

Hugh L. Carey Battery Park City Authority  
Meeting of the Members  
200 Liberty Street, 24<sup>th</sup> floor  
New York, New York 10281  
October 11, 2022  
2:00 p.m.

AGENDA

- I. CALL TO ORDER
- II. APPROVAL OF THE SEPTEMBER 1, 2022 MINUTES
- III. PUBLIC COMMENT
- IV. AUDIT COMMITTEE MEETING REPORT
- V. M/WBE REPORT
- VI. RESILIENCY UPDATE
- VII. CORPORATE ACTION
  - A. Approval of EIS Findings Statement
  - B. Approval of Second SBPCR Construction Project
  - C. Approval of a List of Pre-Qualified Underwriters
- VIII. MOTION TO CONDUCT EXECUTIVE SESSION TO DISCUSS THE NEGOTIATIONS RELATED TO THE LEASE OF REAL PROPERTY, THE PUBLICITY OF WHICH COULD SUBSTANTIALLY AFFECT THE VALUE OF THE RELEVANT PROPERTIES.
- IX. MOTION TO ADJOURN

## **RESOLUTION ADOPTING SEQR FINDINGS STATEMENT FOR SBPCR PROJECT**

WHEREAS, in response to the devastating impact of Superstorm Sandy in Lower Manhattan and in anticipation of future severe storm activity related to climate change and in anticipation of severe storms in future years, Battery Park City Authority (the “Authority”) had proposed undertaking certain resiliency projects to protect the neighborhood and surrounding area from the threats of storm surge, intense precipitation events, and sea level rise; and

WHEREAS, the Authority has undertaken a detailed design process to determine how to meet the requirements for FEMA accreditation and to allow for future protection against a 100-year storm event in the southern portion of Battery Park City and the surrounding area of Lower Manhattan;

WHEREAS, the Authority has proposed to undertake the South Battery Park Coastal (SBPCR) Project, which includes a flood alignment composed of multiple different integrated features such as flip-up deployable gates (flip-up deployables), glass-topped floodwalls, buried floodwalls underneath terraced slopes, exposed floodwalls, and bermed floodwalls, as well as certain interior drainage improvements;

WHEREAS, the flood alignment runs from 1st Place and the Museum of Jewish Heritage, through Wagner Park, across Pier A Plaza, and then along the north side of the Battery Bikeway in The Battery to higher ground near the intersection of Battery Place and State Street;

WHEREAS, on March 18, 2021, the Authority issued a letter to various involved and interested agencies notifying them of its intent to assume the role of lead agency for the environmental impact review of the SBPCR Project to be undertaken pursuant to the New York State Environmental Quality Review (SEQR) Act, none of which objected;

WHEREAS, the Authority determined that the SBPCR Project had the potential to have adverse impacts and published a Draft Scoping Document for the Draft Environmental Impact Statement (EIS) on September 28, 2021;

WHEREAS, the public comment period for scoping began on September 28, 2021, a public meeting was held on October 13, 2021, and comments were accepted through October 29, 2021;

WHEREAS, a Notice of Completion of the Draft EIS (DEIS) was published on May 4, 2022, which started the public comment period for the DEIS. The Final Scoping Document was published with the DEIS, incorporating all comments on the Draft Scoping Document;

WHEREAS, a public hearing on the DEIS was held on May 19, 2022, and the public comment period concluded on June 10, 2022;

WHEREAS, in response to concerns raised by the community and elected officials subsequent to the publication of the DEIS, in August 2022, the Authority announced that it would make changes to the design of the new Wagner Park to increase the lawn space by an additional 12,800 sf and totaling 30,050 sf of lawn area in Wagner Park, as well as adding ten more trees to within Wagner Park, for a total net increase of 126 trees;

WHEREAS, a Final EIS (FEIS) was prepared, which reflected the changes to the design, included responses to all substantive comments on the DEIS, and made other revisions as necessary;

WHEREAS, the FEIS analyzed the potential environmental impacts of the Proposed Action for the 2024 analysis year, when the SBPCR Project is expected to be completed. The FEIS analyses concluded that the SBPCR Project would have no significant adverse operational or construction impacts on: land use, zoning and public policy, shadows, neighborhood character, natural resources, water and sewer infrastructure, transportation, hazardous materials, energy, air quality, GHG emissions, noise and vibration.

WHEREAS, the FEIS concluded that the SBPCR Project would have significant adverse impacts on historical and cultural resources as well as urban design and visual resources, and would have a temporary significant impact on open space resources during construction;

WHEREAS, mitigation has been proposed for all impacts identified, although impacts to urban design and visual resources and open space cannot be fully mitigated;

WHEREAS, the Board has reviewed the proposed Findings Statement, which summarizes the analyses and conclusions of the FEIS;

WHEREAS, the Authority has determined that the SBPCR Project is consistent with New York State's coastal policies;

WHEREAS, the SBPCR project will provide critical protection against climate change in Lower Manhattan, consistent with the other projects identified as part of the City of New York's Lower Manhattan Climate Resilience efforts;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the Findings Statement as drafted and determines that the Authority should proceed with the SBPCR Project, while reserving its rights to review and approve any and all procurements associated with the SBPCR Project as required by the Authority's Procurement Guidelines.

**AUTHORIZATION TO EXECUTE A CONTRACT WITH POSILLICO/BOVE – JOINT VENTURE FOR THE SOUTH BATTERY PARK CITY RESILIENCY PROJECT: WAGNER PARK / MUSEUM OF JEWISH HERITAGE SITE WORK 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 Posillico / Bove – Joint Venture in the lump-sum amount of \$74,653,200, inclusive of three million, four-hundred thousand dollars (\$3,400,000) in allowances, to perform the general construction contractor services associated with the South Battery Park City Resiliency Project: Wagner Park / Museum of Jewish Heritage Site Work 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.

## **APPROVAL OF A PRE-QUALIFIED LIST OF UNDERWRITERS**

BE IT RESOLVED, that in accordance with the materials submitted at this Board meeting, the BQUL attached hereto as Exhibit A which was previously presented to the Board on August 28, 2018 is hereby approved through August 27, 2024, and 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 select and retain underwriters from among the list for the sale of Authority bonds ; 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 agreements retaining such underwriters 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.

**EXHIBIT A**  
**BOND PRE-QUALIFIED UNDERWRITER LIST**

<b>BQUL</b>	<b>Firms</b>
<b>Senior Managing Underwriters*</b>	Morgan Stanley Wells Fargo RBC Capital Markets JP Morgan Samuel A. Ramirez & Co., Inc. (MBE) Loop Capital (MBE)
<b>Co-Managing Underwriters</b>	TD Securities BNY Mellon Siebert Cisneros Shank & Co. (WBE) The Williams Capital Group (MBE) Drexel Hamilton (SDVOB) Raymond James

\*Note: Any firm that is on the Senior Manager BQUL that is not selected as a Senior or Co-Senior Manager, will be considered to participate as a Co-Managing Underwriter.