

HUGH L. CAREY BATTERY PARK CITY AUTHORITY

Meeting of the Members
200 Liberty Street, 24th Floor
New York, NY 10281
April 27, 2022

Members Present

Martha Gallo, Acting Chair (via video)
Louis Bevilacqua, Member (via video)
Donald Capoccia, Member (via video)
Anthony Kendall, Member (via video)
Lester Petracca, Member (via video)
Catherine McVay Hughes, Member (via video)

Authority Staff in Attendance: Benjamin Jones, President and Chief Executive Officer (via video)
Marie Baptiste, Deputy Treasurer (via phone)
Brett Beecham, Associate General Counsel (via video)
Gwen Dawson, Vice President, Real Property (via video)
Claudia Filomena, Director of Capital Projects (via phone)
Pamela Frederick, Chief Financial Officer/Treasurer (via video)
James Gallagher, Special Counsel (via phone)
Abigail Goldenberg, General Counsel (via video)
Craig Hudon, Vice President of Parks Programming (via phone)
Karl Koenig, Controller (via phone)
Kevin McCabe, Chief Resilience Officer (via phone)
Franco Morizio, Asst. Vice President, Construction & Site Mgmt. (via phone)
Eric Munson, Chief Operating Officer (via video)
Lauren Murtha, Paralegal/Assistant Corporate Secretary (via video)
Jahmeliah Nathan, Vice President of Administration (via video)
Robert Nesmith, Chief Contracting Officer (via phone)
Nicholas Sbordone, Vice President of Communications and Public Affairs (via video)
Alexis Torres, Chief of Staff (via phone)
Ryan Torres, Vice President of Parks Operations (via video)

The meeting, called on public notice in accordance with the New York State Open Meetings Law, convened at 2:08 pm. All participants attended the meeting via videoconference or via telephone.

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The first item on the agenda was a request for approval of the minutes of the March 30, 2022 meeting. Upon a motion made by Mr. Kendall and seconded by Mr. Capoccia, the following resolution was unanimously adopted:

APPROVAL OF MINUTES OF THE MARCH 30, 2022 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 30, 2022, are hereby approved.

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Next, there were two comments submitted by the public that were read by Mr. Munson.

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Ms. Frederick then provided the Members an update from the Audit Committee, which met led by the Committee Chair, Anthony Kendall and member Martha Gallo. The meeting was attended by Warren Ruppel, the lead partner with Marks Paneth, as well as Magdalene Czerniawski, a tax partner and our independent auditor. The Committee reviewed the Form 990 and CHAR500 and recommended the filing of both to the Conservancy Board. The Committee then reviewed several operating items which included updates related to the Finance department's digitization efforts and progress, as well as the plan to shift to cloud servers being led by MIS. Committee Members were also updated on the progress in Asset Management and the selection of an advisor to assist in identifying and implementing lease administration software. Operating wise, the performance rent audit was discussed, Velez was selected as the ongoing Auditor and a rolling schedule of audits would be planned. And then lastly, an update was provided on the implementation of the GASB 87 lease account.

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

Mr. Nathan reported that for the month of March, 33.37% of the Authority's total qualifying expenditures of approximately \$1.2 million was paid to MWBEs. Of this total amount, 12.2% was paid to MBEs, 2.64% to MBE primes, and 9.56% to MBE subcontractors. Of the total qualifying amount, 20.88% was paid to WBEs, and 8.86% was paid to WBE subcontractors.

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The next item on the agenda was an update on the Authority's resiliency projects by Mr. Jones.

Mr. Jones began by noting the painting of several light poles along the Esplanade which indicate the height that floodwaters are expected to reach in a 100-year storm. The intention was to visually communicate the urgency of our resiliency projects and others across the city.

On the Ballfield Resiliency Project, which was substantially completed in December, he reported work was completed on the walkway and the plantings.

On the South Battery Park City resiliency project, the environmental review was almost complete and all of the related agencies have submitted their comments on the Environmental Impact Statement, none of which raised any significant concerns. He took the time to reiterate the massive amount of collaboration that occurred largely thanks to Gwen Dawson and her team, and the agencies that we have been working closely with, including State DOT, City DOT, City DEP, City Parks, State Parks, SBS, Department of State Landmarks Preservation, EDC, OEC, and City Planning. Also, the Public Design Commission, which just provided final approval for the completed design elements to date for the South project on April 11th. Jones also recognized the contribution by the Authority's legal, operations, and financial teams, too. He then noted that two RFPs were on the street for the South, which would be brought to the Board at a future meeting. A pre-construction walk-through of the site for the public took place as part of our continued public education efforts with Member McVay Hughes in attendance. Another walk-through was taking place on April 28th.

On the Northwest Battery Park City resiliency front, the RFP was out and proposals were expected to be received in early May.

Lastly, on the sustainability front, another successful Earth Week took place and more information was available on the Sustainability page of our website. Mr. Jones also mentioned he was going to be a guest speaker at the Municipal Forum of New York event on April 29, discussing the Authority's resiliency initiatives.

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The next item on the agenda, presented by Mr. Munson, was approval of Guidelines for Disposition of Personal and Real Property.

Mr. Munson explained that each year public authorities are required to submit to the State Authority's Budget Office their Disposition Guidelines for Personal and Real Property. The guidelines were presented with no proposed changes from the ones currently in use. The guidelines set forth the requirement that property be disposed of for not less than fair market value, and they also outline corresponding advertising and reporting requirements associated with the disposition of real or personal property in excess of \$5,000. To recap our current practices, the Authority has an agreement with the New York State Office of General Services to help us dispose of all Authority-owned personal IT and other property that meets that dollar threshold.

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

APPROVAL OF GUIDELINES FOR THE DISPOSITION OF PERSONAL AND REAL PROPERTY

BE IT RESOLVED that the Guidelines for the Disposition of Personal and Real Property Owned by the Authority (the "Guidelines") as presented to this meeting, be, and hereby are approved; and be it further

RESOLVED that the Contracting Officer shall file the Guidelines as soon as practicable with the New York State Comptroller; and be it further

RESOLVED that the Guidelines be posted on the Authority's website; and be it further

RESOLVED that the Assistant Corporate Secretary of the Authority be, and hereby is, directed to file the Guidelines with the minutes of this meeting.

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The next item on the agenda, presented by Mr. Munson, was a request to enter into an agreement with Spruce Technology, Inc. for webmaster services.

Mr. Munson began explaining that with the Authority undertaking more and larger scale projects our efforts to proactively engage the public are increased and a key tool in those efforts was the use of our website, BPCA.NY.gov. Our website is where members of the community and the broader public can read our strategic plan, review detailed plans for our upcoming resiliency projects, learn more about our efforts to preserve and increase affordability for residents, and engage with our recently released climate action plan, which is our roadmap for achieving carbon neutrality by 2050. The website also allows vendors access to requests for proposals, event holders to apply for permits, and countless families learn where, when, and how to attend the hundreds of free public programs and events each season. The expertise of a webmaster is necessary to ensure this critical tool is working properly, and that the Authority's information is clearly presented and easily accessible. With the current vendor's contract set to expire in August, we conducted a discretionary solicitation for M/WBE and SDVOB proposers and nine bids were received.

Mr. Munson continued to explain that after interviewing four of those proposers, the Committee was particularly impressed with Spruce Technologies. The firm demonstrated extensive subject matter expertise regarding design and content management as well as the technical elements of web development. The firm also offered creative suggestions for managing the websites interactive features like the calendar and online permit application and they made clear that they have significant staffing resources to devote to our account, particularly during the off hours when we need them most. Although Spruce's cost proposal was not the lowest of those received, the Committee felt that Spruce provided the best value to the Authority. Based on an analysis of past hours worked and Spruce's proposed billing rates for this contract, a three-year contract was requested for a not to exceed amount of \$325,000.

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

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH SPRUCE TECHNOLOGY, INC.

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 Spruce Technology, Inc. (“Spruce”) to provide webmaster services for a term of three (3) years for a not-to-exceed amount of \$325,000, 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 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.

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The next item on the agenda, presented by Ms. Nathan, was a request to enter into an agreement with Linguistica International, Inc. for translation and interpretation services.

Ms. Nathan explained that in order to best serve the public and in accordance with New York State's Executive Order 26.1, BPCA requires translation services to publish documents in 10 languages and interpretation services to provide real time interpreting in those languages when necessary. The Diversity Department conducted a discretionary procurement for such services and invited M/WBE and SDVOB firms to bid. Six proposals were received and among those bidders, Linguistica provided the lowest cost for a majority of the required services. Linguistica has provided translation services for large municipalities, government agencies, and corporate clients for 21 years and operates in over 30 states. The Diversity Department recommends Linguistica as the best value to the Authority.

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

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH LINGUISTICA INTERNATIONAL, INC.

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 Linguistica International, Inc. (“Linguistica”) to provide translation and interpretation services for a term of three (3) year for a not-to-exceed amount of \$75,000.00, 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.

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The next item on the agenda, presented by Ms. Dawson, was an authorization to enter into a contract with Buro Happold Consulting Engineers, P.C. for Battery Park City Sustainability Consulting Services.

Ms. Dawson noted that, in September of 2020, the Authority released its 10-year sustainability plan along with a sustainability implementation plan and new Green Guidelines. The sustainability plan and the related sustainability implementation plan set forth several milestones that the Authority, along with the community, would target to achieve in connection with the objectives of the plan. Since that time, building inventory was completed and a climate action plan was identified.

Moving forward, several additional steps were identified that need to be pursued and achieved towards the implementation of the plan. This included: assessment of District Scale Energy, which would evaluate the suitability of introducing different kinds of district and low carbon technologies for Battery Park City; an Urban Tree Canopy assessment to measure and evaluate the tree canopy in Battery Park City and the health of the trees that are so close to the environment at Battery Park City and the ability to address things such as the Heat Island Effect that comes with climate change; a Biodiversity Data Audit that will review and audit the Authority's biodiversity data collection methodology and provide recommendations on how this methodology can be formalized and approved towards the ultimate objective of having Battery Park City be a biodiversity haven that is described in our plan; and general Sustainability Advisement Services which will be required over the course of the term of this contract in order to provide some additional assistance that we will need in order to take appropriate actions for the achievement of the plan objectives.

In February, the Authority released an RFP for engineering, landscape, architectural, environmental consulting and/or architectural firms to perform the needed services, and in March three proposals were received. After an initial evaluation of the three proposals received, the lowest scoring proposer was eliminated from further consideration, and the Evaluation Committee interviewed the two highest-rated firms, Happold and CHA. Based on its proposal and interview, Buro Happold was selected by the Evaluation Committee as the best value to the Authority given the requirements of the project. Buro Happold brought AKRF and Scape Architects, both of which are extremely experienced in Biodiversity Assessment and Tree Canopy Assessment in

conjunction with Buro Happold's experience with District Energy Assessments. Buro Happold was also involved in creation of the Authority's sustainability plan and the Authority was extremely pleased with the quality of its work. Consequently, Ms Dawson requested the Board's approval for the Authority to enter into a 12-month contract with Buro Happold with the option to extend the term by another 12 months, at BPCA's discretion, in the amount of \$609,400 which includes \$400 in reimbursable expenses.

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

AUTHORIZATION TO EXECUTE A CONTRACT WITH BURO HAPPOLD CONSULTING ENGINEERS, P.C. FOR THE BATTERY PARK CITY SUSTAINABILITY CONSULTING 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 contract with Buro Happold in the not-to-exceed amount of \$609,400 for a term of twelve (12) months with an option to extend by twelve (12) months (the "Contract"), to perform the consulting services required for the Battery Park City Sustainability Consulting 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.

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There being no further business, upon a motion made by Mr. Bevilacqua and seconded by Ms. McVay Hughes, the Members unanimously voted to adjourn the meeting. The meeting thereupon adjourned at 2:45 p.m.

Respectfully submitted,

Lauren Murtha
Assistant Corporate Secretary

Public Comment
April 27, 2022

1. Pat Smith, President Battery Park City Homeowners Coalition

In late 2021, the Battery Park City Homeowners Coalition was engaged in good faith negotiations with the Battery Park City Authority to address the critical issue of ground rents.

At the request of BPCA President Benjamin Jones, the Coalition made an initial proposal on October 22, 2021. Mr. Jones promised that the BPCA would offer a counter-proposal quickly.

Battery Park City homeowners have been waiting six months for that counter-proposal.

Instead, we have been fed misinformation, such as the claim that 50 percent of Battery Park City condo units are investor-owned. The Coalition surveyed condo board presidents and managing agents for all 18 buildings and determined that 2,790 of the 3,865 units are owner-occupied, 72.2 percent of the total, while 1,075 units are investor-owned, 27.8 percent of the total.

Or the claim that Battery Park City condo sales have improved in the last three years. Sales have been down slightly, or at best flat, especially when comparing the 2021 data with data from pre-pandemic years 2017-2019. We have available data from UrbanDigs, Property Shark, and Street Easy.

These claims and other actions by the BPCA have eroded homeowner confidence in this agency and engendered a feeling of hostility.

The BPCA must move to restore a sense of mutual trust of confidence among the homeowners for whom you have a significant degree of responsibility.

2. Nikki Yellen The final public comment comes to us from a resident of 70 Battery Place, who passed along comments this past Friday at the opening celebration for our newest temporary public art installation, an augmented reality installation by Shuli Sade that showcases Battery Park City's role as a biodiversity haven for migratory birds. The celebration featured flamenco music by acclaimed musicians Pedro Cortes and Juan Pedro Hermanez.

“Hi, my name is Nikki Yellen and I just wanted to say a big thank you to the Battery Park City Authority. I live here in 70 Battery Place and I heard literally from my apartment this amazing music. I came down with my dogs, Bouncy and Rosie, and I'm just blown away with so much excitement. I couldn't contain myself. I haven't even got a phone on me, so I asked a couple to do video of them. Thank you so much. Really appreciate it. It was wonderful. Really made my night.”