HUGH L. CAREY BATTERY PARK CITY AUTHORITY
Meeting of the Members
200 Liberty Street, 24th Floor
New York, NY 10281
October 25, 2023

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

Authority Staff in Attendance:	Sharmila Baichu, Vice President of Human Resources Marie Baptiste, Deputy Treasurer Brett Beecham, Associate General Counsel Zachary Bergen, Deputy General Counsel, Procurement & Contracts Donna A. Canfield, Deputy General Counsel, Labor & Employment Daniel C. Carmalt, Esq., Chief Construction Counsel Gwen Dawson, Senior Vice President, Real Property Claudia Filomena, Director of Capital Projects Sarah Fisher Curtin, Director of Sustainability James Gallagher, Special Counsel, Capital Projects Abigail Goldenberg, General Counsel Megan Hood, Deputy General Counsel, Real Estate Karl Koenig, Controller 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 Alexis Torres, Chief of Staff Ryan Torres, Vice President of Parks Operations Yves Veve, Director of Infrastructure
Others in Attendance:	Various Members of the Public

The meeting, called on public notice in accordance with the New York State Open Meetings Law, convened at 2:10 pm.

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The first item on the agenda was a request for approval of the minutes of the September 27, 2023 meeting. Upon a motion made by Mr. Capoccia and seconded by Mr. Kendall, the following resolution was unanimously adopted:

APPROVAL OF MINUTES OF THE SEPTEMBER 27, 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 September 27, 2023, are hereby approved.

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Next, there were two 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.

Ms. Nathan reminded the Members that going forward she would separately report on MWBE utilization for the Authority's resiliency and non-resiliency projects.

She then reported that for the month of September, approximately 28% of the Authority's non-resiliency spend of $500,000 was paid to MWBEs, and approximately 4% of the Authority's resiliency programs total qualifying spend of $9.6 million was paid to MWBEs. She noted that this month included significant payments for contractor, general conditions expenses, etc. So once those numbers are combined, for the month of September approximately 5.2% of the Authority's qualifying spend of $10 million was paid to MWBEs. The diversity department continues to work closely to monitor utilization throughout the life of each of our projects.

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

For our Northwest Resiliency Project, Ms. Filomena stated that, last week, the interior drainage approach, as well as early plans for the permanent pump station for the Northwest Resiliency Project to the Community Board One Environmental Protection Committee, were presented. Site walkthroughs continue with one for Reaches 1 - 4, which is Tribeca through Belvedere Plaza, and another that did the entire stretch of the project, so the morning was the Tribeca through Belvedere Plaza and the afternoon was North Cove through South Cove. We did still have a very good crowd who came out. Then there was the southern portion of the project, Reaches 5 – 7. Registration was still open for those site walkthroughs, and that information is available on the website. The next public meeting on 30% design of the Northwest project is being scheduled now for November. And as always, our agency and our stakeholder consultations are ongoing and will continue to be. Agency comments on the 30% design were being reviewed and additional comments continued to be received.

For the South since the last update, Mr. Veve noted that work was happening in Wagner Park and around the Museum of Jewish Heritage. The work has been comprised of the installation and cutting of eight piles for the new pavilion as well as installation of sheet piles for the new floodwall. Installation of the Wagner Park system for water prevention continued, as well installation of site drainage near the Museum. To date it was about 30% complete with concrete pours for the new floodwall, and prep work for the concrete mockup of the new pavilion. For the portion of the project that is occurring at Pier A Plaza and at the Battery, the contractor has mobilized on site as of October 16th and installation of the fence began, as well as installation of vibration monitors for the next phase of construction.

So for sustainability updates, Ms. Fisher Curtin stated that the urban tree canopy assessment and biodiversity assessment continues. Our consultant team is currently analyzing data that was collected from fieldwork over the summer, and the final report was expected in the coming weeks. On October 17th an updated submission was made to the Waterfront Alliance for WEDG certification for our South resiliency project, and procurement is in process for our new composter equipment to be installed at 75 Battery Place which will allow us to expand our composting program in 2024 in line with our sustainability goals.

Ms. McVay Hughes stated that the walking tours were great, and mentioned the community asks lots of great questions. She noted seeing how the plans have incorporated many of the concepts that the community wanted as well. She continued to state that though you can look at a diagram or a slide, actually walking the path of where the wet side and the dry side will be is very helpful, and she then thanked the team for the amazing job.

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The next item on the agenda, presented by Mr. Munson, was an approval of the Budget for Fiscal Year Ending October 31, 2024.

Mr. Munson stated although at last year's October Board meeting, our beloved President, B.J. Jones presented to the Board a slide similar, which lists 17 objectives that each tie back to the four pillars of our strategic plan, an inclusive community, a safe and climate resilient place, vibrant public space, and leadership for the future. He was pleased to report that the team has made significant progress over the past year towards each of these goals.

And on a smaller scale, he mentioned this past summer we piloted the installation of four different permeable paver options for use throughout our parks, a perhaps underappreciated way that we can mitigate the impacts of cloud bursts and other severe weather events across Battery Park City's hardscape. Meanwhile, as we adapt our built environment to protect our community against future storms, we're also executing our climate action plan to reach carbon neutrality by the year 2050. It was also a great year for public art with the installation of last fall of James Yaha Hough’s *Justice Reflected* on Esplanade Plaza.

Waste is a core element of our sustainability plan, and though we reached a major milestone in 2020 with the zero-waste certification of our 75 Battery Place facility, we have been challenged in our efforts to get the same certification in our parks and public spaces. Though through our sustainable maintenance and horticulture practices, we've been able to divert more than half of all waste from landfill, the waste discarded by parks users remains significant, and so we weren't able to reach the 90 percent goal that's needed to achieve certification in fiscal '23. Our efforts in pursuit of this goal continue, however.

The Authority's $3.6 million savings on its departmental operating expenses was offset by a greater than budgeted debt service payments which increased as a result of our 2023 bond issuance. After deducting those expenses from our collections, the Authority was left with just over $220 million in excess revenues, which flowed to the City's general fund in the account holding the joint purpose fund dollars as indicated on the chart all the way the second from the right.

For fiscal year 2024, the Authority was expecting higher revenues primarily resulting from increased PILOT assessments by the City for each building class as well as the phase out of some 421a tax abatements, or I should say PILOT abatements. Our departmental operating budget is projected to increase by just over 5% to accommodate additional staffing to support our capital and site management responsibilities and debt service is projected to more or less level out compared to our actual expenses in fiscal year 23. Excess revenues to the City are projected to increase by about $8 million over what was budgeted last year.

He continued to explain that we expect to spend over $260 million on our capital program this coming year, far more than in recent years. A bulk of that covers 12 months of significant construction on the South resiliency project, as well as the design work needed to get us close to a negotiated guaranteed maximum price for the Northwest.

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

APPROVAL OF AUTHORITY BUDGETS FOR FISCAL YEAR ENDING OCTOBER 31, 2024

BE IT RESOLVED, that each of the capital and operating budgets of the Authority for the fiscal year ending October 31, 2024, substantially in the form presented to this meeting be, and hereby is, approved and ordered filed with the records of the Authority; and be it further

RESOLVED, that the Chief Operating Officer of the Authority or his designee(s) be, and each of them hereby is, directed to file said budget and related information with all parties as required pursuant to all outstanding bond resolutions, agreements, and requirements of law.

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The next item on the agenda, presented by Ms. Baichu, was a request for approval to enter into an agreement with Automatic Data Processing ("ADP") for enterprise resources planning, Human Resources Information System, System Integrator, and Software Vendor Services.

Ms. Baichu explained that the Authority utilizes an enterprise-wide human resources information system to store employment and personal data for our employees, administer benefits, prepare annual EEO and Affordable Care Act reports, manage hiring and onboarding, administer FMLA, track time and attendance, and process payroll, among other essential processes. The Authority is currently contracted with ADP to provide these services but that contract ends on April 25, 2024, so an RFP was issued receiving proposals from ADP and Paycom.

The committee found that ADP's proposal was comprehensive, and in certain cases enhanced providing not only the technology to support our business needs, but also expert staff to support administrators in the HR department as well as other end users across the organization.

On the other hand, Paycom's presentation left the committee with doubts about which services were included in their cost proposal despite following up to gain clarity from them. The committee left the evaluation process unclear that Paycom could provide the Authority with the services it needs for these core administrative functions. There was a significant difference between their cost proposals. ADP totaled nearly $140,000 per year, and Paycom's was about half of that, which is $70,000. However, for the reasons mentioned earlier, the committee recommended proceeding with ADP as our vendor for these services. She also added that the proposed pricing for the upcoming contract represents a slight reduction compared to our current contract with ADP. Therefore, we are seeking approval to enter into an agreement with ADP for a term of five years for a not to exceed total of $693,585 and a separate as-needed allocation of funds in the amount of $50,000 to cover the cost of background checks and drug screening for a grand total of $743,585.

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

APPROVAL TO ENTER INTO AN AGREEMENT WITH AUTOMATIC DATA PROCESSING

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 the Authority entering into an agreement with ADP to provide Enterprise Resources Planning, Human Resources Information System, System Integrator, and Software Vendor Services for a term of five (5) years and in the not-to-exceed amount of $693,585.00 and a separate as-needed allocation of funds in the amount of $50,000 to cover the cost of background and drug screenings for a not-to-exceed total of $743,585.00, 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 agreement 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.

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The next item on the agenda, presented by Ms. Nathan, was a request to enter into an agreement with TruView BSI, LLC for vendor background check services.

Ms. Nathan explained that the Authority's Chief Contracting Officer was responsible for investigating each vendor that BPCA intends to enter into an agreement with. To assist in this effort, the Authority utilizes the City's vendor management system, known as Passport, and to the extent that Passport yields a flag, we maintain a vendor to provide more detailed reviews on an as-needed basis. The contract for those services is expiring, so a discretionary procurement was conducted reaching out to 26 vendors on the State's database. Truview provided the lowest cost overall and Truview's proposal demonstrated they had the qualifications and experience necessary to perform the work we require. She then requested approval to enter into an agreement with Truview for a term of three years, for a not to exceed amount of $45,000. As Truview is an SDVOB, the proposed agreement would have utilization goal of 100% for STVOB.

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

APPROVAL TO ENTER INTO AN AGREEMENT WITH TRUVIEW BSI, LLC FOR VENDOR BACKGROUND CHECK 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 or his/her designee(s) be, and each of them hereby is, authorized and empowered to enter into an agreement with TruView BSI, LLC ("TruView) for a term of three (3) years for a not-to-exceed amount of $45,000.00, 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 agreement 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.

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The next item on the agenda, presented by Ms. Nathan, was a request to amend the agreements with Verizon Business Network Services for the 200 Liberty Street, 75 Battery & Satellite Location Network Services.

Ms. Nathan began by explaining that the Authority currently utilizes Verizon to provide network services and manage security services to all six of our locations throughout the neighborhood. One contract with the firm supports our systems at our satellite locations, which is 75 Battery Place, Ballfields, 6 River Terrace, the Park House, and 200 Rector Place. And another contract supports our offices at 200 Liberty Street. BPCA issued a competitive solicitation to procure these same services last year, but received very little response. A recrafted RFP will be issued in the weeks ahead, but until this procurement process is completed, BPCA requires Verizon's services to avoid business interruption. The proposed amendments would add a year to each contract's term, with an additional $69,105.96 to the not to exceed contract value of the agreement supporting our satellite locations, and an addition $21,757.76 to the not to exceed contract value of the agreement that supports our 200 Liberty offices. The pricing provided by

Verizon for the proposed one-year extension mirrors the rates of the current agreements and does not include a cost escalation over what we pay currently.

Upon a motion made by Mr. Capoccia and seconded by Mr. Kendall, the following resolutions were adopted:

APPROVAL TO AMEND AGREEMENT WITH VERIZON BUSINESS NETWORK SERVICES FOR 200 LIBERTY STREET NETWORK 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 or his/her designee(s) be, and each of them hereby is, authorized and empowered to amend that certain agreement with Verizon Business Network Services for 200 Liberty Street Network Services to extend the term to March 1, 2025 to add an additional $21,757.76 for a new not-to-exceed total contract value of $87,031.04, 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.

APPROVAL TO AMEND AGREEMENT WITH VERIZON BUSINESS NETWORK SERVICES FOR 75 BATTERY & SATELLITE LOCATION NETWORK 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 or his/her designee(s) be, and each of them hereby is, authorized and empowered to amend that certain agreement with Verizon Business Network Services for 75 Battery & Satellite Location Network Services to extend the term of the Agreement to November 28, 2024 and to add an additional $69,105.96 for a new not-to-exceed total contract value of $327,303.32, 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.

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The next item on the agenda, presented by Ms. Dawson, was an approval of Fiscal Year 2024 Spending Authority for Pre-Qualified Contracts and an authorization to extend the Term of the Pre-Qualified Panel of Engineering and Architectural Firms ("Pre-Qualified Engineers/Architects").

Ms. Dawson began by explaining to the Members that she was proposing spending caps for the prequalified and on-all contracts. These contracts include prequalified panels that are approved by the Board in four categories: on-call general contracting expenditures, on-call engineering and architecture expenditures, on-call construction management expenditures, and in a category that was just recently added, a panel of on-call resiliency advisor expenditures.

For the fiscal year of 2024, with respect to the engineering and architecture and the construction management expenditures, those proposed spending caps would be kept the same as last year, at $1.7 million and $1.3 million respectively. For the prequalified general contractor expenditures, she projected a slight increase, 15% to $3,750,000 based on our projected needs for the coming fiscal year. For the fourth category of on-call resiliency advisor services, because those contracts were so recently approved, there have been no expenditures in that category thus far, she projected expenditures in the amount of $700,000 for fiscal year 2024.

Ms. Dawson then requested that the Members approve the maximum expenditure amounts for those categories of prequalified general contractor expenditures, $3.75 million; engineering architecture services, $1.7 million; on call CM expenditures, $1.3 million; and on call resiliency advisory expenditures of $700,000. In addition, because a new set of panels would be presented for the Board's approval in the next fiscal year for general contractors, engineers & architects, and construction managers, and because our current authorization for our existing engineering and architecture panel will be expiring next month, she also requested that the Board approve an extension of that authority through August 19, 2024, for an extension of nine months pending the new on-call panel in that category.

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

APPROVAL OF FISCAL YEAR 2024 SPENDING AUTHORITY FOR PRE-QUALIFIED CONTRACTS

BE IT RESOLVED, the Fiscal Year 2024 annual spending maximums for the following Pre-Qualified Expenditures, are hereby established:

- Job Order General Contractor Expenditures: $3,750,000;
- On-Call Engineering/Architecture Expenditures: $1,700,000;
- On-Call Construction Management Expenditures: $1, 300,000; and,
- On-Call Resiliency Advisory Expenditures: $700,000; and be it further,

RESOLVED, that the Chief Operating Officer of the Authority or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute any documents, file said budgeted and related information with all parties as required pursuant to all outstanding bond resolutions, agreements and requirements of law, and to take all such other and further actions as may be necessary, desirable or appropriate in connection with the transactions contemplated in the foregoing resolution, and any such execution of documents and any other and further actions heretofore taken are hereby ratified and any actions hereafter taken are confirmed and approved.

AUTHORIZATION TO EXTEND THE TERM OF THE PANEL OF PRE-QUALIFIED ENGINEERING/ARCHITECTURAL FIRMS

BE IT RESOLVED, that in accordance with the materials submitted at this Board meeting, the term of the panel of pre-qualified engineering/architectural firms listed in Appendix A (collectively, the " Firms") is hereby extended for a period of nine (9) months, from November 19, 2023 through August 19, 2024 – and the Chief Operating Officer (the " COO") of the Hugh L. Carey Battery Park City Authority (the "Authority") or his/her designee(s) be, and each of them hereby is, authorized and empowered to extend the individual pre-qualified engineering/architectural contracts (the " Contracts") with the Firms on an as-needed basis in accordance with the requirements of the Pre-Qualified Vendor Policy; 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 Contracts on behalf of the Authority, subject to such changes as the officer or officers executing the Contracts 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 Contracts; 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.

APPENDIX A

PRE-QUALIFIED PANEL OF ENGINEERING AND ARCHITECTURE FIRMS
Arora and Associates, P.C.
Cashin Associates, P.C.
Ensign Engineering, P.C.
Goldman Copeland Associates, Engineers, P.C.
H2M Architects + Engineers, D.P.C.
M.G. McLaren Engineering & Land Surveying, P.C.
Ronnette Riley Architect, LLC
Stantec Consulting Services, Inc.
Superstructures Engineering + Architecture, PLLC
Tetra Tech Engineers, Architects, and Landscape Architects, P.C
Urban Engineers of New York, D.P.C.
Watts Architecture & Engineering, D.P.C.

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The next item on the agenda, presented by Ms. Dawson, was an authorization to enter into a contract with Trevcon Construction Co., Inc. for Pier A Structural Repairs – Phase II Project.

Ms. Dawson explained to the Members that our long-term lease with the City for Pier A obligates the Authority to keep the Pier in good and safe order and condition. The ongoing monitoring and oversight that the real property department conducts with respect to Pier A has revealed that certain repair and restoration work is required for the underside structure of the Pier. This work includes repair and restoration of certain concrete elements of the exterior of the Pier, along with certain damage or deterioration of structural steel components, and the protection of specified timber piles that are adjacent to the structure.

An RFP was issued for this work to be performed, and five proposals were received, three of which were advanced for interviews. Based upon the interview process there was a potential cost savings measure that was identified which formed the basis for our request for best and final offer from the three finalist proposers. As a result of the best and final offers received, and the technical evaluation that had been performed by the evaluation committee, the committee determined that Trevcon was the best value for the Authority given the requirements of the project. Trevcon has extensive proven experience of this kind of work in Manhattan and across New York City, was very well qualified, and was the highest rated firm from a technical perspective, and although it was not the lowest cost proposal that was received, it was within 1.5% of the lowest cost proposal. In light of the technical scores that were received in the comparison of those scores, Trevcon was determined to be the best value. As a result, the Members are requested to authorize the execution of a 12-month contract with Trevcon in the lump sum amount of $3,020,000 to perform the Pier A structural repair, and restoration work.

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

AUTHORIZATION TO EXECUTE A CONTRACT WITH TREVCON CONSTRUCTION COMPANY, INC. FOR THE PIER A STRUCTURAL REPAIRS – PHASE II PROJECT: 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 twelve (12)-month contract with Trevcon Construction Company, Inc. in the lump-sum amount of three-million, twenty-thousand dollars ($3,020,000) to perform the general construction and marine construction contractor services associated with the Pier A Structural Repairs – Phase II 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.

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The next item on the agenda, presented by Ms. Gallo, was the Election of Board Chair.

Ms. Gallo stated she would like to nominate Don Capoccia as the Board's new Chair.

Ms. Gallo noted that Mr. Capoccia is the managing principal and founder of BFC Partners, a real estate development and building company that's been involved in planning, development, and construction with some 12,500 units of housing in New York City with a combined value of $4.5 billion. His projects include two million square feet of neighborhood retail and community facility uses. He began his development and construction activities in New York City in 1982, just prior to earning a master's degree from Hunter College in urban planning, and completing a BA in urban studies from the University of Buffalo in 1979. Mr. Capoccia and BFC have focused predominantly on the production of affordable mixed income and workforce housing, as well as large-scale mixed-use projects like Essex Crossing and the Bedford Union - Armory in Crown Heights. BFC's work can be found in each of the cities, five boroughs, the Hudson Valley, the Capital Region, and Western New York. Don has served on a number of not-for-profit public benefit and public authority boards for New York City and New York State. He seems qualified for this Chair position.

Mr. Kendall said that Mr. Capoccia will do a great job.

Ms. McVay Hughes noted Mr. Capoccia has been on the Board for a very long time.

Mr. Bevilacqua stated we would miss Ms. Gallo, but I think this was a great nomination. He seconded the nomination wholeheartedly of Don. He said his background and knowledge of the important issues that we face all the time with respect to construction and tenancies, etc., is just unparalleled. Very, very happy to have Mr. Capoccia being considered for this position.

Mr. Capoccia said "…thank you fellow members for your confidence in me. The only reason I would even consider this is because of the extraordinary range of skills that you all and we have. I think we've worked together amazingly well in the last several years. I look forward to more of that. And also the staff is just extraordinarily skilled in every area that they are responsible for here, and handle it in a very responsible and excellent way. So I look forward to continuing all of that, following in Martha's footsteps."

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Ms. McVay Hughes made a motion to enter Executive Session, which was seconded by, Mr. Capoccia to discuss matters related to the employment of a particular person. The Members entered Executive Session at 2:56 p.m.

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The Members exited Executive Session at 4:19 p.m.

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There being no further business, upon a motion made by Ms. McVay Hughes and seconded by Mr. Capoccia, the Members unanimously voted to adjourn the meeting. The meeting thereupon adjourned at 4:20 p.m.

Respectfully submitted,

LMurtha

Lauren Murtha
Assistant Corporate Secretary

Public Comment
October 25, 2023

1. **Maryanne Braverman**: Thank you, Nick. I'm here really today just to thank the Authority for listening to me over the past almost two years, I think. The Asphalt Green, thanks to your interventions, there has offered a range of 10 classes for seniors, and they're opening up access to free day memberships to seniors. Right now with the Battery Park City and in another month or so to all of Community Board Number One. They aim to go from now there are roughly 30 active members. They're trying to get to up to 200. So that is a tremendous improvement in access to fitness for seniors, and believe me, it is really important as you get older to keep yourself active. So it's good for health, and it's also very good for socialization. So I'm thrilled that they're doing it. I'm thrilled that the Authority met with them and made this come to pass. So thank you. And have a great meeting.

2. **Pat Smith:** Thank you, Nick. In response to the offer from the Battery Park City Authority made to Condo Board leaders on July 7th, 2023, the Homeowners Coalition accepts the offer to eliminate the 6 percent fair market value reset for all leases through 2119. Also, in response to that offer, the Coalition accepts with the following four stipulations the BPCA offer to limit ground rent increases to 2 percent per year. The four stipulations are: stipulation one, 2 percent annual increases begin immediately; stipulation two, once ground rents in any condo building reach an average of $8.00 per square foot, annual ground rent increases be reduced to 1/2 percent per year; stipulation three, step ups or one-time increases pending for some buildings in the next eight years could be reduced through negotiation. At 2 percent compounded annually, the total payout of the Coalition offer through 2119 is $6.6 billion. Taking the present value of this payment using a 5 percent discount rate, the present value is $761 million; stipulation four, assistance to homeowners unable to afford ground increases as drafted into legislation by State Senator Brian Kavanagh to be included as part of a broader agreement negotiated between the BPCA and the Homeowners Coalition, and not to be considered as an alternative to a broader agreement. Thank you.