

HUGH L. CAREY BATTERY PARK CITY AUTHORITY  
Meeting of the Members  
200 Liberty Street, 24<sup>th</sup> Floor  
New York, NY 10281  
September 1, 2022

Members Present

Martha Gallo, Acting Chair (via video)  
Louis Bevilacqua, Member (via video)  
Donald Capoccia, Member (via video)  
Anthony Kendall, 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)  
Brett Beecham, Associate General Counsel (via phone)  
Marie Baptiste, Deputy Treasurer (via phone)  
Gwen Dawson, Vice President, Real Property (via video)  
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)  
Vanessa Mesine, Treasury/Revenue Accountant (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)  
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 2:03 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 July 27, 2022 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 JULY 27, 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 July 27, 2022, are hereby approved.

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Next, there were nine comments submitted by the public that were presented during the period of public comment.

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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 July, 2022, 47.38% of the Authority's total qualifying expenditure of approximately \$1 million was paid to MWBEs. Of this total amount, 9.57% was paid to MBEs, 1.2% to MBE primes, and 8.37% to MBE subcontractors. And of the total qualifying expenditure, 37.82% was paid to WBEs, 1.78 to WBE prime contractors, and 36.04% 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 first presented some important context and highlights from presentations showing that Battery Park City remains a vulnerable coastal community.

He began by speaking about Superstorm Sandy, noting that Battery Park City did sustain damage, and how we are now planning in anticipation of even more catastrophic storms based on current science in order to protect this neighborhood and Lower Manhattan. He added that community engagement has been an incredibly important part of this effort, and has been since the beginning of this endeavor with over 30 public sessions conducted since 2016. This planning has also required an incredible amount of coordination with City and State partners.

He also touched on the three components of the resiliency plan, the Battery Park City Ballfields, the South Battery Park City Resiliency Project, and the Northwest Battery Park Resiliency Project, stating we reached a significant milestone at the end of 2021 when we completed the first of those initiatives, the Ballfields Resiliency Project which protects the area that was devastated by Hurricane Sandy, as well as the adjoining Community Center.

Mr. Jones then thanked the Board for their support, and the entire BPCA team who had made this possible. These projects required involvement across the whole organization, and he expressed gratitude to Gwen Dawson, who has been tireless in leading the charge, as well as Claudia Filomena, Franco Maurizio and Jim Gallagher for their invaluable help. He also thanked the community members who have been engaged in our public process along the way.

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The next item on the agenda, presented by Ms. Dawson, was an authorization to enter into a contract with Turner EE Cruz a JV for North West Battery Park City Resiliency Project: Progressive Design-Builder.

Ms. Dawson began by also expressing appreciation to the Authority staff members for their respective contributions and setting these projects up for success and getting them to the current

status. And with respect to the two contract procurements being presented, she offered special thanks to Franco Maurizio, Claudia Filomena, Jim Gallagher, and Mike LaMancusa each of whom had very critical roles to play in those procurements.

First was the contract for the Progressive Design Build (“PDB”) team for the Northwest BPC Resiliency Project. Ms. Dawson reminded the Members, this project was being achieved through a PDB approach, consistent with the Design Build Authority that was granted to the Battery Park City Authority in 2020. As a result of receiving that authority, the previously separate North and West BPC Resiliency Projects were combined into a single PDB Project that covers about a mile and-a-half starting in Tribeca crossing West Street and proceeding along the Battery Park City waterfront to First Place where it will connect in the future with the South BPC Resiliency Project. To that end, in 2021 AECOM was retained as the consulting engineer to help guide the process of identifying and retaining a PDB contracting team. The collective scope of services that are expected to be performed by the PDB team was divided into two phases. Phase one services will be focused on the design of the project to a level of 60 – 90% design, along with the formulation of cost estimates, identification of construction work allocations, and the development of a guaranteed maximum price for construction of the project. Phase two services will cover the construction commissioning and start up, performance testing, and FEMA Certification of the project. The contract being proposed for your approval today covers only the fees associated with the phase one services, and the fixed fee percentage that will be applied by the PDB contractor in connection with the phase two services. The phase two services will not be authorized to proceed until an agreement is reached with the PDB contractor on a guaranteed maximum price and that will lead to our bringing to the Board an amendment to the existing contract to cover those phase two services in the future.

Ms. Dawson then briefly explained the procurement process explaining that the Authority issued a request for qualifications to teams potentially interested in the role of PDB contractor for this project. In follow up to the responses received to that RFQ, the Authority identified a short list of potential PDB contractor teams to receive an RFP. The four short listed teams included Hewitt Infrastructure, Turner EE Cruz Joint Venture, Hunter Roberts Construction Group, and Skanska USA Building. An RFP was subsequently issued to the short-listed proposers in January of this year, and individual meetings were conducted with each short-listed proposer. Prior to the due date for the proposals, Hewitt informed the Authority that it would be withdrawing and would not be submitting a proposal. On May 6th, proposals were received from all of the other three proposers and were reviewed and evaluated in accordance with the stated evaluation criteria in the RFP and the proposers were interviewed during the month of June. Upon conclusion of evaluation of both the technical and cost proposals of the proposers, the evaluation committee concluded that the Turner EE Cruz team, which also includes Arcadis Big and Scape on the design side, provided the best value to the Authority given the requirements of the project. The Turner EE Cruz team provides a wealth of valuable experience, including experience with Design Build projects, complex site, civil and structural projects, including projects such as the Javits Center. Likewise, the design team, including Arcadis, Big, and Scape, has significant experience with the design of resiliency projects in New York City, and is currently involved in the design of the FiDi Seaport project as well as complex infrastructure in open urban spaces. The Turner EE Cruz team was the highest technically rated firm and has consistently presented itself well and offered sensitive responses and concepts for the project. Its team is very experienced and impressive.

Ms. Dawson then discussed the cost proposal, noting Turner did not offer the lowest overall price for the phase one services, however, the committee believed that Turner nonetheless offered

the best value and Turner's cost contemplated the lower hourly rate for a higher number of hours. Turner's fixed fee proposal for phase two services of 5.25% was the lowest among the three proposals, even accounting for some variations in how it will be applied. Following the selection of Turner as best value, it was subsequently determined that the EI schedule for the project will need to be extended by approximately four months. And as a result, the amount of the proposed contract has been adjusted upwards from \$78,559,949 to \$81,974,529. Consequently, the Real Property Department recommended the approval of a contract for 24 months with Turner EE Cruz, a Joint Venture, in the not to exceed amount of \$81,974,520 for the phase one services for the Northwest BPC Resiliency Project, and adopting a fixed fee percentage of 5.25% to be applied to phase two services at such time as the Board approves the GMP amendment for such services in the future.

Ms. McVay Hughes stated for the record that the local Community Board has consistently prioritized resiliency as a top item for capital expenditures for the past 10 years since Superstorm Sandy devastated downtown. As CBI Chair then, I saw the extensive destruction suffered by our community. It was a massive setback as we rebuilt our homes, businesses, and neighborhood after September 11<sup>th</sup>. After years of active and inclusive community engagement, the South Battery Park City Resiliency ("SBPCR") project, which we heard about from B.J. earlier, will be an important component of the Lower Manhattan Coastal Resiliency, and will protect the Museum of Jewish Heritage, Wagner Park, Pier A Plaza, and the Battery. In August, the U.S. Army Corp of Engineers released the New York and New Jersey Harbor Tributaries Coastal Storm Risk Management Feasibility Study (known as HATS) tentatively selected plan. The preliminary recommendation for our metro region includes no regional protection such as a floodgate system at the Verrazano Bridge or in the New York Harbor. This South Battery Park City Resiliency Project will be our only defense to keep out the New York Harbor and the Atlantic Ocean when the next hurricane threatens our waterfront. The SBPCR project and Northwest resiliency project will minimize danger to life, property and infrastructure and improve interior drainage while increasing public access, adding more trees, providing an extensive lawn for all to enjoy, and FEMA Certification. As a resident, I thank the community members that have attended and engaged in those many discussions over the years, and the BPCA Resiliency team and numerous partners. It hasn't been an easy process to get here today, but it's truly a better design and project with your contributions included. Thank you again for investing in the future downtown by minimizing the risk of climate change at our waterfront, and doing so in a way that is attractive, fiscally responsible, and farsighted.

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

**AUTHORIZATION TO EXECUTE A CONTRACT WITH TURNER EE CRUZ A JV FOR THE PROGRESSIVE DESIGN-BUILD SERVICES FOR THE NORTH/WEST BATTERY PARK CITY 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 twenty-four (24) month contract with Turner in the not-to-exceed amount of \$81,974,529 for the performance of the Phase 1 Services, and adopting a Fixed Fee Percentage of 5.25% for the Phase 2 Services, in connection with the North and West Battery Park City 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.

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The next item on the agenda, presented by Ms. Dawson, was an authorization to enter into a contract with E.W. Howell Co., LLC for South Battery Park City Resiliency Project: Wagner Park Pavilion Construction Services.

Ms. Dawson noted the next item was related to the South Battery Park City Resiliency Project and was the first of three construction projects. The first project is the Wagner Park Pavilion and other elements of the site such as the retaining wall along Battery Place, and the landscaping elements along Battery Place. The scope will begin with the demolition of the existing pavilion building, and then will be followed by the other construction components.

The procurement for this contract began in February with the issuance of a request for proposals directed to qualified construction firms. On May 20<sup>th</sup>, proposals were received from four firms. The proposers, including Citnalta Construction Corp., the EW Howell Company, LLC, Padilla Construction Services, LLC, and SLS Construction and Building Solutions, LLC. The submitted proposals were evaluated by the internal evaluation committee in accordance with the evaluation criteria provided in the RFP, and all four of the proposers were interviewed. After the interviews, the post-interview technical scores resulted in EW Howell being the highest technically rated proposer. In addition, during the course of the interviews and in consultation with our design team, the committee determined that the proposers cost proposals for the Pavilion could potentially be reduced significantly if certain modifications to the Pavilion project drawings and specifications were made to allow for different approaches to the formation of the architectural concrete walls, the building wall insulation, the materiality of several specific building features, and certain other means of achieving the overall objects of the Pavilion project. As a result, the Authority requested that the design team prepare revised documents reflecting modifications to these identified elements of the Pavilion work for consideration and repricing by the proposers.

On July 28<sup>th</sup>, the Authority issued a request for best and final offers to the proposers along with revised Pavilion project drawings and specifications intending to address the price reduction opportunities. On August the 11<sup>th</sup>, the Authority received final offers from all four proposers. Ms. Dawson noted that the original cost proposals had come in ranging from \$76 million to \$84 million, and with and the best and final offers submitted those costs were reduced to a range of \$64 to \$73 million.

The committee then determined that, with the submission of the best and final offers, two of the proposers should be eliminated from further consideration. The eliminated firms were Padilla, the lowest technically rated firm, but had provided the highest cost proposal, and Citnalta, the second highest rated technically and had a very high best and final offer. Subsequently, the committee held individual follow-up meetings with both EW Howell and SLS in an effort to determine if additional clarifications and pricing modifications were possible. The revised best and final offers submitted by both proposers had resulted in reductions of around \$300,000 each.

Based on the revised best and final offers, the committee concluded that while SLS proposed to perform the work for about \$4.5 million less than the total cost proposed by EW Howell, the balance of proven experience and expertise that was reflected by EW Howell on projects directly comparable to the Pavilion project was compelling enough to overcome the pricing differential and resulted in EW Howell's selection as the best value to the Authority given the requirements of the project. The committee was unanimous in its conclusion that EW Howell provided a compelling proposal and has a highly qualified and experienced team that is well versed in the details of the project. Examples of EW Howell's extensive and impressive experience with the construction of architecturally complex public amenity buildings in dense urban settings included the construction of the Brooklyn Botanic Gardens Visitor Center, The Brooklyn Academy of Music's Fisher Building, and the New York Botanical Gardens Conservatory Palm Dome restoration. Committee members were able to confirm to their satisfaction that the cost proposal sufficiently covered all elements of the Pavilion work, and that the labor rates and fees were fair and reasonable. The Board as then asked to approve a contract for 30 months with EW Howell with a total value of \$68,813,459 which reflects some subsequent adjustments and modifications following their selection as the best value.

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

**AUTHORIZATION TO EXECUTE A CONTRACT WITH E.W. HOWELL CO., LLC FOR THE SOUTH BATTERY PARK CITY RESILIENCY PROJECT: WAGNER PARK PAVILION CONSTRUCTION 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 thirty (30) month contract with E.W. Howell Co., LLC in the lump-sum amount of \$68,813,459.00, inclusive of two million, two-hundred and fifty-thousand dollars (\$2,250,000) in allowances, to perform the general construction contractor services associated with the South Battery Park City Resiliency Project: Wagner Park Pavilion Construction Services; 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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The next item on the agenda, presented by Ms. Torres, was an approval to enter into a contract with the F.A. Bartlett Tree Expert Company for tree care services.

Ms. Torres explained that the Authority is responsible for the maintenance and care of more than 1,800 trees found in the parks, landscapes and on the streets about Battery Park City. This upkeep includes planting new trees, pruning, and care of existing trees, removal of trees and stumps. Though the Parks Department team was able to provide many of the services in house, from time to time the assistance of an outside firm to supplement efforts was required.

A request for proposals for tree care services was issued, she further explained, and was extensively promoted to vendors found on the Empire State Development Corporation's MWBE database of the New York State Office of General Services, SDVOB database, those recommended by other State and local agencies and vendors that bid on previous projects. Additionally, the opportunity was posted on the New York State Contract Reporter and our website. Two proposers submitted responses, Bartlett and Almstead Tree Shrub and Lawn Care. After full consideration of each bidder's proposal, the evaluation committee scored Bartlett higher than Almstead in its technical evaluation. Moreover a review of the cost proposal determined that Bartlett also provided the cheaper pricing and thus was believed would provide the best value for the Authority. Based on this information, approval was sought to enter into an agreement with Bartlett to provide tree care services for a term of three years in a not to exceed contract total of \$250,500.

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

**APPROVAL OF A CONTRACT WITH THE F.A. BARTLETT TREE EXPERT COMPANY FOR TREE CARE 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 or his/her designee(s) be, and each of them hereby is, authorized and empowered to enter into an agreement with The F.A. Bartlett Tree Expert Company for tree care services for a term of three (3) years in the not-to-exceed amount of \$250,500.00, 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 Agreements on behalf of the Authority, subject to such changes as the officer or officers executing the Agreements 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 Agreement; 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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Mr. Petracca made a motion to enter Executive Session, which was seconded by Ms. McVay Hughes, to discuss the negotiations related to the lease of real property, the publicity of which could substantially affect the value of the relevant properties. The Members entered Executive Session at 3:00 p.m.

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The Members exited Executive Session at 3:54 p.m.

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There being no further business, upon a motion made by Ms. McVay Hughes and seconded by Mr. Kendall, the Members unanimously voted to adjourn the meeting. The meeting thereupon adjourned at 3:55 p.m.

Respectfully submitted,

*Lauren Murtha*

Lauren Murtha  
Assistant Corporate Secretary



**Public Comment**  
**September 1, 2022**

**1. Pat Smith, the President of the Battery Park City Homeowner's Coalition:**

The Battery Park City Homeowner's Coalition, representing more than 5,000 people in [indiscernible] remains ready to engage in good-faith negotiations with the Battery Park City Authority to resolve the critical issue of ground rents for all [indiscernible] condo buildings. While we maintain that the homeowner and BPCA are best served by a global resolution, we were encouraged that the deal made with River & Warren was an improvement from the BPCA's previous positions. There were no owner [indiscernible] taxes, there was no unworkable and devices needs testing, it was simply a one-time increase from the \$3.37 percent to a square foot ground rent which River & Warren hadn't paid for over 15 years to around \$5,000.00 per square foot followed by set annual increases per year until 2042. The 3% annual increase in the River & Warren deal are too high, and the deal does not address increases after 2042. But these are issues that can be resolved with good-faith negotiations. So we ask you again, set up a meeting with the Homeowner's Coalition Negotiating Committee soon. A meeting where we put pen to paper, and meaningful discuss a global ground rent solution. Let's get this done. Thank you.

**2. Tammy Meltzer, Manhattan Community Board One Chair**

Good afternoon, Chairman Gallo, and B.J. Jones, and the esteemed Board. I am here representing Manhattan Community Board One. First and foremost, I'd like to thank you for the review and the expansion of the lawn space. It is nice to see on the South Battery Park Resiliency Project the lawn space coming back to something that is as discussed similar to the amount of square footage that we currently have. What I'd like to ask for today is a repeat of the Community Board One resolutions that have been passed, so this is not going to be new news, and wanting to understand and know based on our current experience, what further changes and amendments can be made to the pavilion to reduce the bulk and density that will not trigger a new EIS or perhaps a technical memo. There must be some tweaks that can be done during the time that you are working for demolition and staging to be reactive to the community's outpouring and the Community Board resolutions for opportunities to make change. I understood and have been told that the entire process in the entire building could not be changed, so the question remains I punt the ball back to you from the last letter, what amendments, what changes, what modifications can be made based on public feedback and Community Board resolutions for both the pavilion and other aspects that have been said. I also want to mention and note that the schools have returned. The staffing has returned. And there are ordinary concerns being made for transportation safety and security and traffic for PSIS276 that have been raised to the Community Board, and the Commissioner for the Department of Transportation. I ask that you be in touch and be aware and mitigate all of the safety concerns that we have. Thank you very much.

**3. Brian Robinson**

How are you? So I don't think a whole lot has changed since our initial ask. You know, the community buy-in is lacking and frankly the scientific promise is also leaving a lot to desire. So we're working with a storm surgery set of data that is -- has been invalidated, yet the show still goes on. I'm not entirely sure why. So I know I speak for a lot of people when I say that we don't want the park closed, but we're willing to work with you guys in the sense that we request an independent review from experts that are impartial to whether the project goes forward or not.

And then if there's community buy-in from there that would be spectacular. I think it's a reasonable ask, and I know the community, you know, these are not climate change deniers. They just -- they look at the data, they look at the number, they spoke with scientists, and it just doesn't make sense and everybody wants it to make sense. And that's the message I have to deliver. Nothing more. Thank you.

#### **4. Daniel Wolfe**

My name is Daniel Wolfe and I'm a resident of Battery Park City. And I am in favor of protecting the neighborhood and city from ongoing climate change, and as an owner in Battery Park City, I'm highly incentivized to protect property. However, the current resiliency project is superfluous in scope, uses dubious design, relies on faulty science, and ultimately will do grave damage to Battery Park City. This includes both what is about to happen in Wagner Park and the concept submitted to the remainder of the project. I'd like to share a quote with you all from the original architects of Wagner Park. "The project spends money it doesn't need to in an established park that was already designed for hundred year floods, and sustained relatively light damage in Hurricane Sandy, reduces public access, temporarily and permanently in order to install generic and archaic forms of flood mitigation without engaging local communities and meaningful design discussions in development while demolishing a loved park with landscape and architectural history that is recognized by design professionals around the world. In order to achieve a generic park that places commercial interest above the cultural experience." Battery Park City as a whole sustained mild damage from Sandy, yet the residents are being asked to live through years of construction and foot a one-million-dollar bill to demolish the entire waterfront, including several treasured parks to be replaced with inferior alternatives. I'm asking for an independent review of all plans and meaningful community involvement in decision making, not a process controlled by state bureaucrats where forums for comments frankly feel ignored. Thank you.

#### **5. Jim Thompson**

I like so many of my neighbors want to know why the BPCA refuses to work with the neighborhood to get a science-backed environmentally friendly resilience plan. You are presently forcing a plan on us that isn't backed by science. It seems like pretty obvious greenwashing and has been criticized by everyone from architects, environmentalists, and horticulturists. Experts in virtually every relevant field are united in the opinion that BPCA's plan gets it wrong, why not listen to the experts and community and take the time to get a plan that can become a national example of how resiliency is done right. For years, the community has had serious questions about this plan's validity and goals and been told time and again we'll get back to you. BPCA has run out the clock which must have been their strategy versus actually engaging with the community. And before this response is answered with we just increased the grass by 76 percent, don't. Anyone familiar with the scant details you can actually get from BPCA knows that increase of grass is still less grass and more concrete than we currently have. BPCA does many great things for our community, take the time to develop a more environmentally friendly plan backed by experts in the neighborhood. This current plan will negatively affect our neighborhood for generations. Ask our neighbors on the East side who are currently living with piles of toxic soil and asbestos issues if they wish there were more expert input on the plan forced on them. For something that is supposed to protect Manhattan far into the future, it is surely more important to get it right than to get it slightly earlier. You all had the power to change this. You control the destiny. We won't forget what happened with Wagner Park if you force this on the community. This [indiscernible] will be your legacy and change the way that BPCA is perceived in the neighborhood. What is the risk from taking time to get it right.

## **6. Thomas Simpson**

My name is Tom Simpson. I have lived two blocks from Wagner Park for the last 18 years and visit the park often. I am not a climate denier. I am not a nimby; I am a planner for major utility company and I have been involved in planning resiliency projects needed for the median term. The way we plan is to project out 20 years and develop an action plan for the actionable period, which might be the next 5 to 10 years. I think that BPCA has been overly alarmist about the needs for the next 10 years. For example, the blue paint on the lamp post shows a projection of the height of a one hundred flood in the year 2050. I have no doubt that at some point somebody will need to plan for the 2050 one-hundred-year flood, but not today. What we need to do today is harden our essential infrastructure, which means skyscrapers, utilities, tunnels, and subway entrances in low lying areas, much of that work has already been done. And we need deployable floodwalls in the pinch points, the low points where the flood waters can enter like Pier A Plaza. Wagner Park sustained little damage during Superstorm Sandy and it is not essential infrastructure. What I object to is bulldozing the mature trees, green spaces, and planted areas which can withstand flooding like they did during Superstorm Sandy, a 260-year flooding event that occurred during a full moon. When the Battery Conservancy redesigned Battery Park back in 2012, they built in features to mitigate future flooding but they did not take out all the mature trees. They left most of them there. This is the kind of planning we need at this point in time. Please stop the saws and save the trees. Thank you.

## **7. Barbara Ireland**

Regarding the closing of Robert F. Wagner, Jr. Park in September, thousands of local residents and millions of people visit Wagner Park every year because of the peaceful park design and Statute of Liberty views. Wagner is a park with landscape and architectural history that is recognized by design professionals around the world. This park opened in 1996. It was created under the management of BPCA leadership that highly respected respects, Lori Olean with Hannah Olean, a woman public gardener designer, Linden Miller, and masters of architecture Rodolfo Machado and Jorge Silvetti, it was designed for one-hundred-year floods under your leadership. It's established goal was achieved, and the park was not damaged during Hurricane Sandy. Now larger commercial space is not needed. Nature is needed with large green lawns. More trees doesn't equal to be a better park. BPCA has regularly rebuilt many of our parks over and over with the money our residents pay in ground rent, ground leases that keep being raised annually, and you are not willing to freeze or negotiate as property values go down. Funding this project at nearly \$1 billion on the backs of Battery Park City homeowners with a bond promising annual increase in our ground rent is not ethically correct. The areas that BPCA needs to focus on is the pinch point flood areas, and drainage, and protecting buildings. You are not helping the condo buildings. We ask for BPCA to please hold the bulldozers, engage local communities in meaningful two-way conversation and design discussion and development. It is not too late.

## **8. Karen Merchant**

My name is Karen Merchant. I am a Rector Place condo owner. Please remember that the money we residents pay in ground rent that allows all the upkeep and rebuilding of BPCA parks and open spaces, the poor increases in ground lease every year and you are not willing to freezer or negotiate as our property values are going down. Funding this project at nearly \$1 billion on the back of

Battery Park City homeowners with a bond promising annual increases in ground rent is not ethically correct, and fiscally irresponsible. The areas that BPCA needs to focus on is the pinch point flood areas, and draining and protecting buildings. You are not helping the condo buildings. We ask for BPCA to please hold the bulldozers. Please listen and engage local communities in meaningful two-way conversation in design discussion and development. It is not too late.

## **9. Mike Gordon**

Proposed remediation plans from the office of BPCA should be supported to move forward expeditiously. Hurricane Sandy brought flooding of tunnels and subway systems, significant flooding into residential buildings, neighborhood retail, and impacted quality of residential life for months. Remediation work has proceeded in tunnels and subways, but another storm will bring waterflow onto the streets towards the buildings again. FEMA's website indicates that most of BPCA is in flood zone one, including PSIS276 and the agency sees remediation as a component of lower flood insurance costs and protection of essential building mechanicals which are in the basement levels of some of the buildings in Battery Park City. The remediation plan should move forward to construction as quickly as possible hopefully unimpeded by neighborhood nostalgia.