

HUGH L. CAREY BATTERY PARK CITY AUTHORITY  
Meeting of the Members  
200 Liberty Street, 24<sup>th</sup> Floor  
New York, NY 10281  
June 23, 2021

Members Present (all via video)

George Tsunis, Chair  
Louis Bevilacqua, Member  
Donald Capoccia, Member  
Anthony Kendall, Member  
Catherine McVay Hughes, Member  
Lester Petracca, Member

Authority Staff in Attendance: Benjamin Jones, President and Chief Executive Officer (via video)  
Sharmila Baichu, Vice President of Human Resources (via phone)  
Rita Chadha, Assistant General Counsel (via phone)  
Gwen Dawson, Vice President, Real Property (via video)  
Pamela Frederick, Chief Financial Officer/Treasurer (via video)  
Abigail Goldenberg, General Counsel (via video)  
Craig Hudon, Vice President of Parks Programming (via phone)  
Susie Kim, Deputy General Counsel (via video)  
Karl Koenig, Controller (via phone)  
Kevin McCabe, Chief Resilience Officer (via phone)  
Eric Munson, Chief Operating Officer (via video)  
Lauren Murtha, Paralegal/Assistant Corporate Secretary (via phone)  
Jahmeliah Nathan, Vice President of Administration (via video)  
Robert Nesmith, Chief Contracting Officer (via phone)  
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 phone)

Others in Attendance: Paul Hennessey, Arthur J. Gallagher & Co. (via video)

The meeting, called on public notice in accordance with the New York State Open Meetings Law, convened at 2:03 pm.

\* \* \*

The first item on the agenda was the approval of the minutes of the May 26, 2021 meeting. Upon a motion made by Mr. Petracca and seconded by Ms. McVay Hughes, the following resolution was unanimously adopted:

**APPROVAL OF MINUTES OF THE MAY 26, 2021 MEETING**

BE IT RESOLVED, that the minutes of the meeting of the Members of the Hugh L. Carey Battery Park City Authority held on May 26, 2021 are hereby approved.

\* \* \*

Next, 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 Ms. Nathan.

Ms. Nathan reported that for the month of May 2021, 26.53% of the Authority's total qualifying expenditure of approximately \$510,000.00 was paid to MWBEs. Of this total amount, 21.9% was paid to MBEs as prime contractors and 1.2 percent to MBE subcontractors. And of that total qualifying expenditures, 4.13% was paid to WBE prime contractors. No WBE subcontractor payments were reported for the month of May 2021.

\* \* \*

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

Mr. Jones was pleased to report that construction was underway with the contractor on site for the Ballfields Resiliency Project. Photos were sent to the Members of the work happening on site.

On the South Battery Park City Resiliency Project, work continues approaching 95% design and cost estimates last month. He mentioned this was an important milestone in order to go back to the City for the necessary capital approvals for the construction phase of that project. Work is continuing on the Environmental Impact Statement and there was some progress with DEP in regards to their decision on requirements for the interior drainage component.

For the North and West Resiliency Project, the contract for consulting engineer services was executed. The next first step will be advertising a Request for Qualifications for the PDB procurement in September, which should provide us with more information in terms of interest and available resources.

And then finally, on the Sustainability front, he noted that a Request for Information (RFI) was released to collect facility data from all of the buildings in Battery Park City. The RFI requested a host of sustainability information on energy use and sustainability plans. The information received will be used to help buildings work towards implementing our Sustainability Plan goal.

Ms. McVay Hughes asked when the Ballfields Resiliency Project would be completed. Mr. Jones responded it would likely be October.

\* \* \*

The next item on the agenda, presented by Mr. Munson, was the authorization to accept the 2021-22 Insurance Program and to pay the related Insurance Premiums.

Mr. Munson began by stating that nearly all of the Authority's insurance policies, comprising 15 categories of coverage in total, were set to expire June 30, 2021, and as done every year, the Authority worked with New York State Office of General Services Bureau of Risk and Insurance Management and our broker of record to evaluate our insurance needs and secure the appropriate coverage. Since 2015 the Authority's broker of record has been Cool Insuring Agency who last year merged with A.J. Gallagher. He reminded the Members that OGS procures A.J. Gallagher services on behalf of the

Authority and other similar organizations across the state through a competitive process, most recently in 2018, and they assist us with most of our insurance policies, as well as with the daily work of insuring the transfer of risks to lessees, vendors, permittees, and other parties as appropriate. The process of securing this year's renewals was the same as last year's in that A.J. Gallagher engaged dozens of potential carriers to market our policies and secure the best premiums. The upshot is that the insurance markets continue to harden across policy coverage, but this year through extensive marketing the aggregate policy premium increase was just 5% over last year's program. The proposed insurance program for the upcoming renewal is nearly identical to the current program, and the premium increase can be considered by most standards modest. Mr. Munson then provided additional descriptions for three of the policies.

First, with regards to our workers' comp policy, he stated the Authority benefited significantly this year from a reduction in our experience modification factor which speaks to the ongoing efforts to ensure a safe workplace for employees. He then acknowledged the work of the Safety Advisory Committee and Safety Director, Ryan Torres. The reduction in the experience modification factor also prompted the carrier to apply a 15% credit to the policy, saving us in aggregate more than \$80,000.00 in premium costs this year.

Secondly, he discussed the impact that completion of the Resiliency Projects would have on flood coverage, which compromises a relatively small amount of the overall insurance premium. He explained that completion of the resiliency projects would enable us to market our renewals in a better light having significantly reduced the risk of flood in Battery Park City. He stated it was unclear today how carriers will price our renewals once the projects are complete, but he is hopeful that with the completion of the projects we would have yet another benefit beyond safety, resiliency, sustainability and increased property values, in reduced insurance premium costs as well.

And thirdly, he noted the significant increase in the cyber liability policy premium, which more than doubled this year. This increase is not the result of BPCA's loss history or risk profile, but rather the result of the extreme hardening of the cyber insurance markets generally given the ransomware attacks on public and private entities. These matters remain a significant concern to our team and we've been working closely with our internal auditors and with the new director of IT, Rudy Machuca, to identify and implement strategies to improve our controls. Along with the robust cyber security policies and procedures developed over the recent years, the Authority's trained staff in cyber security practices simulates phishing attacks, holds annual internal and external penetration assessments, and has a cyber breach coach on retainer in the event of an incident. That said, we will continue our ongoing work to bolster the security of our environments.

Mr. Munson then requested the Members accept the Authority's 2021-2022 insurance program as presented in the written materials and authorize the payment of insurance premiums totaling an amount that will not exceed \$5,450,438<sup>1</sup>, an increase of \$281,085 over last year's insurance program. Paul Hennessey from A.J. Gallagher was on hand to take any questions.

Mr. Capoccia asked if these policies were shopped as hard as possible. Mr. Munson responded that A.J. Gallagher marketed the policy to 40 different carriers for the property policy and 39 for GL and umbrella.

---

<sup>1</sup> The figure of \$5,439,802 for the annual premium payment that Mr. Munson provided during the videoconference incorrectly reflected an earlier draft of the memo. The written Board materials presented to the Members for review included approval of a premium payment in the not-to-exceed amount of \$5,450,438. Further, Mr. Munson noted in his presentation that the Members were being asked to approve the amount as presented in the written materials.

Upon a motion made by Mr. Petrecca and seconded by Ms. Gallo, the following resolutions were unanimously adopted:

**AUTHORIZATION TO ACCEPT THE 2021-22 INSURANCE PROGRAM AND AUTHORIZATION TO PAY THE RELATED INSURANCE PREMIUMS**

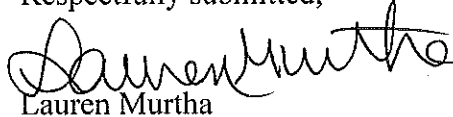
BE IT RESOLVED, that the Members hereby authorize the President and Chief Executive Officer (the "President") of the Authority or her/his designee(s) be, and each of them hereby is, authorized and empowered to accept the 2021-22 Insurance Program and to authorize the payment of the insurance premiums in the total amount not to exceed \$5,450,438 subject to such changes as the officer or officers, with the advice of counsel, shall approve as necessary and appropriate and in the best interest of the Authority; 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 any documents, file said budgeted and related information with all parties as required pursuant to all outstanding bond resolutions, agreements and requirements of law 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 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.

\* \* \*

There being no further business, upon a motion made by Ms. McVay Hughes and seconded by Ms. Petracca, the Members unanimously voted to adjourn the meeting. The meeting thereupon adjourned at 2:20 p.m.

Respectfully submitted,



Lauren Murtha  
Assistant Corporate Secretary

**Public Comment**  
**June 23, 2021**

**1. Justine Cuccia:** My name is Justine Cuccia, Chair of the BPC Committee of Community Board One but I am speaking to you today in my capacity as a resident of Battery Park City.

Governor Andrew Cuomo has once again displayed his disregard for the desires of the Battery Park City community by unilaterally announcing today that he plans to create a monument for essential workers on publicly owned space on the Northwest corner of Rockefeller Park, where currently there is a beautiful copse of trees, plantings and benches.

Is a monument to essential workers necessary and appropriate? Yes, without question.

Should such a monument take up yet to be disclosed thousands of square feet of space that will require the destruction of trees, plantings, quiet space as well as taking away children's play space? Absolutely not.

Should this decision be made without consulting the community? Most certainly not!!!!

This is part of a pattern in which Governor Cuomo, who faces a tough reelection bid next year, is hoping to score political points by using public money and public land to erect memorials to politically important constituencies in one of the few parts of Manhattan that he directly controls: Battery Park City.

But what about the people who live here? Many of whom are being forced from their homes by the ever escalating Ground Rent, PILOT and CIVIC Fees, as well as ever diminishing affordable rental housing. The Governor has turned a deaf ear to their pleas for financial relief, so they can age and die in place.

But, with this newest addition, he will have added 3 new monuments/ memorials in Battery Park City.

How much public money is going to be spent on this project? What is the value of the public land he hopes to confiscate for this political self-promotion? And once these amounts are determined, should Battery Park City residents think of this our "mandatory campaign contribution" to Andrew Cuomo's quest for a fourth term?

**2. Tammy Meltzer, Chair, Manhattan Community Board 1:** In February of this year Manhattan Community Board 1 called for the Governor of New York and Mayor of New York City to "put their differences aside and come together on a design competition to allow New Yorkers and the world have a place to honor the loss and sacrifice of to many people" and that "The location of such a memorial should be carefully selected to honor those communities that unjustly bore the brunt of this pandemic."

Not one day after New Yorkers began the process of looking to the future and selecting the new leadership of the city, the Governor chooses to ignore the voice of New York City residents and workers in diverse communities. The voices of the people who worked tirelessly and those that were left behind by this virus **will** remain unheard and their pain unseen by his decision today. There is rich irony in locating this memorial in Battery Park City, a neighborhood that symbolizes the failure of the State and Battery Park City Authority to protect affordable housing. The families departing from formerly stabilized apartments are an ever-present reminder that essential workers are no longer able to afford living here. We hope that the Board of the Battery Park City Authority recognizes that this project will forever be a symbol of the failure of the envisioned plan of a population of 50,000 -- two-thirds of them middle- and low-income families for a balanced socio-economically diverse neighborhood -- instead irreverently dropping a token monument of diverse cultures of essential workers within a neighborhood that they have been pushed out and excluded from.

With a tremendous amount of state parkland available that would allow the essential workers state-wide to experience the physical representation of the recognition of the thanks of their neighbors, the Governor and the board are hiding a small token in a location where few, if any, of those same heroes will often visit.