

HUGH L. CAREY BATTERY PARK CITY AUTHORITY

Meeting of the Members
200 Liberty Street, 24th Floor
New York, NY 10281
August 16, 2023

Members Present

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

Authority Staff in Attendance: Marie Baptiste, Deputy Treasurer
Donna A. Canfield, Deputy General Counsel, Labor & Employment
Gwen Dawson, Senior Vice President, Real Property
Claudia Filomena, Director of Capital Projects
Pamela Frederick, Chief Financial Officer/Treasurer (remote)
James Gallagher, Special Counsel, Capital Projects
Abigail Goldenberg, General Counsel
Angela Howard, AVP of Construction & Site Management
Megan Hood, Deputy General Counsel, Real Estate
Craig Hudon, Vice President of Parks Programming
John Lonie, Communications & Public Affairs Coordinator
Eric Munson, Chief Operating Officer
Lauren Murtha, Paralegal/Assistant Corporate Secretary
Jahmeliah Nathan, Vice President of Administration
Jason Rachnowitz, Deputy Controller
Nicholas Sbordone, Vice President of Communications and Public Affairs
Mimi Taft, Senior Manager, Special Projects
Alexis Torres, Chief of Staff
Yves Veve, Director of Infrastructure

Others in Attendance: Marisa Berry, Morgan Stanley
Philip Marciano, Morgan Stanley
Robert Pattison, Morgan Stanley
Geoff Proulx, Morgan Stanley
Warren Ruppel, Morgan Stanley
Jack Steckler, Morgan Stanley
Various Members of the Public

The meeting, called on public notice in accordance with the New York State Open Meetings Law, convened at 2:04 pm.

* * *

Before starting the meeting, Ms. Gallo wanted to recognize BJ's service to the community, and the Authority. She noted BJ really wanted to exit in his own way, in his own time, and it was important with him to get together with the staff in Rockefeller Park and we celebrated the last River and Blues concert of the summer with him. She then thanked him for his years of service to the Authority.

* * *

The first item on the agenda was a request for approval of the minutes of the June 28, 2023 meeting. Upon a motion made by Mr. Kendall and seconded by Mr. Bevilacqua, the following resolution was unanimously adopted:

APPROVAL OF MINUTES OF THE JUNE 28, 2023 MEETING

BE IT RESOLVED, that the minutes of the meeting of the Members of the Hugh L. Carey Battery Park City Authority held on June 28, 2023, are hereby approved.

* * *

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

* * *

Mr. Koenig then provided the Members with an update from the Audit Committee which also met prior to this meeting and was attended by Committee Chair Anthony Kendall, and Audit Committee member, Lester Petracca. The Committee reviewed two items. The first was the review of the April 30, 2023 financial statements, which the committee approved to be filed on the Authority's website. The second item was from the accountants of MHM, which is Mayers, Hoffman & McCann. They presented the pre-audit presentation for the fiscal year end October 31, 2023 to the committee and Philip Marciano from MHM was present to answer any questions from the Board members.

* * *

The next item on the agenda was an update on the Authority's resiliency projects by Ms. Dawson, Claudia Filomena and Sarah Fisher Curtin.

Ms. Dawson introduced to the Board several talented staff members who are involved in the resiliency and sustainability projects. Claudia Filomena, who is Senior Director of Capital Projects and manages the Northwest BPC Resiliency Project, Sarah Fisher Curtin is the Director of Sustainability, who does all the great work behind our sustainability plan and sustainability orientation plan, and lastly Yves Veve, Senior Director of Infrastructure who manages the South BPC Resiliency Project.

Ms. Filomena noted that for the Northwest BPC resiliency, there was a very successful public meeting held on June 26th at Stuyvesant High School to discuss the initial 30% design for the project. There were over 230 participants, both virtually and in-person. We were currently awaiting final agency comments on this initial 30% design and the design team was reviewing the comments. received thus far. The public comment period was extended through September. She

mentioned online platform was still available for members of the public to leave their comments, watch flythroughs and watch the video shown at the June 26th meeting. There are additional engagement opportunities planned for fall, which includes site walkthroughs of the entire alignment area, an additional 30-plus design meeting will be held in early fall, which will allow the opportunity to give some updates on areas not shown at the June 26th meeting. Agency consultations are regularly ongoing to get more feedback and incorporate that into our design.

For the South BPC resiliency project, Ms. Filomena noted the latest construction notification that was sent out to the public to inform them of the activities taking place on site. These activities included removal of demolition debris, delivering of significant construction materials on, and safety flaggers on site to direct pedestrians and for public safety and traffic control, and vehicular access was maintained along Battery Place and the surrounding street with those flaggers in place. She mentioned the installation of piles to support the new park pavilion building work had begun and the tree removal for the Wagner Park work was completed.

Ms. Fisher Curtain provided the Sustainability update noting that this summer the consultant team completed the fieldwork for the tree canopy assessment and biodiversity data audit. The team will present initial findings for two public engagement events in September alongside Parks Programming: Migration Celebration and Tuesday Talk on BPC Tree Canopy & Biodiversity. All four locations testing permeable pavers have been installed and Parks Operations will monitor the effectiveness of each location over the coming seasons. She concluded that in support of waste reduction initiatives, two new compost collection bins were added in the neighborhood along with new recycling can lids for our parks spaces and an additional dog waste composter was also added.

* * *

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, 33.8% of the Authority's total qualifying spend of approximately \$1 million was paid to MWBE. Of that amount, 12.4% went to MBEs, and 21.4% went to WBEs. And of the total qualifying spend, 5.7% MBEs being paid to prime contractors and 9.45% to WBE prime contractors. And then on the subcontractor level, 6.34% of that was paid to MBE subs, and 11.6% was paid to WBE.

* * *

The next item on the agenda, presented by Ms. Frederick, was an overview of the Bond.

Ms. Frederick first thanked the Board for the support over the past year during the bond offering with a very, very strong team. She then introduced the Morgan Stanley team, Geoff Proulx, Rob Pattinson, Marissa Berry and Jack Stegler. Morgan Stanley then provided the presentation that provides an overview of the final structure.

Mr. Pattinson then gave an overview of the bond sale that occurred on June 28th and 29th. The Authority's Series 2023 bonds priced at \$732.525 million. Series 2023A bonds were sustainability bonds in the amount of \$339 million. Series 2023B bonds were \$383.5 million and were not environmentally designated. And then there was a \$9.2 million Series 2023C bonds, which were taxable bonds and were also sustainability bonds. The sale successfully closed earlier

this month on August 3rd, and it priced 10 weeks after we kicked off, which, he noted, was one of the fastest start-to-finish transactions that the Authority has completed. The bonds were issued at a fixed rate and were rated AAA by both Fitch and Moody's. The transaction overall had orders from 61 unique investors, \$900 million plus of which came from retail investors and \$735 million came from institutional investors, which was twice the amount of orders meaning they were highly sought after in the marketplace. This in turn helped to give leverage to get even better pricing for the Authority.

* * *

The next item on the agenda, presented by Mr. Koenig, was an authorization to file the "Proposed Budget and Financial Plan" for fiscal year 2024 pursuant to Section 2801 of the Public Authorities Law.

Mr. Koenig began explaining that pursuant to Section 2801 of the Public Authority's Law, State Authorities are asked to prepare and submit to its Members for review and approval a proposed budget and financial plan no later than 90 days prior to the commencement of our fiscal year. As such, our fiscal year commences on November 1, the 90-day mark for our filing is August 1, 2023. He further explained this budget plan must also be submitted to the Governor, the Chair, and the Ranking Minority Member of the Senate Finance Committee, the Chair and Ranking Minority Member of the Assembly Ways and Means Committee, and the Authority's Budget office no less than 90 days before the commencement of the fiscal year.

The Comptroller's regulations prescribe the format, and content of the proposed budget and financial plan, including the requirement that the financial plan include the budget for the current fiscal year, and revenue and expenditure projections for at least the next three years. The ABO requires the projections to extend to fiscal year 2027. In addition to review and approval by the Members and submissions to the officials listed above, the PARIS budget must also be entered into the ABO's Public Authority's Reporting Information System online data system, posted on BPCA's website, and posted in five locations in Battery Park City by August 1st. Please note that this form of budget is atypical for financial reporting standards, as the PARIS format combines operating revenues and expenses together with capital sources and uses. As always, the Members will be asked to approve a finalized version of the fiscal 2024 budget in October of 2023. He then asked the Members to authorize the filing and certification of the proposed budget and financial plan for fiscal year 2024 pursuant to the requirements of Section 2801 of the Public Authority's Law.

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

**AUTHORIZATION TO FILE THE "PROPOSED BUDGET AND FINANCIAL PLAN"
FOR FISCAL YEAR 2024 PURSUANT TO SECTION 2801 OF THE PUBLIC
AUTHORITIES LAW**

BE IT RESOLVED, that in accordance with the materials presented to this meeting, the Chief Operating Officer of the Authority (the "COO") or her/his designees be, and each of them hereby is, authorized and empowered to file the "Proposed Budget and Financial Plan" for fiscal year 2024 pursuant to Section 2801 of the Public Authorities Law.

RESOLVED, that the COO or her/his designee be, and each of them hereby is, authorized and empowered to execute all such other and further documents and take all such other and further actions as may be necessary, desirable or appropriate in connection with the transaction contemplated in the foregoing resolution, 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. Goldenberg, was a request for authorization to enter into an amendment to BPCA's Settlement Agreement with the City of New York for the use of Joint Purpose Funds towards the creation of affordable housing at 5 World Trade Center.

Ms. Goldenberg explained that this was to amend the settlement agreement, which is a settlement agreement from 1980 between the Battery Park City Authority and the City of New York. That settlement agreement sets forth a wide variety of obligations related to Battery Park City Authority's relationship with the City of New York. The proposed amendment would allow for \$5 million in Joint Purpose Funds to be distributed to the State of New York to be used to help fund affordable housing at the 5 World Trade Center site. This \$5 million contribution from the Joint Purpose Fund is part of a larger funding commitment from the State of New York towards development of the site at 5 World Trade Center. Through that commitment, one-third of the residential units in the development will be designated as affordable housing, resulting in one of the largest affordable housing developments in Lower Manhattan. In addition, 20% of the affordable units will be dedicated to individuals who were living and working in Lower Manhattan during and in the aftermath of September 11th. The City of New York and the Comptroller of the City of New York have already agreed to such use of the funds, and the settlement agreement will reflect our consent to proceed in designating those funds for that use. She noted that the creation of affordable housing in Lower Manhattan is consistent with the Battery Park City Authority's mission and certainly the priorities of this Board and is consistent with our ongoing record of funding affordable housing in Lower Manhattan and throughout the city through the Joint Purpose Fund. And this \$5 million was from the Joint Purpose Fund and as the Board is aware it remains a commitment of the Authority that we continue to interact with the relevant stakeholders as they relate to the Joint Purpose Fund that is the City and the Comptroller and the Governor's office to continue to discuss appropriate new meaningful ways to disburse the Joint Purpose Fund in accordance with our mission.

Ms. McVay Hughes abstained from voting. She is also on the Board of LMBC which is a stakeholder in the 5 World Trade Center project and while she does not believe that there was any conflict in her participation in this item, in the interest of avoiding even the appearance of a conflict, she would be abstaining from this vote.

Mr. Capoccio added that he felt comfortable with this action today given the fact that there were discussions with the Deputy Mayor's office and City Hall and with the Executive Chamber in Albany confirming that new Joint Purpose Agreement would be put in place by the end of the year, which would provide appropriate means with which to disburse the funds in furtherance of the Authority's mission.

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

AUTHORIZATION TO AMEND THE SETTLEMENT AGREEMENT TO ALLOW FOR THE TRANSFER OF \$5,000,000 IN JOINT PURPOSE FUNDS TO NEW YORK STATE IN ORDER TO SUPPORT THE CREATION OF PERMANENTLY AFFORDABLE HOUSING AT 5 WORLD TRADE CENTER

BE IT RESOLVED, that in accordance with the materials and testimony submitted at this Board meeting, the Chief Operating Officer of the Battery Park City Authority (the “COO”) or his/her designee(s) be, and each of them hereby is, authorized and empowered to effectuate and execute the amendment to the Settlement Agreement as set forth herein, and be it further

RESOLVED, that the COO or his/her designee(s), and each of them hereby is, authorized and empowered to execute and deliver an agreement to effectuate the same on behalf of the Authority, subject to such changes as the officer or officers executing the agreement 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 COO 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.

* * *

The next item on the agenda, presented by Ms. Dawson, was an authorization to enter into a contract with Specialty Construction System, Inc. (“SCS”) for Pier A Railing Restoration/Rehabilitation Project.

Ms. Dawson began by explaining to the Members that the Authority holds and maintains control of Pier A as the ground lessee and is obligated to maintain the premises, the Pier and its surroundings in good and safe order. It has now been about 10 years since the completion of the Pier A restoration work, and we have been monitoring the condition of the Pier even though it has not been occupied for the last several years. It has been kept in good and safe order but there will be several capital maintenance repair projects brought before the Board in the coming months.

The first of which for approval, to repair and restore approximately 1,400 linear feet of protective railings that run along the waterside edges of the Pier’s pedestrian promenade. Those railings have deteriorated over time and about 30% of the sections of the railing now require complete replacement. Other sections require restoration repair, the addition of certain attachment details and equipment. Also, the entire railing length will be prepared for painting, and then painted through a very complex three-part marine paint process. It will also include the replacement and repair of a lighting system that is embedded into the railing system so there will be electrical work associated with this project.

The project was put out for bid in the form of an RFP back in May, and five proposals were received, one of which was eliminated after initial review. Four of the proposers proceeded to

interview and after the technical proposals were evaluated and the scoring completed, Specialty System Contractors was selected as the highest technically rated proposer. The Real Property Department and the Evaluation Committee issued a request for best and final offer but upon review there was no real change in the cost proposals totals for each of the respective proposers. The committee was satisfied that SCS fully understood the project and had included all components of the project in their cost proposal, and therefore, Ms. Dawson asked the Board to approve an 18-month contract with SCS in the amount of \$1,472,575.

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

AUTHORIZATION TO EXECUTE A CONTRACT WITH SPECIALTY CONSTRUCTION SYSTEM, INC. FOR THE PIER A RAILING RESTORATION/REHABILITATION PROJECT: GENERAL CONTRACTOR SERVICES

BE IT RESOLVED, that in accordance with the materials submitted at this Board meeting, the Chief Operating Officer (the “COO”) 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 an eighteen (18)-month contract with Specialty Construction System, Inc. in the lump-sum amount of one-million, four-hundred seventy-two thousand, five-hundred and seventy-five dollars (\$1,472,575.00) to perform the general construction contractor services associated with the Pier A Railing Restoration/Rehabilitation Project; and be it further,

RESOLVED, that the COO 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 COO 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.

* * *

The next item on the agenda, presented by Ms. Dawson, was an Authorization to Enter into an Amendment with LiRo in relation to the South Battery Park City Resiliency project.

Ms. Dawson began by explaining to the Members that the Authority entered into a contract with LiRo Program and Construction Management in 2020 to provide construction management services for the South Battery Park City Resiliency Project. That contract was set to expire on September 18, 2023. The project has undergone a variety of changes since the initiation of this contract, and a number of additional scope elements have been requested of LiRo over that duration of time. As a result, the contract term extension required nan extension in order to carry their scope

through the completion of the project which was now scheduled to occur in February of 2025 for substantial completion, and then in September of 2025 for final completion.

In addition, an increase to LiRo's contract value was also necessary in order to cover the additional services required. LiRo presented a proposal for an extension and increase and we were unable to get to final completion of a recommendation for the Board in time for the August meeting, but she anticipated bringing that matter to the Board in September. In the meantime, in order to avoid a lapse in the contract term upon its expiration on September 18th, Ms. Dawson proposed an interim extension of time for the contract of two months to take it through November 18, 2023 to allow adequate time to facilitate the finalization of all the matters associated with the more comprehensive contract amendment.

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

AUTHORIZATION TO AMEND THE AGREEMENT ("AGREEMENT") WITH LIRO PROGRAM AND CONSTRUCTION MANAGEMENT, PE P.C. TO EXTEND THE CONTRACT TERM FOR THE SOUTH BATTERY PARK CITY RESILIENCY PROJECT CONSTRUCTION MANAGEMENT SERVICES

BE IT RESOLVED that, in accordance with the materials presented to this meeting, the Chief Operating Officer of the Hugh L. Carey Battery Park City Authority (the "COO") or her/his designee(s) be, and each of them hereby is, authorized and empowered to amend the Agreement in order to extend its term by two (2) months, from September 18, 2023 through November 18, 2023; and be it further,

RESOLVED, that the COO or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute and deliver the Agreement 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 Agreement; and be it further,

RESOLVED, that the COO 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 an authorization to enter into Approval Pre-Qualified Battery Park City ("BPC") Resiliency Program Advisory Firms Panel, and Authorization to Enter into Contracts with Pre-Qualified BPC Resiliency Program Advisory Firms on an As-Needed Basis.

Ms. Dawson began by explaining to the Members that given the scale and the complexity of ongoing resiliency projects, the Real Property Department determined that it would be helpful to have certain program project implementation and strategic planning expertise available in

support of the resiliency projects, in addition to the consulting expertise already in place. Those proposed needs arise on an as-needed basis, and would fill any gaps or provide additional expertise as needed. This would include elements such as project implementation strategies, external agency coordination, schedule coordination, recovery, systems operation, and adaptability and project stakeholder interface. We have determined that these needs would be best served through the establishment of a panel of prequalified advisory service firms similar to the on-call engineering and on-call construction management contracts.

An RFP was issued seeking proposals from prospective proposers with extensive prior large scale urban infrastructure projects. Eight proposals were received and were evaluated by the internal evaluation committee. Evaluations were based upon the experience and expertise that was exhibited by the proposals and the cost proposals. In conclusion of that evaluation process, the committee determined that five of the eight were to be recommended to the Board for approval for inclusion in a prequalified panel of firms to be utilized on an as-needed basis in accordance with our prequalified policy. Those firms were Arup, Bradford Construction, Matrix Engineering, Thornton Tomasetti Engineers, and Urban Engineers. In addition, since the proposal for this panel was being brought late in the fiscal year, it was anticipated that between now and the end of October we would not spend more than \$75,000 on these contracts. A new spending authority level for fiscal year 2024 would be brought to the Board at the time that the budget is presented in October.

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

APPROVAL OF PRE-QUALIFIED BATTERY PARK CITY (“BPC”) RESILIENCY PROGRAM ADVISORY SERVICES PANEL, AND AUTHORIZATION TO EXECUTE CONTRACTS WITH THE PRE-QUALIFIED BPC RESILIENCY PROGRAM ADVISORY SERVICES FIRMS ON AN AS-NEEDED BASIS

BE IT RESOLVED, that in accordance with the materials submitted at this Board meeting, the Chief Operating Officer (the “COO”) of the Battery Park City Authority (the “Authority”) or his/her designee(s) be, and each of them hereby is, authorized and empowered to approve the below list of Pre-Qualified BPC Resiliency Program Advisory Firms (the “Pre-Qualified Firms”) for a period of three (3) years – with two (2) one (1)-year options on the part of the Authority to extend the approval period – during which time the Authority will enter into the BPC Resiliency Program Advisory Services Project Contracts with, and assign work to, the Pre-Qualified Firms on an as-needed basis, in accordance with the requirements of the Authority’s Pre-Qualified Vendor Policy as to the assignment of work:

- Arup U.S., Inc.;
- Bradford Construction Corp. of New York, BRAVO Group;
- Matrix New World Engineering, Land Surveying & Landscape Architecture, P.C.;
- Thornton Tomasetti, Inc.; and,
- Urban Engineers of New York, D.P.C.

RESOLVED, that payments by the Authority under contracts with the Pre-Qualified Firms for the remainder of the 2023 Fiscal Year are authorized in amounts not to exceed \$75,000, with such annual spending limits to be set and approved for prospective fiscal years at the time of annual fiscal year budget approvals.

RESOLVED, that the COO 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 COO 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.

* * *

The next item on the agenda, presented by Mr. Munson, was a Request to Approve Continued Use of WEX Bank dba Wright Express FSC (“WEX”) Card Payment System.

Mr. Munson began by explaining to the Members that in accordance with our sustainability plan, the Authority has been doing a really great job “greening” our fleet of Parks Operations equipment. At the same time, there still are a few vehicles and a few dozen pieces of equipment that do require gas and diesel. The State since 2018 has utilized the services of WEX Bank to provide fuel card services. Their agreement with the State expires in 2024, he then asked for approval of another year to utilize WEX Bank through 2024 and to include \$15,000 on the card for use to purchase fuel.

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

APPROVAL TO CONTINUE USE OF WEX BANK D/B/A WRIGHT EXPRESS FSC CARD PAYMENT SYSTEM

BE IT RESOLVED, that in accordance with the materials submitted at this Board meeting, the Chief Operating Officer (the “COO”) of the Battery Park City Authority or his/her designee(s) be, and each of them hereby is, authorized and empowered to approve a one (1) year extension of BPCA’ s use of OGS Contract No. PS69746 and approval for an additional \$15,000.00 in not-to-exceed funds to utilize WEX bank fuel cards, and be it further

RESOLVED, that the COO or his/her designee(s), and each of them hereby is, authorized and empowered to execute and deliver the amendment on behalf of the Authority, subject to such changes as the officer or officers executing the amendment 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 amendment; and be it further

RESOLVED, that the COO 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. McVay Hughes made a motion to enter Executive Session, which was seconded by, Mr. Bevilacqua to discuss 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 2:58 p.m.

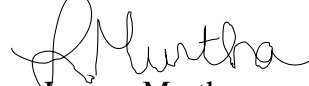
* * *

The Members exited Executive Session at 3:58 p.m.

* * *

There being no further business, upon a motion made by Mr. Petracca and seconded by Ms. McVay Hughes, the Members unanimously voted to adjourn the meeting. The meeting thereupon adjourned at 3:59 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "L. Murtha".

Lauren Murtha

Assistant Corporate Secretary

Public Comment
June 28, 2023

1. **Pat Smith:** Thank you, Nick. The Battery Park City Authority's fiscal year 2023 budget shows the 18 residential condominiums represented by the Battery Park City Homeowner's Coalition paid 25% of the Battery Park City pilot as assessed by the City of New York, but 45% of the ground rent as assessed by the Battery Park City Authority. Why does this imbalance exist? Why are commercial and hotel properties in Battery Park City paying 48% of the PILOT, but only 41% of the ground rent? Why are rental buildings paying 27% of the PILOT, but only 14% of the ground rent? Why is the Battery Park City Authority favoring corporation and multi-millionaire landlords at the expense of the 5,000 homeowners in this community? Why is the BPCA stated goal to squeeze every possible dollar out of the homeowners it is supposed to serve? According to the BPCA's own projections, this balance will increase substantially in the years ahead. Why? Who do you represent? On behalf of the 5,000 homeowners we represent, the Homeowner's Coalition urges the BPCA to come to the table to negotiate with us for a fair and reasonable ground rent solution.

2. **Jonathan Jossen:** Jonathan Jossen, thank you for letting me speak. This is more about your protocol going forward with the garbage on South End Avenue and the carts that are there. It seems to be becoming dirtier and dirtier going down South End Avenue, and you do represent how it's supposed to look. Will you be making sure that they all use the new black garbage cans instead of the black bags that just bring the rats and everything else? So I hope you do have a protocol for that because if you walk down the streets, they just seem to be getting dirtier and dirtier with the more and more people that are here. The next thing is the parking in Battery Park City. I would say about 60% in the South End goes to Placard Parking or it goes to Citibike's or it goes to restaurants, and then all of a sudden you have the two spots pop up out of nowhere for those cars that share, you know, carshare rides. So I don't understand that. And then on Albany Street there's a garage, I don't know if anybody parks in Albany Street, on the south side of the street, it's either 220 or 250 Albany, half of the garage was condemned. It's attached to 225. That garage takes up 23 spots, and I make sure that they get their tickets on Tuesday and Thursday because they can't have somebody sit in each car. So what can the Battery Park City Authority do because it's blatantly illegal. I've called 311, we all have, and they don't really care. They're willing to pay the tickets, but it's basically wrong for the homeowners to have their cars there and then go to their insurance company and say their car is being parked in a garage. So I really hope that the Battery Park City Authority can address this situation because there's not enough parking as it is for us that can't afford to park in a garage, that have to park on the street. Thank you.

3. **Justine Cuccia:** Hi, thank you all, and thank you for letting me speak. My name is Justine Cuccia, and I'm speaking today as a long-time resident of Lower Manhattan and Battery Park City as a 9-11 survivor who returned with my family to help rebuild Lower Manhattan after 9-11. I am really grateful to the Battery Park City Authority, and all the parties to the Joint Purpose Fund for designating \$5 million towards affordable homes at 5 World Trade Center. Thank you. Secondly, I want to point out that I would like to ask the Authority to consider increasing that contribution amount as a one-time additional allocation from the Joint Purpose Fund for affordable housing at 5 World Trade Center because every additional dollar gets us closer to increasing the count of rent protected units in the building. With I believe over \$80 million currently in the Joint Purpose Fund, this Board can increase the contribution to 5 World Trade Center while still funding affordable housing and other programs throughout New York

City. And another note, I'm also asking that this Board consider annually allocating a portion of the Joint Purpose Fund to assist buildings in Battery Park City as they grapple with the challenges proposed by local laws 87 and 97. Funding for local law 87 and 97 capital improvements and upgrades in Battery Park City and beyond, could be a new bucket within the next iteration of the Joint Purpose Fund if it hasn't been decided yet. Monies could be made available annually, first to the condominiums in BPC and once the condominiums have achieved compliance, to rental buildings, then commercial buildings in BPC as needed. And I maintain this is reasonable to start in Battery Park City because it's our monies that fund the ground rent and PILOT that make up the Joint Purpose Fund. Climate change is real. We must do what we can to attain net zero omissions. In keeping with past Joint Purpose Fund bucket contributions to this new fund would be expire when the 92 acres that are Battery Park City are in compliance or could then be considered to expand beyond Battery Park City. One sentence. As the Battery Park City spends hundreds of millions on resiliency in public spaces, in marking a small percentage of that amount from the Joint Purpose Fund annually to assist folks first in Battery Park City, but then beyond, to bring their homes and businesses into compliance with local laws 87 and 97 as well, is not only fair, but is also a really smart policy. Thank you.