

HUGH L. CAREY BATTERY PARK CITY AUTHORITY
Meeting of the Members
200 Liberty Street, 24th Floor
New York, NY 10281
July 29, 2020

Members Present

George Tsunis, Chairman (via video)
Donald Capoccia, Member (via video)
Martha Gallo, Member (via video)
Catherine McVay Hughes, Member (via video)
Anthony Kendall, Member (via video)
Lester Petracca, Member (via phone)

Authority Staff in Attendance: Benjamin Jones, President and Chief Executive Officer (via video)
Sharmila Baichu, Vice President of Human Resources (via video)
Gwen Dawson, Vice President, Real Property (via video)
Abby Ehrlich, Director of Community Partnerships and Engagement (via video)
Pamela Frederick, Chief Financial Officer/Treasurer (via video)
Abigail Goldenberg, General Counsel (via video)
Craig Hudon, Vice President of Parks Programming (via video)
Susie Kim, Deputy General Counsel (via video)
Karl Koenig, Controller (via video)
Eric Munson, Chief Operating Officer (via video)
Jahmeliah Nathan, Vice President of Administration (via video)
Bruno Pomponio, Vice President of Parks Operations (via phone)
Nicholas Sbordone, Vice President of Communications and Public Affairs (via video)
Alexis Torres, Chief of Staff (via video)

Others in Attendance: Warren Ruppel, Marks Paneth (via video)

The meeting, called on public notice in accordance with the New York State Open Meetings Law, convened at 2:04 pm.

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The first item on the agenda was the approval of the minutes of the June 24, 2020 and the July 5, 2020 meetings. Upon a motion made by Ms. Gallo and seconded by Ms. McVay Hughes, the following resolution was unanimously adopted:

APPROVAL OF MINUTES OF THE JUNE 24, 2020 AND JULY 5, 2020 MEETINGS

BE IT RESOLVED, that the minutes of the meetings of the Members of the Hugh L. Carey Battery Park City Authority held on June 24, 2020 and July 5, 2020 are hereby approved.

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There were two (2) presentations during the period of public comment, which were read by Mr. Sbordone. In response to the second public comment made by Mr. Barrett regarding the availability of

open space in Battery Park City, Mr. Sbordone noted that the parks have remained opened throughout the COVID-19 pandemic, with lawns opening roughly three weeks earlier this year to facilitate social distancing and density reduction. Of the three projects mentioned by Mr. Barrett specifically, Mr. Sbordone noted that the repairs to “Pumphouse Park,” or the green oval lawn and surrounding areas behind Brookfield Place, are set to be completed by next week. The Rockefeller Park playground repairs, led by BPCA, are underway after being paused as a result of the COVID-19 pandemic, with an anticipated September 2020 completion. And the majority of West Thames Park is open for use while the NYC Economic Development Corporation begins its restoration of the area that was demolished to facilitate removal of the Rector Street Bridge earlier this year. This work was also impacted by COVID-19-related delays.

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The next item on the agenda was the Audit Committee Report presented by Ms. Frederick. She stated that the Audit Committee had met with all members present to review the Quarterly Investment Report and that the meeting was also attended by the Authority’s independent auditor, Marks Paneth, which was represented by Warren Ruppel. The Committee discussed the status of the April Review and the Year-End Audit Plan; provided members with an update of some of departmental operating changes and improvements (e.g., digitizing approval processes, expanding the use of some banking products into digital products); and discussed some of the upcoming procurements that Finance will be conducting in the fall. The Committee was also updated on the status of the Authority’s work with Crowe to digitize lease data to allow for easier review and to create more digitally-based invoicing.

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

Ms. Nathan reported the following for June 2020: 20.54% or approximately \$474,000.00 of the Authority's total qualifying expenditure of approximately \$1.7 million was paid to MWBEs. Of this amount, 6.31% was paid to MBEs, with 5.0% to them as prime contracts, and 1.25% to MBE subcontractors. Of the total qualifying expenditures, 22.3% was paid to WBEs, 18.99% to WBE prime contractors, and 3.23% to WBE subcontractors. In addition, she provided a quarterly update for Service Disabled Veteran Owned Business (SDVOB) utilization: \$853,000.00 approximately, 12.07% of BPCA's qualifying expenditures of approximately \$7 million was paid to SDVOB firms during that period.

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The next item on the agenda was the Resiliency Update presented by Mr. Jones. He noted that the Authority continues to make progress on all resiliency projects. The South Battery Park City resiliency project has reached 75% design, and the North Battery Park City resiliency project continues to see interagency coordination work with various stakeholders and a productive community meeting to discuss how the designs have taken shape. He mentioned that at the upcoming August Board meeting, he would discuss ways of leveraging the newly acquired design-build authority to move resiliency projects forward, particularly the North and West initiatives. On the ballfields project, both the Mayor and the Comptroller have signed the Settlement Agreement that will enable the Authority to extend capital funds for resiliency work. He also noted that the new Green Guidelines have been finalized for the Authority and an Implementation Plan for the Sustainability Plan, for which the Authority is working on an outreach strategy for August.

Ms. McVay Hughes asked when construction would begin for these projects. Mr. Jones said the first piece of construction work for the South Battery Park resiliency project is pile remediation work, which will begin in September once the procurement is approved this month. He noted that construction for the ballfields project will start in the fall too.

Ms. Gallo asked if the Authority would be piloting any of the approaches that are imbedded in the Plans, or if there are any additional short-term measures that would be taken, for the approaching hurricane season. Mr. Jones replied that while last year the Authority had used the muscle wall around the ballfields for hurricane season, it would not be deploying those this year because of the anticipated start of the ballfields resiliency construction. Ms. Dawson added that the muscle walls remain in storage, and that depending on the nature of what may occur in the way of storms, they may be deployed in other areas for temporary interim protection.

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The next item on the agenda, presented by Mr. Munson, was the authorization to enter into an agreement with Altus Metal, Marble and Wood for Public Art Cleaning and Maintenance.

Mr. Munson noted that this item was being presented to the members because its term is going to exceed one year. He explained that in late 2018 the Authority began a comprehensive review of its permanent art collection at Vice Chair Gallo's urging. As mentioned at prior meetings, the collection was appraised at over \$63.5 million. Separate but concurrent with the appraisal was a condition report of the collection to assess areas for on-going maintenance or remediation. And that condition report, which was performed by Brusat Art Conservation, recommended a regimen of specialized cleaning and waxing of certain metal and stone elements in the collection. He noted that outdoor sculptures on the waterfront are subject to harsh weather, the Hudson's brackish water, and interaction with the public, which accelerate the wear and tear more than other art would encounter in a museum.

In order to address this need, he stated, a procurement was initiated for semi-annual cleaning and waxing of the collection. After an assessment of the market, it was determined that there was enough competition to start an MWBE/SDVOB discretionary procurement. Eight vendors reached out to request the scope of work, and three submitted proposals. Of those three respondents, the recommendation was to enter into a contract with Altus Metal, Marble, and Wood as the best value proposer, since (i) their cost proposal was significantly lower than the other two respondents, and (ii) they were highly recommended by the Park Avenue Armory and the team that managed many of the artistic elements at Grand Central Terminal. He added that this vendor provided similar services for the Battery Park City Parks Conservancy years ago. He then requested approval to enter into a three-year agreement with Altus Metal, Marble, and Wood for a not-to-exceed amount of \$398,850.00. Abby Ehrlich, Director of Community Partnerships and Public Art, was available to answer any questions.

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

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH ALTUS METAL, MARBLE & WOOD

BE IT RESOLVED, that in accordance with the materials presented to this meeting, the President & Chief Executive Officer of the Hugh L. Carey Battery Park City Authority (the "President"), or her/his designees be, and each of them hereby is, authorized and empowered to execute an agreement providing

for payments to Altus Metal, Marble & Wood in the amount not-to-exceed \$398,850 for a three (3) year term; 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 Hugh L. Carey Battery Park City 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 designees be, and each of them hereby is, authorized and empowered to execute all such other and further documents, and take all such other and further actions as may be necessary, desirable or appropriate in connection with the transactions contemplated in the foregoing resolution, 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.

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The next item on the agenda, presented by Ms. Frederick, was the authorization to file the Proposed Budget and Financial Plan for fiscal year 2021 pursuant to Section 2801 of the Public Authorities Law.

Ms. Frederick stated that the Authority is required by the Public Authority's Law to file an annual budget and financial plan that conforms to the requirements of the Public Authorities Law Reporting Information System (PARIS). She noted that any expected financing and capital expenses are estimated and will be refined over time. She said that upon the Board's approval and in conformance with the requirements, the report would be uploaded into PARIS, as well as onto the BPCA website and posted in five locations in Battery Park City.

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

AUTHORIZATION TO FILE THE “PROPOSED BUDGET AND FINANCIAL PLAN” FOR FISCAL YEAR 2021 PURSUANT TO SECTION 2801 OF THE PUBLIC AUTHORITIES LAW

BE IT RESOLVED, that in accordance with the materials presented to this meeting, the President & Chief Executive Officer (“The President”) of the Authority, or her/his designees be, and each of them hereby is, authorized and empowered to file the “Proposed Budget and Financial Plan” for fiscal year 2021 pursuant to Section 2801 of the Public Authorities Law; and be it further

RESOLVED, that the President of the Authority, or her/his designee be, and each of them hereby is, authorized and empowered to execute all such other and further documents and take all such other and further actions as may be necessary, desirable or appropriate in connection with the transaction contemplated in the foregoing resolution, 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 amend the contract with Architectural Preservation Studio, D.P.C. (“APS”) for the North End Avenue Leak Remediation Project.

Ms. Dawson explained that APS is the architectural firm designing the community center leak remediation project, which is the project to replace the ballfield terrace and all the waterproofing that forms the roof for the Community Center operated by Asphalt Green. The APS contract originated in 2015 and has been amended and extended several times to account for time that has been required for the negotiation with the Milstein Corporation, the owner of the base building that forms the shell for the Community Center space, for an access agreement. Construction on the project began last August and is back in progress again after an interruption due to the COVID-19 construction pause in New York City this spring. The scheduled completion date for the project is May 31, 2021, and continued construction administration and design support from APS is required through the completion of construction. Consequently, the Board's approval is requested to extend the APS contract through May 31, 2021. She explained that Board approval for this extension is required because the extension date is beyond one year since the expiration date previously approved by the Board.

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

AUTHORIZATION TO EXECUTE A TIME AMENDMENT (THE "AMENDMENT") WITH ARCHITECTURAL PRESERVATION STUDIO, D.P.C. FOR THE 200 – 300 NORTH END AVENUE LEAK REMEDIATION PROJECT

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 execute an amendment to extend the term of the Contract with Architectural Preservation Studio, D.P.C. from December 31, 2019 through May 31, 2021; 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 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 and in the best interest of the Authority, such approval to be conclusive evidence by the execution and delivery of the Amendment; 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.

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There being no further business, upon a motion made by Ms. Gallo and seconded by Mr. Petracca, the Members unanimously voted to adjourn the meeting. The meeting thereupon adjourned at 2:34 pm.

Respectfully submitted,

Lauren Murtha
Assistant Corporate Secretary

Public Comment
July 29, 2020

1. **Peter Brown**: Good afternoon. I just want to say that I believe the BPCA Board has done a great job keeping Battery Park City clean and full of life during the COVID-19 pandemics. Thank you for your service.

2. **David Barrett**: Hello. I'm very concerned with the number of parks and green spaces which remain under some type of construction and not available for community use. COVID understandably paused some of these efforts but at this stage of reopening all efforts must be made to bring these projects to conclusion without delay in the most expedited manner possible. Outdoor space for families and community use will be more important for the BPCA community during this time. Completing work will give more space as areas are becoming congested with exercises, teens, and little kids alike due to park closures. Request the BPC Authority to make all efforts, lobby, and utilize all available influence to get these projects completed for the service and good of the community. Specifically construction at West Thames Park, Rockefeller and Pumphouse Park have been halted for the last months. Thank you for your time and consideration.