

HUGH L. CAREY BATTERY PARK CITY AUTHORITY

Meeting of the Members
200 Liberty Street, 24th Floor
New York, NY 10281
November 19, 2019

Members Present

George Tsunis, Chairman
Louis Bevilacqua, Member
Donald Capoccia, Member
Martha Gallo, Member
Anthony Kendall, Member

Authority Staff in Attendance: Benjamin Jones, President and Chief Executive Officer
Sharmila Baichu, Vice President of Human Resources
Marie Baptiste, Deputy Treasurer
Brett Beecham, Associate General Counsel
Anthony Buquicchio, Senior Project Manager
Gwen Dawson, Vice President, Real Property
Claudia Filomena, Director of Capital Projects
Pamela Frederick, Chief Financial Officer/Treasurer
Abigail Goldenberg, General Counsel
Nimisha Haribaran, Executive Assistant/Contract Manager
Craig Hudon, Vice President of Parks Programming
Susie Kim, Deputy General Counsel
Meredith Levine, Special Counsel
Eric Munson, Chief Operating Officer
Lauren Murtha, Paralegal/Assistant Corporate Secretary
Jahmeliah Nathan, Vice President of Administration
Jason Rachnowitz, Director of Financial Reporting
Aline Reynolds, Technical Communications Manager
Nicholas Sbordone, Vice President of Communications and Public Affairs
Markus Szejnberg, Special Counsel for Ethics, Risk and Compliance
Alexis Torres, Chief of Staff
Ryan Torres, Assistant Vice President of Parks Operations
Kenneth Windman, Director of Facilities & Infrastructure Management

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 2:32 p.m.

* * *

The first item on the agenda was the approval of the minutes of the October 29, 2019 meeting. Upon a motion made by Mr. Kendall and seconded by Ms. Gallo, the following resolution was unanimously adopted:

APPROVAL OF MINUTES OF THE OCTOBER 29, 2019 MEETING

BE IT RESOLVED, that the minutes of the meeting of the Members of the Hugh L. Carey Battery Park City Authority held on October 29, 2019 are hereby approved.

* * *

There was one individual who presented during the period of public comment and one individual who emailed his comment for the record.

* * *

The next item on the agenda was the M/WBE Utilization Report presented by Ms. Nathan.

Ms. Nathan reported that for the month of October 2019, 32.88% or approximately \$1,046,000.00 of the Authority's total allowable expenditures of approximately \$3.2 million was paid to MWBEs. Of that total amount, 7.38% was paid to MBEs as prime contractors, and 2.54% was paid to MBE subcontractors. And of that total amount, 25.51% was paid to WBEs as prime contractors, and .21% was paid to WBEs as subcontractors.

* * *

The next item on the agenda was the Resiliency Update presented by Mr. Jones.

Mr. Jones began by noting that since last month's meeting, the Ballfield Resiliency Project had reached a milestone with the completion of design. He said the Authority has 100% drawings and a proposal for the selection of a construction manager to be presented by Gwen. Additionally, the procurement for the general contractor is in process, and the Authority has received approval from OMB for the addition of the construction phase to its capital plan, which is now being reviewed by the Comptroller's Office.

He also noted that work continues on the South Battery Park City project, for which the Authority will have another open community meetings to show updates to the design and focus on the stretch that extends through Pier A and into the historic Battery.

He continued to report that on the North Battery Park City front, the third resiliency project team will finalize the proposed alignment to where the resiliency system should go and that will be presented to the community at the end of January or early February.

Mr. Jones also noted that the Authority's recent financing was recognized as Northeast Deal of the Year by Bond Buyer, in large part due to the resiliency and sustainability component. He gave credit to Pam and the financing team, and Gwen's team for that work.

He added that the Authority is now in the midst of a sustainability study to develop new Green Guidelines and an implementation plan to make the whole neighborhood more energy efficient and on the path to a carbon neutrality.

* * *

The next item on the agenda, presented by Ms. Dawson, was an approval of a panel of pre-qualified engineering and architectural firms (the "Pre-Qualified Engineers and Architects") and an authorization to enter into On-Call Contracts with the Pre-Qualified Engineers and Architects on an as-needed basis.

Ms. Dawson said that the first item was the approval of a new slate of on-call engineering and architectural service providers. An RFP was issued in October, and on October 28th the Authority received proposals from twelve different architectural engineering firms, several of which were MWBE firms. Ms. Dawson explained that the internal evaluation committee decided to advance all twelve after assessing their technical skills and price proposals. The amount that would be expended under the terms of the on-call engineering and architectural contracts would not exceed \$950,000.00 for fiscal year 2020, and for future fiscal years the annual spending limits would be approved by the Board at the time of the annual fiscal year budget approvals.

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

APPROVAL OF PRE-QUALIFIED ENGINEERS AND ARCHITECTS PANEL AND AUTHORIZATION TO ENTER INTO ON-CALL CONTRACTS WITH PRE-QUALIFIED ENGINEERS AND ARCHITECTS ON AN AS-NEEDED BASIS

BE IT RESOLVED, that in accordance with the materials submitted at this Board meeting, the President and Chief Executive Officer (the "President") of the Battery Park City Authority (the "Authority") or his/her designee(s) be, and each of them hereby is, authorized and empowered to approve the below list of Pre-Qualified Engineering and Architecture Firms, for a period of three (3) years, with the option on the part of the Authority to extend the approval period for up to one (1) additional year, during which time the Authority is authorized and empowered to enter into On-Call Engineering & Architecture Contracts (the "On-Call Contracts") with, and assign work to, the following Pre-Qualified Engineers and Architects on an as-needed basis, in accordance with the requirements of the Authority's Pre-Qualified Vendor Policy as to the assignment of work:

- Arora and Associates, P.C. ("Arora"),
- Cashin Associates, P.C. ("Cashin"),
- Ensign Engineering, P.C. ("Ensign"),
- Goldman Copeland Associates, Engineers, P.C. ("Goldman"),
- H2M Architects + Engineers, D.P.C. ("H2M"),
- M.G. McLaren Engineering & Land Surveying, P.C. ("McLaren"),
- Ronnette Riley Architect ("Ronnette Reilly"),
- Stantec Consulting Services, Inc. ("Stantec"),
- Superstructures Engineering + Architecture, PLLC ("Super Structures"),
- Tetra Tech Engineers, Architects, and Landscape Architects, P.C. ("Tetra Tech"),
- Urban Engineers of New York, D.P.C. ("Urban") and,
- Watts Architecture & Engineering, D.P.C. ("Watts")

RESOLVED, that the annual spending limit for the On-Call Engineering and Architecture Contracts shall be \$950,000 for Fiscal Year 2020, and, for future fiscal years, such annual spending limits as shall be approved by the Board at the time of annual fiscal year budget approvals; and be it further

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

RESOLVED, that the President or his/her 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 and further actions heretofore taken are hereby ratified, and any actions hereafter taken are confirmed and approved.

* * *

The next item on the agenda, presented by Ms. Dawson, was an authorization to enter into a contract with Hudson Meridian Construction Group, LLC for construction management services for the Battery Park City Ballfields and Community Center Resiliency Project.

Ms. Dawson stated this approval was for the construction manager for the Authority's Ballfield Resiliency Project, the first of the four resiliency projects to move into construction. She noted that the project will provide an interim resiliency solution for the ballfields and is anticipated to be completed within six to seven months, after which there will be protection for the ballfields and the community center for a period of several years until such time as both the North project and the South project are completed, at which point the interim solution will be dismantled.

She continued: an RFP was issued in early October for a construction manager to manage this project, which the Authority anticipates to begin in early 2020. Twelve proposals were received, five of which were from MWBE firms. The evaluation committee did an initial technical evaluation and narrowed it down to four of the remaining proposers, who were interviewed.

The committee then evaluated them again, she mentioned, resulting in the highest scoring proposer Hudson Meridian. She explained that they provided a significant show of expertise in this type of work, including prior work for the Battery Park City Authority. Therefore, she asked the Members to approve a 13-month contract with Hudson Meridian in the not to exceed amount of \$312,872.70, which includes \$14,400.00 in reimbursable expenses.

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

AUTHORIZATION TO EXECUTE A CONTRACT WITH HUDSON MERIDIAN CONSTRUCTION GROUP, LLC FOR THE BATTERY PARK CITY BALLFIELDS AND COMMUNITY CENTER RESILIENCY PROJECT CONSTRUCTION MANAGEMENT SERVICES

BE IT RESOLVED, that in accordance with the materials submitted at this Board meeting, the President and Chief Executive Officer (the "President") of the Battery Park City Authority (the "Authority") or his/her designee(s) be, and each of them hereby is, authorized and empowered to enter into a thirteen (13) month contract with Hudson Meridian in the not-to-exceed amount of \$312,872.70,

including reimbursable expenses of \$14,400, to perform Construction Management Services for the Battery Park City Ballfields and Community Center Resiliency Project; and be it further,

RESOLVED, that the President or his/her designee(s), 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 executing the Contract shall, with the advice of counsel, approve as necessary and appropriate and in the best interest of the Authority, such approval to be conclusive evidence by the execution and delivery of the Contract; and be it further,

RESOLVED, that the President or his/her 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 and further actions heretofore taken are hereby ratified, and any actions hereafter taken are confirmed and approved.

* * *

There being no further business, upon a motion made by Mr. Capoccia and seconded by Mr. Kendall, the Members unanimously voted to adjourn the meeting. The meeting thereupon adjourned at 2:52 p.m.

Respectfully submitted,



Lauren Murtha

Assistant Corporate Secretary

Public Comment
November 19, 2019

1. **Jonathan Jossen**: Hello. I come to the meetings periodically. I live down in Battery Park City for 26 years. I'm a real estate broker, would love to become a member. My comment is what's going on with the land lease, both residential and commercial. I buy and sell apartments all the time. The New York City market I think is starting to strengthen. I see it but I don't see it in Battery Park City because the big question is the land lease between Gateway Plaza, what's happening with their land lease, it's up in June. So a lot of people are signing their last leases now and they have no idea what they're going to be doing in eight months or ten months. So this is a comment we like to know, we like to have the information sooner than at the last minute. I do hear that there is rumblings and there's conversations but basically nobody in the real world knows what's going on. So I'd like to know what's going on.

And I put out a newsletter, this will be the fourth month in December, and it's always a very positive newsletter about the fabulous goings on with Battery Park City because I do enjoy them for 26 years, so we'd all like to stay here. Thank you very much, Chairman.

2. **Carl Accettola**: (emailed comment for the record) I will not be able to attend but I hope more attention is given to ban the Statue of Liberty fraudsters. NYPD does little to nothing to arrest these hawkers that now have a traffic vested "uniformed" crew cut decoy with a license hanging from his neck that pulls over cars that appear to have tourists in them. The guy even has what appears to be a summons book in his hand. Once the car stops, he directs the occupants to hawkers. There is something very sinister going on here as Street Cops from NYPD say they are told not to enforce. This was very evident on Veterans' Day when hawkers led lines of tourists from the Clinton Kiosk to sell tickets to their boats that merely float by the Statue. What a fraud! Violent crimes have occurred. Even a news crew was assaulted after Alec Baldwin was a victim of fraud. The Mayor issued a statement that this was going to stop. When?

Please refer this matter to the NYS Attorney General and the NYPD Internal Affairs Division. The problem can be solved overnight just by banning the hawkers. NYPD has a moving crew for the mayor's son to Yale, the Commissioner resigns, the Union votes "no Confidence" and no real enforcement takes place. Why? Ban the violence and fraud by eliminating the ticket hawkers. Put up two kiosks. One that sells only boat rides and one that offers stops at Ellis Island and Liberty Park (Clinton-it's there already). No street sales of tickets allowed. Why is this so difficult?

The peacefulness of Battery Park is now ruined. Economic Crime via misrepresentation happens every day. It recently happened to seasoned NY'er Alec Baldwin. Then the news crew was assaulted that attempted to report on it. The mayor says he is banning these vendors, yet the street cops told me (and N.Y. State Assembly person Yuh-Line Niou) that they mayor allows zero enforcement.

Then have NYPD monitored camera systems installed throughout and dispatch police as soon as crime is spotted. What a great place Battery Park could quickly become. Now it is a crime ridden place where crime occurs daily. And NYC allows this!

Please report these crimes to the NYS Attorney General for a full investigation as to why little to no enforcement action is taken. Install the cameras. Ban any street hawking of tickets, and build a boat ride only Kiosk and keep the legitimate Clinton Kiosk. These actions would solve this never ending serious problem. It is so simple.