

HUGH L. CAREY BATTERY PARK CITY AUTHORITY

Meeting of the Members  
200 Liberty Street, 24<sup>th</sup> Floor  
New York, NY 10281  
April 10, 2018

Members Present

Dennis Mehiel, Chairman/CEO  
Hector Batista, Member  
Louis Bevilacqua, Member  
Catherine McVay Hughes, Member  
George Tsunis, Member

Authority Staff in Attendance: Benjamin Jones, President and Chief Operating Officer  
Sharmila Baichu, Vice President of Human Resources  
Brett Beecham, Associate General Counsel  
Marie Baptiste Cornielle, Deputy Treasurer  
Gwen Dawson, Vice President, Real Property  
Pamela Frederick, Chief Financial Officer/Treasurer  
Joseph Ganci, Design Director  
Julissa Garcia, Parks Chief of Staff  
Abigail Goldenberg, General Counsel  
Nimisha Haribaran, Executive Assistant/Contract Manager  
Craig Hudon, Director of Parks Programming  
Susie Kim, Deputy General Counsel  
Karl Koenig, Controller  
Kevin McCabe, Acting Chief Administrative Officer  
Robert Nesmith, Chief Contracting Officer  
Anne O'Neill, Director of Horticulture  
Anthony Peterson, Director of Diversity Programs  
Bruno Pomponio, Director of Parks Operations  
Jason Rachnowitz, Director of Financial Reporting  
Nicholas Sbordone, Director of Communications and Public Affairs  
Nicole Stallworth, Associate General Counsel  
Alexis Torres, Associate Chief of Staff

Others in Attendance: Various Members of the Public

The meeting, called on public notice in accordance with the New York State Open Meetings Law, convened at 10:36 a.m.

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Mr. Bevilacqua made a motion to enter Executive Session to discuss matters pertaining to litigation, which was seconded by Ms. McVay Hughes. The Members entered Executive Session at 10:37 a.m.

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Upon a motion made by Ms. McVay Hughes and seconded by Mr. Tsunis. The Members exited Executive Session at 11:06 a.m.

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The first item on the agenda was the approval of the minutes of the March 13, 2018 meeting. Upon a motion made by Mr. Tsunis and seconded by Ms. McVay Hughes, the following resolution was unanimously adopted:

**APPROVAL OF MINUTES OF THE MARCH 13, 2018 MEETING**

BE IT RESOLVED, that the minutes of the meeting of the Members of the Hugh L. Carey Battery Park City Authority held on March 13, 2018 are hereby approved.

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There was one individual who presented during the period of public comment.

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

For the month of February, Fiscal Year 2017-18, 43.83% or \$479,989.21 of the Authority's total expenditures of \$1,095,208.72 was paid to M/WBEs. Of this total amount, approximately 19% or \$201,976.52 was paid to MBEs and approximately 25% or \$278,012.69 was paid to WBEs. Approximately 20% (\$214,336.03) of these amounts was paid directly to M/WBEs and 24% (\$265,653.18) was paid to MWBEs as sub-contractors.

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The next item on the agenda, presented by Ms. Goldenberg, was the authorization to enter into a contract with Hawkins Delafield & Wood LLP (Public Finance Legal Services).

Ms. Goldenberg requested an authorization to enter into a legal retainer with Hawkins Delafield & Wood LLP. She stated that Hawkins would be an instrumental member to provide us with legal counsel in connection with the Authority's upcoming bond offering. Ms. Goldenberg also stated that Hawkins has been our legal counsel in the prior three bond offerings in 2003, 2009 and 2013. She then stated that they bring a wealth of not only expertise, but institutional knowledge relating to the Battery Park City Authority and believe they would be the right fit. Ms. Goldenberg is requesting to enter into a two-year retainer agreement with them for a not to exceed amount of \$500,000.

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

**AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH HAWKINS DELAFIELD AND WOOD LLP TO PROVIDE PUBLIC FINANCE LEGAL SERVICES**

BE IT RESOLVED, that the President and Chief Operating Officer (the "President") of the Hugh L. Carey Battery Park City Authority (the "Authority") or her/his designee(s) be, and each of them hereby is, authorized and empowered to enter into a two (2) year contract with Hawkins Delafield & Wood LLP to provide public finance legal services in a not-to-exceed amount of \$500,000.00; and be it further

RESOLVED, that the President or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute and deliver the contract on behalf of the Authority, subject to such changes as the officer or officers shall, with the advice of counsel, approve as necessary and appropriate and in the best interests of the Authority, such approval to be conclusively evidenced by the execution and delivery of the contract; and be it further

RESOLVED, that the President or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute all such other and further documents and to take all such other and further actions as may be necessary, desirable or appropriate in connection with the transactions contemplated in the foregoing resolutions, and any such execution of documents and any other further actions heretofore taken are hereby ratified and any actions hereafter taken are confirmed and approved.

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The next item on the agenda, presented by Ms. Goldenberg, was the authorization to enter into a contract amendment with Windels Marx Lane & Mittendorf LLP (Real Estate Legal Services).

Ms. Goldenberg explained that Windels Marx Lane & Mittendorf LLP has been very helpful in providing assistance in a variety of real estate matters, both litigation and ground lease related, and we would like to extend their contract so they may continue to work on the matters they have been actively helping us with for the duration of the next year. Ms. Goldenberg would like to extend their contract for one year through April 30, 2019 and increase their contract value by \$150,000 for a total not to exceed contract amount of \$1,050,000.

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

**AUTHORIZATION TO AMEND THE RETAINER AGREEMENT WITH WINDELS MARX LANE & MITTENDORF LLP**

BE IT RESOLVED, that in accordance with the materials submitted at this meeting, the President and Chief Operating Officer (the "President") of the Battery Park City Authority or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute an amendment to the retainer agreement (the "Amendment") with Windels Marx Lane & Mittendorf LLP to increase the amount payable thereunder by \$150,000 to a total not-to-exceed amount of \$1,050,000 and extend the contract term to April 30, 2019; and be it further

RESOLVED, that the President of the Authority or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute and deliver the Amendment on behalf of the Authority, subject to such changes as the officer or officers executing the Amendment shall, with the advice of counsel,

approve as necessary and appropriate in the best interest of the Authority, such approval to be conclusively evidenced by the execution and delivery of the Amendment; and be it further

RESOLVED, that the President of the Authority or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute all such other and further documents, and to take all such other and further actions as may be necessary, desirable or appropriate, in connection with the transactions contemplated in the foregoing resolutions, and any such execution of documents and any other further actions heretofore taken are hereby ratified and any actions hereafter taken are confirmed and approved.

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The next item on the agenda, presented by Ms. Dawson, was the authorization to enter into a contract amendment with LMW Engineering Group LLC (Police Memorial Vault Inspection Services).

Ms. Dawson stated that the contract was entered into with LMW Engineering in November of 2016 for construction inspection services related to the Police Memorial Vault project. That project has since been completed with the exception of final inspections and sign-off documentation. Ms. Dawson would like to amend the contract to increase its value by \$4,800, from \$45,000 to \$49,800 and extend the contract to August 31, 2018 to allow sufficient time to complete all of the inspections and signoffs.

Upon a motion made by Ms. McVay Hughes and seconded by Mr. Baptista, the following resolution was unanimously adopted:

**AUTHORIZATION TO AMEND THE AGREEMENT WITH LMW ENGINEERING GROUP, LLC**

BE IT RESOLVED, that in accordance with the materials submitted at this meeting, the President and Chief Operating Officer (the "President") of the Battery Park City Authority or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute an amendment to the agreement (the "Amendment") with LMW Engineering Group, LLC to increase the amount payable thereunder by \$4,800, from \$45,000 to the not-to-exceed amount of \$49,800 and extend the contract term from November 28, 2017 through August 31, 2018; and be it further

RESOLVED, that the President of the Authority or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute and deliver the Amendment on behalf of the Authority, subject to such changes as the officer or officers executing the Amendment shall, with the advice of counsel, approve as necessary and appropriate in the best interest of the Authority, such approval to be conclusively evidenced by the execution and delivery of the Amendment; and be it further

RESOLVED, that the President of the Authority or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute all such other and further documents, and to take all such other and further actions as may be necessary, desirable or appropriate, in connection with the transactions contemplated in the foregoing resolutions, and any such execution of documents and any other further actions heretofore taken are hereby ratified and any actions hereafter taken are confirmed and approved.

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The next item on the agenda, presented by Ms. Dawson, was an authorization to enter into a contract with AECOM (South Resiliency Design Services).

Ms. Dawson explained that last month she provided a presentation to the Board regarding the overall resiliency plan to be performed in four phases. Each phase will have an independent utility and protection plan associated with it for Battery Park City and when the entire plan is completed, will work together and along with the City's Lower Manhattan Coastal Resiliency Plan to provide a greater degree of protection for the entire lower Manhattan. The South Battery Park City Resiliency Project is the first of the four phases that we are proposing to conduct and this is the first contract associated with design of the Resiliency projects.

This South Battery Park City Resiliency Project extends essentially from the Museum of Jewish Heritage through Wagner Park, through Pier A Plaza along the south side of Battery Place to the corner of Battery Place and State Street. The contract with AECOM would include the design of the comprehensive storm barrier system for the length of the project. It would also include some modifications to Wagner Park to help facilitate some additional resiliency protection and also a new Wagner Park pavilion, which would become a significant component of the overall barrier system. Ms. Dawson explained that while AECOM was not the lowest cost bidder, they were the most qualified bidder based on their technical score and then went on to state that she is certain we are buying the best value and eliminating risk by entering into this contract.

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

**AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH AECOM TO PERFORM THE SOUTH BATTERY PARK CITY RESILIENCY DESIGN PROJECT**

BE IT RESOLVED, that the President and Chief Operating Officer (the "President") of the Hugh L. Carey Battery Park City Authority (the "Authority") or her/his designee(s) be, and each of them hereby is, authorized and empowered to enter into a three (3) year contract with AECOM to perform the South Battery Park City Resiliency Design Project in the amount of \$7,845,289.46; and be it further

RESOLVED, that the President or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute and deliver the contract on behalf of the Authority, subject to such changes as the officer or officers shall, with the advice of counsel, approve as necessary and appropriate and in the best interests of the Authority, such approval to be conclusively evidenced by the execution and delivery of the contract; and be it further

RESOLVED, that the President or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute all such other and further documents and to take all such other and further actions as may be necessary, desirable or appropriate in connection with the transactions contemplated in the foregoing resolutions, and any such execution of documents and any other further actions heretofore taken are hereby ratified and any actions hereafter taken are confirmed and approved.

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There being no further business, upon a motion made by Ms. McVay Hughes and seconded by Mr. Batista, the Members unanimously voted to adjourn the meeting. The meeting thereupon adjourned at 11:44 a.m.

Respectfully submitted,



Susie Kim  
Assistant Corporate Secretary

**Public Comment**  
April 10, 2018 Board Meeting

1. Public Comment by Robin Weiss:

Thank you, hi, I've been a long-time resident of Battery Park City Authority, in fact, since 1994. And I've been increasingly distressed over the years to observe large amounts of birdseed and other food scraps being left for birds in violation of the rules that are on file with the Battery Park City Authority. In fact, it's, um, Battery Park City Rules and Regulations, section 9-0-0 3.12 which specifically says in section B that "no person shall feed animals in any park except where specifically authorized by the parks corps." And, you know, on a personal note, I'd say I have particular concern because, you know, birdseed and food scraps foster rat and rodent populations. They contribute to overpopulation of pigeons and other animals outside of their normal birth rates and result in unsightly and unhealthy droppings for children and dogs and others. Clearly, they obstruct pathways when masses of the pigeons feed, when they aggregate to feed, that is. They alter natural migration patterns and they certainly alter the animal and insect food chain. And, frankly, I think they inhibit the quality of life to a certain extent in Battery Park City. And so, I would like somebody to address this issue perhaps in a more forceful way than is currently underway. Thanks to Nick Sbordone. I really appreciate all of his efforts to try to do this in a gracious manner by blogging and making the public aware of these sorts of things. But nothing actually is resulting. And I think that there are many in the neighborhood that share my concern. Thank you.