NY 10281  
January 26, 2017

Members Present

Dennis Mehiel, Chairman/CEO  
Hector Batista, Member  
Donald Capoccia, Member  
Lester Petracca, Member  
Martha Gallo, Member

Authority Staff in Attendance: Shari C. Hyman, President/COO  
Brett Beecham, Associate General Counsel  
Lauren Brugess, Paralegal/Assistant Corporate Secretary  
Anthony Buquicchio, Senior Project Manager  
Marie Cornielle, Deputy Treasurer  
Gwen Dawson, Vice President, Real Property  
Joseph Ganci, Design Director  
Julissa Garcia, Chief of Staff, Park Operations  
Abigail Goldenberg, Special Counsel and Risk Officer  
Yasmin Gonsalves, Executive Assistant  
Benjamin Jones, Chief Administrative Officer and VP of Internal Audit  
Susie Kim, Associate General Counsel  
Karl Koenig, Controller  
Kevin McCabe, Chief of Staff/Special Assistant to the Chairman/CEO  
Brenda McIntyre, Vice President, Human Resources  
Robert Nesmith, Chief Contracting Officer  
Anne O'Neill, Dir. of Horticulture, Sustainability & Landscape Design  
Janet Ozarchuk, Chief Financial Officer and Treasurer  
Anthony Peterson, Director of Diversity  
Bruno Pomponio, Director of Parks Operations  
Alix Pustilnik, General Counsel  
Jason Rachnowitz, Director of Financial Reporting  
Nicholas Sbordone, Director of Communications and Public Affairs  
Nicole Stallworth-Roper, Associate General Counsel  
Alexis Torres, Special Advisor to the President/COO

Others in Attendance: Stephen Faber, PFM Asset Management LLC  
Bob Cheddar, PFM Asset Management LLC  
James Haden, Ramirez Asset Management  
Samuel A. Ramirez Jr., Ramirez Asset Management  
Therese Loeb Kreuzer, Downtown Post NYC  
Matt Fenton, The Broadsheet  
Various Members of the Public

The meeting, called on public notice in accordance with the New York State Open Meetings Law, convened at 9:12 a.m.

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The first item on the agenda was the approval of the minutes of the December 7, 2016 meeting. Upon a motion made by Mr. Petracca and seconded by Mr. Batista, the following resolution was unanimously adopted:

**APPROVAL OF MINUTES OF THE DECEMBER 7, 2016 MEETING**

BE IT RESOLVED, that the minutes of the meeting of the Members of the Hugh L. Carey Battery Park City Authority held on December 7, 2016 are hereby approved.

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The next item on the agenda, presented by Ms. Hyman, was the ratification, confirmation and authorization to sign financial and bank-related documentation.

Ms. Hyman introduced Janet Ozarchuk the new Chief Financial Officer and Treasurer. This item is an amendment to a corporate document for our Bylaws and it would amend the incumbency certificate to add Ms. Ozarchuk as an authorized signatory, so that she would be able to sign financial and bank related documents.

Upon a motion made by Mr. Petracca and seconded by Mr. Capoccia, the following resolutions were unanimously adopted:

**RATIFICATION, CONFIRMATION AND AUTHORIZATION TO SIGN FINANCIAL AND BANK-RELATED DOCUMENTATION, INCLUDING CHECKS, VOUCHERS, REQUISITIONS AND OTHER INSTRUMENTS**

BE IT RESOLVED, that consistent with the Battery Park City Authority's (the "Authority") enabling legislation and By-Laws, we hereby ratify, confirm and authorize the officers identified below and on the attached Incumbency Certificate to transact business and issue instructions to banking and financial institutions on behalf of the Authority, provided that any documentation relating to such transactions that exceeds \$25,000 must be signed by at least two of the following Authorized Officers: Shari C. Hyman, President & COO, Alix S. Pustilnik, General Counsel, Janet Ozarchuk, Chief Financial Officer/Treasurer and Benjamin Jones, Chief Administrative Officer and VP of Internal Audit. This authorization shall include, but not be limited to, execution of documentation in connection with financial and banking transactions, requisitions of monies, signing of checks, vouchers, requisitions and other instruments made by the Authority or to which the Authority may be a party; and be it further

RESOLVED, that any and all actions taken by any of the Authorized Officers in connection with the above transactions, actions or filings are hereby ratified, confirmed and approved; and be it further

RESOLVED, that the Assistant Corporate Secretary of the Authority be, and hereby is, directed to file this resolution with the minutes of this meeting.

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Ms. Hyman briefly discussed a very positive article written in a Caribbean American publication that highlighted the work Anthony Peterson and the Authority is doing to help get MWBEs certified.

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The next item on the agenda was the M/WBE Report presented by Mr. Peterson.

Mr. Peterson updated the Members on the Authority's and the Conservancy's total expenditures for the Third quarter of Fiscal Year 2016 (October 1, 2016 to December 31, 2016), and for the months of November and December.

Mr. Peterson mentioned that for the Third quarter 30.02% (\$734,448.15) of the Authority's total expenditures of \$2,446,196.22 went to MWBEs, 14.76% (\$360,968.49) went to MBEs and 15.27% (\$373,479.66) to WBEs. For the month of December 2016, 34.33% or \$205,427.48 of the Authority's and the Conservancy's total expenditures of \$598,306.37 was paid to M/WBEs. Of this total amount, approximately 29.39% or \$175,861.36 was paid to MBEs and approximately 4.94% or \$29,566.12 was paid to WBEs. And for the month of November 2016, 30.57% or \$145,800.60 of the Authority's and the Conservancy's total expenditures of \$477,187.50 was paid to M/WBEs. Of this total amount, approximately 12.95% or \$61,774.92 was paid to MBEs and approximately 17.62% or \$84,025.68 was paid to WBEs.

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The next item on the agenda, presented by Mr. Jones, was an authorization to file the annual report for Fiscal Year ended October 31, 2016.

Mr. Jones explained that the Public Authorities Law imposes certain reporting and accounting requirements on public authorities. Each year, public authorities are required by Section 2800 of the Public Authorities Law to submit their Annual Report to various State entities. The Annual Report consists of several other documents, including, but not limited to, an organizational chart, schedule of debt, real property report and various governance items. The Authority's Annual Report must be submitted to the New York State Governor, the New York State Comptroller, the Authorities Budget Office, and the Chairman and ranking Minority Members of the New York State Senate Finance Committee and the New York State Assembly Ways and Means Committee. He added that the Authority must also post a copy of its Annual Report on the Public Authorities Report Information Systems and on the Authority's website.

Upon a motion made by Mr. Petracca and seconded by Mr. Capoccia, the following resolution was unanimously adopted:

**AUTHORIZATION TO FILE THE ANNUAL REPORT FOR FISCAL YEAR ENDED OCTOBER 31, 2016**

BE IT RESOLVED, that the Annual Report as presented to this meeting, be, and hereby is approved; and be it further

RESOLVED, that the Authority be, and hereby is, directed to file said Annual Report with the: (1) Governor of New York State; (2) New York State Comptroller; (3) Authorities Budget Office; (4) the Chairman and ranking Minority Members of the New York State Senate Finance Committee; and (5) New York State Assembly Ways and Means Committee, as required by Section 2800 of the Public Authorities Law; and be it further

RESOLVED, that the Annual Report will be posted on the Public Authorities Reporting Information System and on the Authority's website.

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The next item on the agenda, presented by Ms. Hyman, Presentation of Fiscal Year-End Audit Opinion Letters by Marks Paneth LLP and approval of Financial Statements for Fiscal Year ended October 31, 2016.

Ms. Hyman began by giving a short explanation of the financial statements, which include a detailed management, discussion and analysis section for the last three fiscal years. Ms. Ozarchuk then briefly discussed more detailed items like the PILOT from Gateway, determining financing for a multi-year capital plan and refinancing the 2013 junior bonds.

Next, Warren Ruppel, the partner in charge of the Authority's year-end fiscal audit for Marks Paneth, presented the auditors' required communication letters to the Members regarding its certified opinion of the financial statements for the fiscal year ended October 31, 2016, including letters on internal controls and investments. Mr. Ruppel noted that the presentation includes a draft report on internal controls, technology recommendations, draft financial statements and a draft report on compliance.

Upon a motion made by Ms. Gallo and seconded by Mr. Petracca, the following resolution was unanimously approved:

**RESOLUTION OF THE MEMBERS REGARDING THE AUTHORITY'S AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED OCTOBER 31, 2016**

BE IT RESOLVED, that the Members hereby accept the Audited Financial Statements for the Fiscal Year ended October 31, 2016 and be it further

RESOLVED, that the Members authorize the filing of the Audited Financial Statements, in the form presented to this meeting, with the required governmental entities and with the trustees under the Authority's bond resolutions, and the posting of a copy of the Audited Financial Statements on the Public Authorities Reporting Information System and on the Authority's website.

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The next item on the agenda, presented by Ms. Ozarchuk, Approval of Investment Guidelines and Investment Report for Fiscal Year ended October 31, 2016.

Ms. Ozarchuk began by mentioning that the State law requires that we review and approve an investment report. The investment report has to include our investment guidelines, and information related to performance and compliance. The investment guidelines themselves have not changed at all,

and in terms of compliance, we received a clean audit report on compliance with the investment guidelines. And then finally, with performance, we had about 525 million invested at year end, she reported.

Ms. Ozarchuk then added that all of the portfolios that are managed to short term benchmarks outperformed their benchmarks by an average of 12 basis points and the smaller portfolios that are managed to longer term investment strategy, their results were mixed. Three of them outperformed by 15 basis points, and three of them underperformed by nine, but the dollar amount invested in the outperformers was much higher than the underperformers. Also included, she mentioned, is a full year summary with PFM and Ramirez here to answer questions on performance during the year, or the year ahead.

Upon a motion made by Mr. Capoccia and seconded by Mr. Batista, the following resolution was unanimously approved:

**APPROVAL OF THE INVESTMENT REPORT AND GUIDELINES FOR THE FISCAL YEAR ENDED OCTOBER 31, 2016**

BE IT RESOLVED, that the Investment Report and Guidelines of the Hugh L. Carey Battery Park City Authority (the "Authority") for the fiscal year ended October 31, 2016 in the form presented to this meeting, be, and hereby is approved; and be it further

RESOLVED, that the Treasurer of the Authority be, and hereby is, directed to file said Investment Report (including the Guidelines) with the: (1) New York State Division of the Budget; (2) New York State Department of Audit and Control; (3) the Chairman and ranking Minority Members of the New York State Senate Finance Committee; (4) NYS Comptroller; and (5) New York State Assembly Ways and Means Committee, as required by Section 2925 of the Public Authorities Law, Public Authorities Accountability Act of 2005 and the New York State Comptroller's Regulation 2 NYCRR (Part 203); and be it further

RESOLVED, that the Assistant Corporate Secretary of the Authority be, and hereby is, directed to file said Investment Report (including the Guidelines) with the minutes of this meeting; and be it further

RESOLVED, that the Investment Report and Guidelines will be posted to the Authority's website and the NY State Public Authorities Reporting Information System; and be it further

RESOLVED, that any and all actions taken by any officer of the Authority in connection with the negotiation or preparation of such policies and procedures are hereby ratified, confirmed and approved.

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The next item on the agenda, presented by Ms. Ozarchuk, Approval of Prompt Payment Report and Prompt Payment Policy for Fiscal Year ended October 31, 2016.

Ms. Ozarchuk began by mentioning that each year we review and approve the Prompt Payment Policy and submit a report on how we complied with the policy. The policy has not changed at all since last year, and generally requires payment within 30 days of receipt of an invoice and our report for the year, once again she reported, we had no late payments. There were no late payment fees, no interest charges and everything was paid within the 30 days.

Upon a motion made by Mr. Capoccia and seconded by Ms. Gallo, the following resolution was unanimously approved:

**APPROVAL OF THE PROMPT PAYMENT REPORT AND PROMPT PAYMENT POLICY FOR THE FISCAL YEAR ENDED OCTOBER 31, 2016**

BE IT RESOLVED, that the Prompt Payment Report of the Authority for the fiscal year ended October 31, 2016 and the Prompt Payment Policy in the form presented to this meeting, be, and hereby are approved; and be it further

RESOLVED, that the Treasurer of the Authority be, and hereby is, directed to file said Prompt Payment Report and Prompt Payment Policy with the (1) New York State Division of the Budget; (2) New York State Department of Audit and Control; the Chairman and ranking Minority Members of the (3) New York State Senate Finance Committee; and (4) New York State Assembly Ways and Means Committee, as required by Section 2880 of the Public Authorities Law; and be it further

RESOLVED, that the Assistant Corporate Secretary of the Authority be, and hereby is, directed to file the Prompt Payment Report and Prompt Payment Policy with the minutes of this meeting; and be it further

RESOLVED, that Prompt Payment Report and Prompt Payment Policy be posted to the Authority's website and the NY State Public Authorities Reporting System; and be it further

RESOLVED, that any and all actions taken by any officer of the Authority in connection with the preparation of such policies and procedures is hereby ratified, confirmed and approved.

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The next item on the agenda, presented Mr. Jones, Approval of Procurement Contracts Report and Procurement Guidelines for Fiscal Year ended October 31, 2016.

Mr. Jones first mentioned that this is another annual reporting requirement and the Board is required to approve the Authority's procurement guidelines. He then noted that there were no material changes made this year to the guidelines but there was some refinement to the organization of items for clarity. He explained that in the memo, eight changes were made for clarity, including that reorganization; we refined the terms used for 'emergency' versus 'field emergency' procurements that are now critically time sensitive; we included a provision that acknowledges the new veteran owned businesses requirements, similar to the MWBE requirements that we have in regards to procurements; the State has new notice requirements for single source procurements; and participation by committee members in evaluations for RFPs was clarified.

The other piece to this, he added, is the data dump required as part of our annual reporting requirements of procurements over \$5,000, which were all listed on the reports. There's about 280 items on that list, which include those that have come to the Board for approval, as well as discretionary and non-competitive procurements. He then wanted to say an immense thank you to the Finance team, and to Rekha Sewraj for putting this together, and also in general, for the whole annual report; Emily Birdseye for compiling it and giving it a much needed makeover.

Upon a motion made by Ms. Gallo and seconded by Mr. Batista, the following resolution was unanimously approved:

**APPROVAL OF THE PROCUREMENT CONTRACTS REPORT AND THE PROCUREMENT GUIDELINES FOR THE FISCAL YEAR ENDED OCTOBER 31, 2016**

BE IT RESOLVED, that the Procurement Contracts Report of the Authority for the fiscal year ended October 31, 2016 and the Procurement Guidelines in the form presented to this meeting, be, and hereby are approved; and be it further

RESOLVED, that the Chief Financial Officer of the Authority be, and hereby is, directed to file said Procurement Contracts Report and Procurement Guidelines, subject to such changes as the officer or officers filing the Procurement Contracts Report and Procurement Guidelines shall, with the advice of counsel, approve as necessary and appropriate and in the best interest of the Authority, with the New York State Division of the Budget and copies thereof with the New York State Department of Audit and Control, the Chairman and ranking Minority Member of the New York State Senate Finance Committee and the Chairman and ranking Minority Member of the New York State Assembly Ways and Means Committee, as required by Section 2879 of the Public Authorities Law; and be it further

RESOLVED, that any and all actions taken by any officer of the Authority in connection with the preparation of such policies and procedures is hereby ratified, confirmed and approved; and be it further

RESOLVED, that the Assistant Corporate Secretary of the Authority be, and hereby is, directed to file the Authority's Procurement Contracts Report and Procurement Guidelines with the Minutes of this meeting.

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The next item on the agenda, presented Mr. Jones, Approval of Guidelines for the Disposition of Real and Personal Property.

Mr. Jones again began by stating that this is another policy that requires annual approval by the Board and there were no changes since last year, or the year before that.

Upon a motion made by Mr. Capoccia and seconded by Mr. Batista, the following resolution was unanimously approved:

**APPROVAL OF GUIDELINES FOR THE DISPOSITION OF PERSONAL AND REAL PROPERTY**

BE IT RESOLVED, that the Guidelines for the Disposition of Personal and Real Property owned by the Authority (the "Guidelines") as presented to this meeting, be, and hereby are approved; and be it further

RESOLVED, that the Contracting Officer shall file the Guidelines on or before the thirty-first of March 2017 with the New York State Comptroller; and be it further

RESOLVED, that the Guidelines will be posted on the Authority's internet website; and be it further

RESOLVED; that the Assistant Corporate Secretary of the Authority be, and hereby is, directed to file the Guidelines with the minutes of this meeting.

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The next item on the agenda, presented Ms. Dawson, authorization to enter into a contract for 200 Rector Street – Interior Fit Out Contractor Services.

Ms. Dawson reminded the Members that the office space lease of approximately 7400 square feet on the first floor in the Regatta expired and new office space with a much smaller footprint of 3100 square feet was leased at 200 Rector Street. During 2016, plans for utilization of the space were designed for the security and construction management functions, along with certain community support functions. And now, she added, we are ready to fit that space out so that it can actually support our operations in a much more meaningful way.

She explained we have come up with a design, an RFP was issued to find a general contractor to perform the interior fit-out and after the review of all of the proposals, the evaluation committee recommended Innis Construction. The Real Property Department requested authorization for the Authority to enter into a contract with Innis Construction in the amount of \$1,712,131.00. There was subsequent discussion by the Members of the reasonableness of the contract price based on the nature of the scope of work. It was decided that a few of the Members with similar construction experience would do a more detailed review and analysis of the numbers used by Innis Construction to formulate the total contract price, to determine if the contract price is reasonable and if the Authority should ultimately approve this contract.

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Before the Members entered Executive Session there were three individuals who presented during the period of public comment.

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Mr. Petracca made a motion to enter Executive Session to discuss matters pertaining to litigation, which was seconded by Mr. Batista. The Members entered Executive Session at 10:15 a.m.

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Upon a motion made by Mr. Petracca and seconded by Mr. Batista, the Members exited Executive Session at 10:30 a.m. and resumed the public meeting.

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There being no further business, upon a motion made by Mr. Capoccia and seconded by Mr. Petracca, the Members unanimously voted to adjourn the meeting. The meeting thereupon adjourned at 10:30 a.m.

  
Respectfully submitted,  
Lauren Bruggess, Assistant Corporate Secretary



**Public Comment**  
January 26, 2017 Board Meeting

January 26, 2017

**Public comment at BPCA Board Meetings**

**Public comment should be 5 minutes. Not 2 minutes. This time allows residents & owners sufficient time to address concerns, issues, and problems directly to the BPCA Board without being rushed.**

**The last BPCA Board Meet where public comment was allowed for the first time did not allow proper time for residents to speak. Three ladies spoke including myself. I was not permitted to begin or finish my serious concerns about my street & neighborhood. The other ladies spoke so quickly & rushed not a word was understood. The expectation of public comment to the Board is for the concerns to be addressed not just heard, to consider & respect the needs of the residents.**

**"Mrs. W"**

BPCA Board Meeting – Public Comment Tammy Meltzer January 26, 2017

Good afternoon, I come before you this month to ask you to realign the priorities of resiliency plans for Battery Park City to safeguard the health, safety and welfare of the community. More local representation could help frame the discussion.

Super storm Sandy affected Little West Street and other properties from rising underground water and by flood-waters along West Street. The ball fields, which serve tens of thousands of children and adults in lower Manhattan year round, was closed for months for repair. The Ball fields are a source of revenue for the Authority as well as vital open recreation space. Local businesses were affected and the damage at 375 South End Avenue, right across the street, put residents out of their homes for a week and was recognized by FEMA due to damage. Damage to the esplanade and other parkland was more severe than damage to Wagner Park and resiliency projects are still in progress in Kowsky Plaza.

However, the BPCA has spent over \$250k for surveys about Wagner Park, findings, ideas for redesign and resiliency. Perkin Eastman consultants noted that Wagner was an after thought but still an award winning designed amenity. It is a cherished asset to the community.

But Wagner Park was not substantially unusable after Sandy. Why spend so much money and push the community into dialogue on Wagner Park when other areas in BPC should be the priority?

Flooding over the esplanade seawall and water along West Street affected properties, parks and residents. What current measures are in place 4.5 years later so residents are not out of their homes, businesses closed or the ball fields ruined again?

I ask you as a board who have no day to day interaction with the neighborhood to put the properties that we know are in immediate danger as the top priority.

I urge you to table any actions or funding for redesign of Wagner until we understand the resiliency plan for the whole coastline. The Board's priority, focus and dialogue should be about the studies and recommendations to protect the revenue generating and life changing assets with short and long-term plans...that is where our priorities are aligned.

Thank you,

January 26, 2017

I live in BPC, WALK & RUN in MY NEIGHBORHOOD  
I am here to address the Board & BPCA Authority about the  
South End Avenue Project & it's NEGATIVE impact on the  
residents

1) Cul de sac at the end of South End Ave REGARDING THE  
DISCUSSION TO BUILD A PEDESTRIAN PLAZA

No pedestrian Plaza  
Residential Street: Kumon School & Preschool of America  
The loss of residential parking & all deliveries FedEx, Fresh  
Direct & is unacceptable  
Major Impact on Quality of Life

Residents of The Cove Club & The Regatta should be first &  
foremost  
Tourists secondary, they have North Cove Marina, Pier A, All  
Parks & open space on the river 9/11 Park available

2) No Additional Bike lanes are needed: West Street & the  
River accommodate cyclists

THE Focus should be on the sidewalks: Beginning at The  
Regatta straight through to Le Pain Quotidien  
Sidewalks need replacing & Tree Pits need a solution, planters,  
etc.

Presently, the sidewalks are an Eye Sore & dirty & old:  
SOLUTION NOW not LATER. I have addressed this problem  
with Shari Hyman for about TWO years. THE PROBLEM STILL  
EXISTS.

I invite you to take a walk with what I have addressed in mind.