

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

Members Present

George Tsunis, Chairman (via video)
Louis Bevilacqua, Member (via video)
Donald Capoccia, Member (via video)
Martha Gallo, Member (via video)
Catherine McVay Hughes, Member (via video)
Lester Petracca, Member (via video)

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)
Pamela Frederick, Chief Financial Officer/Treasurer (via video)
Abigail Goldenberg, General Counsel (via video)
Susie Kim, Deputy General Counsel (via video)
Eric Munson, Chief Operating Officer (via video)
Bruno Pomponio, Vice President of Parks Operations (via video)
Nicholas Sbordone, Vice President of Communications and Public Affairs (via video)
Alexis Torres, Chief of Staff (via video)

The meeting, called on public notice in accordance with the New York State Open Meetings Law, convened at 2:00 pm.

* * *

The first item on the agenda was the approval of the minutes of the April 6, 2020 meeting. Upon a motion made by Ms. Gallo and seconded by Ms. McVay Hughes, the following resolution was unanimously adopted:

APPROVAL OF MINUTES OF THE APRIL 6, 2020 MEETING

BE IT RESOLVED, that the minutes of the meeting of the Members of the Hugh L. Carey Battery Park City Authority held on April 6, 2020 are hereby approved.

* * *

There were two (2) presentations during the period of public comment, which were read by Mr. Sbordone.

* * *

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

Mr. Munson reported that for March 2020, 32.59%, or \$404,871.97, of the Authority's total qualifying expenditure of \$1,242,235.07 was paid to MWBEs. Of this total amount, there was an even split between the Authority's spend to MBEs and those made to WBEs, or about \$200,000.00 each. Roughly 15.5% was paid to MWBEs as prime contractors, with 3.5% to MBEs as prime contractors, and just over 11% to WBE prime contractors. Roughly 18% of the total MWBE spend was paid to MWBE's as subcontractors, with 13% going to MBEs and 5% to WBEs.

* * *

The next item on the agenda was the Resiliency Update presented by Mr. Jones. He noted that the Authority's ten-year Sustainability Plan was now posted to the website and would be followed by new Green Guidelines for buildings and projects and a detailed roadmap for implementation of the Plan. He thanked Sarah Fisher Curtin for managing the project with consultants Buro Happold. He also announced that the Authority had received a "Zero Waste Certification" for its Parks operation facility at 75 Battery Place and that the Authority had completed a week-long series of virtual Earth Day activities for the community. He provided updates on the resiliency front: the components for the South Battery Park City project are in the detailing phase, including preparation of construction documents with Aecom, the design and engineering team, and construction management firm, LiRo. Concept plans and additional site investigations are ongoing for the North Battery Park City project. Finally, he noted that the West Battery Park City resiliency project design and engineering proposals are due on May 5th.

* * *

The next item on the agenda, presented by Ms. Frederick, was the authorization to enter into a contract with Bank of America for banking services. She noted that Bank of America had been rated as having the strongest technical score and lowest estimated monthly fees in response to an RFP issued by the Authority. She also explained that the current contract with JP Morgan would not end until 2021, which would allow for a period of transition to the new bank. She then recommended approval of the selection of Bank of America to provide the Authority with the cash management and treasury product services.

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

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH BANK OF AMERICA TO PROVIDE BANKING SERVICES

BE IT RESOLVED that in accordance with the materials presented to this meeting, the President and Chief Executive Officer of the Hugh L. Carey Battery Park City Authority (the "President") or her/his designee(s) be, and each of them hereby is, authorized and empowered to enter into an agreement with Bank of America to provide banking services for a term of (5) years, with three (3) one (1) year renewal options for a not to exceed amount of \$28,000.00, 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 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 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.

* * *

The next item on the agenda, presented by Ms. Frederick, was the authorization to enter into an amendment with CPA Marks Paneth. She said the Authority was seeking to (1) extend the current contract, which was set to expire in June, through February 2021 and (2) increase the value of the contract from \$441,800.00 to \$575,000.00. She noted that the time extension would allow the firm to complete its Mid-Year Review and Annual Audit for the 2020 fiscal year while the Authority conducts a new RFP for accounting services and that the value increase represented both the cost of extended timeframe and the preparation of the Battery Parks City Parks Conservancy's tax returns for the past several years, which was not included in the original contract. Accordingly, she sought approval of the amendment for time and value and therefore recommend the approval of the resolution.

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

AUTHORIZATION TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH MARKS PANETH FOR PUBLIC ACCOUNTANT/AUDIT SERVICES

BE IT RESOLVED that in accordance with the materials presented to this meeting, the President and Chief Executive Officer of the Hugh L. Carey Battery Park City Authority (the "President") or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute an amendment to the Agreement with Marks Paneth for Public Accountant/Audit Services to increase the contract term by a period of eight (8) months, from June 30, 2020 to February 28, 2021, and to increase the not-to-exceed contract amount from \$441,800 to \$575,000, 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 amendment 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 amendment; 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.

* * *

The next item on the agenda, presented by Ms. Dawson, was a request for the Authority to enter into a contract for its ballfields resiliency project. Ms. Dawson explained that this was a continuation of the motion raised at the prior Board meeting for the selection of the general contractor for the ballfields

project. She noted that the motion had been tabled so that Authority staff would have an opportunity to work with Members Mr. Capoccia and Mr. Petracca and familiarize them with the costs associated with the project and the details of the proposal. Mr. Capoccia then noted that whereas he had been concerned about the per square foot price and per pound price associated with the fabrication of one-inch steel panels for the project, he now felt comfortable that it was reasonable given the unusual cuts and tooling required. Mr. Petracca noted that he was also okay with proceeding after seeing how intricate the contractor's report was and given that it was the lowest bidder. Accordingly, Ms. Dawson sought approval of the contract.

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

AUTHORIZATION TO EXECUTE A CONTRACT WITH SPECIALTY CONSTRUCTION SYSTEM, INC. FOR THE BATTERY PARK CITY BALLFIELDS & COMMUNITY CENTER RESILIENCY 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 enter into a thirteen (13) month contract with Specialty Construction System, Inc. in the not-to-exceed amount of \$5,615,000.00 to perform general contractor services for the Ballfields & 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.

* * *

Ms. Dawson presented the next item on the agenda by requesting the Authority enter into a contract with Signs & Decal Corp. ("Signs & Decal") for the Wayfinding Signage Program: Fabrication and Installation Services. She explained that the Authority's signage had been designed in installed in 1993 and was now outdated. In 2017, the Authority retained 212 / Harakawa, Inc. ("Two Twelve") to design a new and comprehensive wayfinding and signage program. Two Twelve had completed its services, so the Authority had issued an RFP to assign a contractor to perform the fabrication and installation services of those designs. After receiving and scoring five proposals, the selection committee eliminated the lowest two and interviewed the remaining three. After interviews, the committee narrowed the ground down to two proposers. In looking at the remaining cost proposals and the technical evaluation scores to determine represented the best value to the Authority, the committee took into account the fact that Signs & Decal (1) scored less than four points lower in each category of the evaluation criteria, (2) had broad and impressive signage experience in its own rights both in New York

City and beyond and has successfully performed comparable projects for the Port Authority, the Cornell Tech Campus on Roosevelt Island and the Jacob Javits Convention Center, and (3) provided a proposal that was \$200,000.000 less than the remaining proposer. As a result, the committee members concluded that although it was not the highest scoring technical proposal, Signs & Decal is qualified and represents the best value to the Authority. As a result, the Department recommends that the Authority enter into a six-month contract with Signs & Decal in the total lump sum amount of \$655,125.00.

In response to a question by Ms. McVay Hughes, Ms. Dawson noted that it would be possible to consider whether new signage would be necessary to encourage social distancing as a result of the Covid-19 pandemic.

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

AUTHORIZATION TO EXECUTE A CONTRACT WITH SIGNS & DECAL CORP. FOR THE WAYFINDING SIGNAGE PROGRAM: FABRICATION AND INSTALLATION 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 sixteen (16) month contract with Signs & Decal Corp. in the lump sum amount of \$635,125.00, to perform fabrication and installation services for the Wayfinding Signage Program (the “Contract”); 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.

* * *

Ms. Dawson presented the next item, which was an authorization enter into a contract with Boswell Engineering, Inc. for Phase 7 Pile Remediation – Construction Management and Diving Inspection Services. She reminded the Members that the Authority had a pile remediation program, which requires the completion of a certain number of repairs per year. While there had been plans to complete Phase 7 of the project during the in-water season from May to October 2020, the construction halt resulting from the pandemic would force the project to stretch into the 2021 in-water season. Authority staff had asked finalists from the RFP to resubmit responses due to the new circumstances. The highest technically scoring proposer, Boswell Engineering, was also the lowest cost proposal. Accordingly, the Authority was requesting approval enter into an 18-month contract with Boswell in the not to exceed amount of \$509,654.32.

In response to a question from Ms. McVay Hughes, Ms. Dawson noted that this project would include areas involved in the South Battery Park City resiliency project, specifically Wagner Park. This, she said, is one of the reasons Authority staff wanted to begin the project in 2020 and not push it into 2021.

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

AUTHORIZATION TO ENTER INTO A CONTRACT WITH BOSWELL ENGINEERING, INC. FOR THE PHASE 7 PILE REMEDIATION CONSTRUCTION MANAGEMENT AND DIVING INSPECTION 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 eighteen-(18)-month contract with Boswell Engineering Inc. in the not-to-exceed amount of \$509,654.62, to perform Construction Management and Diving Inspection Services for Phase 7 of the Pile Remediation 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. Petracca and seconded by Ms. Gallo, the Members unanimously voted to adjourn the meeting. The meeting thereupon adjourned at 2:40 pm.

Respectfully submitted,

Lauren Murtha
Assistant Corporate Secretary

Public Comment
April 29, 2020

1. Good afternoon -- my name is Justine Cuccia, and I am a co-founder of Democracy for Battery Park City.

I have asked to speak to your today about housing affordability in Battery Park City. In the wake of the continuing coronavirus pandemic, this has gone from an urgent need to a full-on crisis. Two examples will illustrate my point.

First, more than a dozen residents who live in affordable set-aside apartments at 225 Rector Place are about to be forced out of their homes. The affordability protections at this one-time 80-20 building are set to expire tomorrow, April 30. The tenants in these units -- most of them elderly and disabled, all of limited means -- are being faced with rent increases of thousands of dollars per month. This was actually slated to happen in 2010, but the Authority's leadership partnered with elected officials to get a ten-year extension on affordability at 225 Rector.

The current leadership of the BPCA has repeatedly stated that affordability is one of its top priorities. Why have you not done anything to protect these residents? Did you not know about this situation? If so, why not? And if you did know, why have you not repeated the actions the Authority took a decade ago to keep these tenants in their homes?

Even now, it may not be too late. All of these units are owned by a single investor group, and you could still approach them with an offer of ground rent savings to incentivize a continuation of affordability, as you are currently negotiating at Gateway Plaza.

This brings me to my second example: Gateway, where rent stabilization is slated to expire in 60 days. Even if you announce a deal at this meeting, it is -- in one sense -- already too late. Tenants whose leases are now up for renewal are already preparing to move out. One community leader, who served for years as a PTA president, is packing up her belongings as I speak.

Plus, announcing any deal between now and June 30 will give residents, tenants representatives, and community leaders no time to review the terms, or respond. You will be presenting everyone with a *fait accompli*.

To avoid this dilemma, I propose that you declare an emergency and impose a standstill, ordering your tenants, the LeFrak Organization, to extend the current status quo for six months, until the end of this year.

LeFrak would doubtless challenge this in court. But in view of the pandemic crisis, along with your status as a government agency and LeFrak's landlord, any judge would likely side with you. This would allow time not only to continue negotiating -- which is very difficult in the midst of a crisis - - but also for a transparent review of the terms contained in any eventual deal.

Please step up and protect this community in our moment of crisis.

Thank you very much.

Regards,

Justine Cuccia

2. Dear Board Members:

I greatly appreciate the time and effort the Battery Park City Authority has dedicated to forging an agreement with LeFrak Organization regarding Gateway Plaza to secure affordability for its tenants. I strongly maintain that rent stabilization be extended to all of the tenants at Gateway. Anything less would be contrary to the original legislative intention that established Battery Park City.

In the distressing possibility that rent stabilization is only extended to currently rent stabilized tenants (legacy tenants), I strongly urge that any benefit to LeFrak Organization be tied to the number of legacy tenants and last only as long as there are more than 100 legacy tenants.

Thank you for your time and all your work on this important issue during this distressing time for all of us.

Kind regards,

Vittoria Fariello
Democratic District Leader
AD 65 Part C
Richard Corman
President
Downtown Independent Democrats