

HUGH L. CAREY BATTERY PARK CITY AUTHORITY

Meeting of the Members
200 Liberty Street, 24th Floor
New York, NY 10281
April 23, 2025

Members Present

Don Capoccia, Chairman
Catherine McVay Hughes, Member
Anthony Kendall, Member
Lester Petracca, Member
Angela Sung Pinsky, Member
Clinton Plummer, Member

Authority Staff in Attendance: Raju Mann, President & CEO
Allie Atlas, Chief of Staff
Sharmila Baichu, Chief Human Resources Officer
Marie Baptiste, Deputy Treasurer
Brett Beecham, Acting General Counsel
Zachary Bergen, Deputy General Counsel, Procurement & Contracts
Terence Cho, Vice President of Real Estate
Claudia Filomena, Senior Director of Capital Projects and Resiliency
James Gallagher, Special Counsel, Capital Projects
Megan Hood, Deputy General Counsel, Real Estate
Angela Howard, AVP of Construction & Site Management
Craig Hudon, Vice President of Parks Programming
Elaine Kleinberg, General Counsel
Karl Koenig, Controller
Lauren Murtha, Paralegal/Assistant Corporate Secretary
Jason Rachnowitz, Deputy Controller
Kimberlae Saul, AVP Planning & Design
Nicholas Sbordone, Vice President of Communications and Public Affairs
Ryan Torres, Vice President of Parks Operations
Yves Veve, Senior 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 2:12 pm.

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The first item on the agenda was a request for approval of the minutes of the March 5, 2025 meeting.

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

APPROVAL OF MINUTES OF THE MARCH 5, 2025 MEETING

BE IT RESOLVED, that the minutes of the meeting of the Members of the Hugh L. Carey Battery Park City Authority held on March 5, 2025, are hereby approved.

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The next item on the agenda was the President's Report.

Mr. Mann presented updates to the Board, noting that work was moving quickly in the South Resiliency Project and Wagner Park is scheduled to reopen in the second half of the summer. He also noted that the test pile program in both Stuyvesant Plaza and across the West Side Highway are complete. Work at Belvedere Plaza and the South End at Third Place is also expected to wrap up mid-May, with the noisiest parts of the work behind us, he stated. Mr. Mann then thanked Angela Howard and Kimberlae Saul, the Design & Construction team, and the Authority's contractor, Turner E.E. Cruz, for carefully managing this work, ensuring as little impact to quality of life as possible.

Next, Mr. Mann thanked Ryan Torres and the Parks team, noting the first park cleanup was hosted with Stuyvesant High School on March 28th, which will hopefully be a new and ongoing partnership. Since the last Board meeting, with the help of Craig Hudon and the Parks programming team, BPCA has hosted over 60 free events, he continued. The summer programming calendar is coming out next week with lots of incredible and free events. Last, Mr. Mann reported that Craig Hudon has been the lead on bringing the farmer's market back to Battery Park City, which will commence May 11th, just north of Brookfield Place adjacent to the Police Memorial, and continue every Sunday through November.

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There were ten comments submitted by the public during the period of public comment.

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The next item on the agenda, presented by Mr. Mann, was the appointment of the General Counsel and Corporate Secretary and Ratification, Confirmation and Authorization to Sign Financial and Bank-Related Documentation.

Mr. Mann began by formally welcoming Elaine Kleinberg. He noted Elaine has over 30 years of experience as a General Counsel working in New York City. He stated that Elaine not only oversaw the legal departments at CBRE and Newmark, two of the largest brokerage firms in New York City, but is also an executive coach, and is already proving to be a wonderful colleague in her four weeks here to date. Elaine will be a great asset to the organization, and someone the Board can rely on as we navigate the many challenging questions as a neighborhood and this organization, he continued. He then requested the Board appoint Elaine as General Counsel and

Corporate Secretary and add her to the list of corporate officers on the Authority's incumbency certificate, allowing her to sign financial documents on behalf of the Authority. He noted that Elaine was joining a great team in the Authority's legal department. He then thanked Brett Beecham for serving as Acting General Counsel for the last four months.

Upon a motion made by Ms. McVay Hughes and seconded by Ms. Sung Pinsky, the following resolutions were unanimously adopted:

APPOINTMENT OF THE GENERAL COUNSEL AND CORPORATE SECRETARY OF THE BATTERY PARK CITY AUTHORITY (THE "AUTHORITY")

BE IT RESOLVED, that pursuant to Article II, Sections 2 and 8 of the Authority's Bylaws, the following person is hereby appointed to the offices indicated next to her name to serve until her successor shall be duly elected, unless she resigns, is removed from office or is otherwise disqualified from serving as an officer of the Authority, and she shall take such offices on April 23, 2025:

General Counsel and Corporate Secretary.....Elaine Kleinberg

and be it further

RESOLVED, that Elaine Kleinberg shall, and is hereby authorized to, do all the acts, deeds and things that are necessary, desirable, appropriate and attendant to performing the duties for the aforesaid appointments; and be it further

RESOLVED, that any actions taken as may be necessary, desirable or appropriate, in connection with the duties contemplated in the foregoing resolutions, and any further actions taken prior to the date hereof are hereby ratified, confirmed and approved.

This resolution shall take effect immediately and shall be filed in the Authority's official corporate records.

RATIFICATION, CONFIRMATION AND AUTHORIZATION TO SIGN FINANCIAL AND BANK-RELATED DOCUMENTATION, INCLUDING CHECKS, VOUCHERS, REQUISITIONS AND OTHER INSTRUMENTS

BE IT RESOLVED, that consistent with Battery Park City Authority's (the "Authority") enabling legislation and By-Laws, we hereby ratify, confirm and authorize the officers identified below and on the attached Incumbency Certificate to transact business and issue instructions to banking and financial institutions on behalf of the Authority, provided that any documentation relating to such transactions that exceeds \$50,000 must be signed by at least two of the following Authorized Officers:

Raju Mann, President & Chief Executive Officer
Elaine Kleinberg, General Counsel
Pamela Frederick, Chief Financial Officer/Treasurer
Eric Munson, Chief Operating Officer

This authorization shall include, but not be limited to, execution of documentation in connection with financial and banking transactions, requisitions of monies, signing of checks, vouchers, requisitions and other instruments made by the Authority or to which the Authority may be a party; and be it further

RESOLVED, that any and all actions taken by any of the Authorized Officers in connection with the above transactions, actions or filings are hereby ratified, confirmed and approved; and be it further

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

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The next item on the agenda, presented by Ms. Howard, was an authorization to enter into an agreement with LandTek Group, LLC for Ballfield Turf Replacement.

Ms. Howard recommended that the Board authorize entering into an agreement with LandTek, LLC, in the amount of \$2,332,100 for the replacement of the ballfields at Murray and Warren Street. She explained the ballfields were replaced immediately after Hurricane Sandy and have been used on a regular basis by the community. The Design and Construction Department issued an RFP for the work. She reminded the Members that the window of time to replace the ballfields is very brief in order to provide the community as much access to the ballfields as possible, therefore the fields close in late November and will reopen on March 1st.

Upon a motion made by Mr. Plummer and seconded by Ms. Sung Pinsky, the following resolutions were unanimously adopted:

AUTHORIZATION TO EXECUTE A CONTRACT WITH THE LANDTEK GROUP, LLC (“LANDTEK”) FOR THE BATTERY PARK CITY (“BPC”) BALLFIELDS TURF PROJECT: GENERAL CONTRACTOR 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 multi-year contract with LandTek – which term will expire on February 28, 2029 – in the lump-sum amount of \$2,332,100, inclusive of the Extended Warranty Add-Alternate, priced at \$0, and the Groomings Add-Alternate, priced at \$8,100, for the performance of the BPC Ballfields Turf Replacement 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. Torres and Ms. Nathan, was approval of the April 23rd Consent Agenda.

Ms. Torres presented two items for the Consent Agenda which included an agreement with The Trust for Governor's Island through December 31, 2028, in the not-to-exceed amount of \$311,873.80 to provide 6,000 SF of offsite storage and an agreement with Bobcat of New York, Inc. to provide Bobcat Utility Work Machine Maintenance services for a term of five (5) years in the not-to-exceed amount of \$100,000.00. Ms. Nathan then presented an agreement with New York State Industries for the Disabled to provide secure document destruction services for a term of three (3) years in the not-to-exceed amount of \$36,000.00. Mr. Capoccia then asked for approval of the resolution as presented in the materials.

Upon a motion made by Mr. Petracca and seconded by Mr. Plummer, the following resolutions were unanimously adopted:

AUTHORIZATION TO ENTER INTO OFFSITE STORAGE AGREEMENT WITH THE TRUST FOR GOVERNORS ISLAND

BE IT RESOLVED, that in accordance with the materials submitted at this Board meeting, the President and Chief Executive Officer (the "President") of the Battery Park City Authority (the "Authority") or his/her designee(s) be, and each of them hereby is, authorized and empowered to enter into a contract with the Trust for Governors Island through December 31, 2028 in the not-to-exceed amount of \$311,873.80 to provide 6,000 SF of offsite storage; 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.

AUTHORIZATION TO THE AGREEMENT WITH BOBCAT OF NEW YORK, INC. FOR BOBCAT UTILITY WORK MACHINE MAINTENANCE SERVICES

BE IT RESOLVED that in accordance with the materials presented to this meeting, the President and Chief Executive Officer of the Hugh L. Carey Battery Park City Authority (the "President") or her/his designee(s) be, and each of them hereby is, authorized and empowered to enter into an agreement with Bobcat of New York, Inc. to provide Bobcat Utility Work Machine Maintenance services for a term of five (5) years in the not-to-exceed amount of \$100,000.00, and be it further

RESOLVED, that the President or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute and deliver the contract on behalf of the Hugh L. Carey Battery Park City Authority, subject to such changes as the officer or officers shall, with the advice of counsel, approve as necessary and appropriate and in the best interests of the Conservancy, such approval to be conclusively evidenced by the execution and delivery of the contract; and be it further

RESOLVED, that the President or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute all such other and further documents and to take all such other and further actions as may be necessary, desirable or appropriate in connection with the transactions contemplated in the foregoing resolutions, and any such execution of documents and any other further actions heretofore taken are hereby ratified and any actions hereafter taken are confirmed and approved.

AUTHORIZATION TO THE AGREEMENT WITH NEW YORK STATE INDUSTRIES FOR THE DISABLED FOR SECURE DOCUMENT DESTRUCTION SERVICES

BE IT RESOLVED that in accordance with the materials presented to this meeting, the President and Chief Executive Officer of the Hugh L. Carey Battery Park City Authority (the "President") or her/his designee(s) be, and each of them hereby is, authorized and empowered to enter into an agreement with New York State Industries for the Disabled to provide secure document destruction services for a term of three (3) years in the not-to-exceed amount of \$36,000.00, and be it further

RESOLVED, that the President or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute and deliver the contract on behalf of the Hugh L. Carey Battery Park City Authority, subject to such changes as the officer or officers shall, with the advice of counsel, approve as necessary and appropriate and in the best interests of the Conservancy, such approval to be conclusively evidenced by the execution and delivery of the contract; and be it further

RESOLVED, that the President or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute all such other and further documents and to take all such other and further actions as may be necessary, desirable or appropriate in connection with the transactions contemplated in the foregoing resolutions, and any such execution of documents and any other further actions heretofore taken are hereby ratified and any actions hereafter taken are confirmed and approved.

Mr. Petracca made a motion to enter Executive Session, which was seconded by Ms. McVay Hughes, 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 2:48 p.m.

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The Members exited Executive Session at 4:00 p.m.

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There being no further business, upon a motion made by Mr. Kendall and seconded by Mr. Plummer, the Members unanimously voted to adjourn the meeting. The meeting thereupon adjourned at 4:00p.m.

Respectfully submitted,

Lauren Murtha

Lauren Murtha

Public Comment
April 23, 2025

1. **Mohan and Dominic:** So my name is Mohan Rarusha. I'm an attorney. I work in higher education, but I'm not -- I'm here because my two-year-old is enrolled at Battery Park Montessori and in speaking with many other parents at the school, I know I can speak for many of them, in saying that we sent our kids, our very young kids to BPM because of the beautiful and quiet and life-filled environment there on 21 South End Avenue, and this is obviously especially important for young kids like my son for most developmentally dependent on timely naps free from construction noise, they would be the most negatively impacted by disruption right outside. So as a parent concerned about what the next few years will look like for my son, and others like him, his classmates, I understand that the planned work will be all around the school, will take away valuable usable outdoor play space, block natural light, and potentially bring hazards to the environment that he's active in for hours a day. I of course don't mean to undermine the importance of the project. It's indisputably extremely important for the community, but there's also equally strong interest in preserving the health and safety of our youngest children. So in undertaking a large construction project like this, I want to understand what you all at the BPCA have in mind for ensuring the continued health and safety of kids like my son. Then also, frankly, I don't really understand how it will be possible to have these kids continue the quiet enjoyment of the space while they're literally surrounded by construction 24/7. So I can see it's inevitable that the school will have to move temporarily. So I'd like to know more about what the BPCA's plan is to facilitate and fund such a move.

2. **Pat Smith:** Thank you, Nick. Thank you, members of the Board. Battery Park City homeowners are waiting for a response from the Battery Park City Authority to the negotiation offer the Coalition presented to the Authority in January. Our offer provides some relief for homeowners without limiting the BPCA's ability to carry out operations, to meet its bond obligations, and to provide a reasonable surplus to New York City. Our offer addresses the blatant imbalance in the ground rent structure, which allows the Lefrak organization to pay less than \$400,000 per year in ground rent for the 1,700 unit Gateway Plaza, \$235 a unit, while the 152 unit Battery Point Condo pays \$900,000 per year, \$5,900 per unit. Typical of our 18 residential condos. \$235 per unit versus \$5,900 per unit. You, the members of the BPCA Board must answer for that. The imbalance for commercial owners in Battery Park City, such as Brookfield or Goldman Sachs, pay ground rent on a square foot basis, which is less than 50% of the rate paid by homeowners. Again, you must answer for that. Coalition leaders also ask for the anticipated revenue from the former Ritz Carlton site, which has emerged from Chapter 11, and should begin paying ground rent in 2025. From the Pavilion in Wagner Park, which is expected to open in 2025 or 2026, and from Pier A, which hopefully move from a net loss to a revenue producing asset some day. These are reasonable requests from the people of this community. The public, which you as public servants should serve. We look forward to continuing to work with you to find answers to these questions, to developing a true partnership between the public and the public servants. Thank you.

3. **Gabby Rowe:** Thank you, everyone. Thank you for having me once again. I'm Gabby Rowe, the CEO of KSS Emergent Schools, the parent of the Battery Park Montessori School. In

November when we were first informed about the full extent of the construction that was planned immediately adjacent to BPM, Raju Mann told us that he felt it was impossible for us to remain in our current space during the work that was envisioned, and that we should figure out an alternative, and that the BPCA would help us to the extent that was possible. We were shocked, but immediately jumped into action to come up with alternatives. We did come up with several solutions, but they were all complicated and expensive. BPCA then changed course and suggested that we would be better off staying put, and they would work with us to ensure the safety and well being of our children. With this commitment from BPCA in mind we agreed to move forward with collaboration to develop such a plan. However, since then we have learned significant new information. Several of these are 1) during test pile drilling, BPCA's contractor was captured on multiple occasions not following the mutually agreed upon safety protocols; 2) outreach to BPCA using the means supplied to us by BPCA was left unanswered for significant periods of time, weeks, only to be finally answered by letter from the BPCA's lawyer saying that our "observations were inaccurate and incomplete." Despite the fact that the videos were taken by parents with professional expertise to understand exactly what they were seeing, and that I was the one who was hit with flying debris when walking well within the area deemed safe for our children and families; 3) the list of toxins found by BPCA's testers in the soil excavated during the test pile is significant and expansive, making the concept of keeping our children safe during the extensive excavation planned challenging, and quite frankly dangerous. You are going to hear today from a number of our parents who are concerned about the safety of their children, and the children of the community in which they live. They are your constituents. Their children are the future of this community. I hope you'll be able to hear them.

4. **Justine Cuccia:** Thank you. Hi. I'm Justine Cuccia, and I'm also coming as a member of the Homeowner's Coalition. And I want to remind Terence Cho, if he's here right now, that we had a wonderfully productive meeting in March where we discussed the critical issues of ground rents for homeowners that we represent. And we respectfully ask that Mr. Cho reach out to schedule a follow-up meeting where the Battery Park City Authority, Mr. Raju Mann, would provide a response to the most recent Battery Park City Homeowner's Coalition negotiation offer. I'm not going to reiterate the inequities between commercial and residential properties when it comes to ground rent that Pat just set forth. The Board is well aware of them, and I can address the issue you raised with Lefrak. But I'm going to point out, for the first time in years, the Battery Park City Authority is expecting new revenue from commercial vendors at Wagner Park Pavilion, the new hotel replacing the Ritz Carlton, Wagner, whatever it's called now, and hopefully Pier A. And this is a pivotal moment where the Battery Park City Authority can structure these new leases or contracts to provide some wiggle room in the negotiations with residential condo buildings. No one who has been involved and paying attention can really realistically expect the BPCA to freeze ground rent, or not take annual percentage increases, and we're not asking for that. However, we can and do realistically expect this Board to recognize the extreme burden the ground rent and pilot, which of course you guys do not have any control over, we understand that, places an individual condominium owners as ground rents increase especially because these increases are not occurring in a vacuum. We're all facing inflation, congestive pricing, whether you have a car or not, increased costs of necessities, not to mention the fact that Battery Park City condominium

owners are also facing increased capital costs related to repairs and maintenance and replacement of aging equipment infrastructure. As CFO, Pam Frederick, so ably presented at the March Battery Park City committee meeting, a new iteration of the joint purpose fund has been allocated to finance affordable housing in New York City, but as you and I -- we all know, that's not coming and being spent in Battery Park City. It's being spent elsewhere. So the Homeowner's Coalition is asking that this Board consider applying a portion of their budget, whether capital or expenses or operating, towards creatively funding affordability in Battery Park City. And it can come in so many ways..

5. **Alex Valente:** Thank you for the opportunity to speak. My name is Alex Valente. I'm a licensed professional civil engineer with REDCA infrastructure experience in New York City. I'm here with my wife, Megan and our newborn, Robert. We've been residents of Battery Park City since 2018. Homeowners since 2020. And our eldest child attends Battery Park Montessori. I'm here today to voice concerns about this resiliency project in relations to Battery Park Montessori. I know another parent, Mohan, has spoken already, and I want to overall echo his concerns about the children's health and learning environment, but I want to offer a perspective as an engineer. I know how critical transparency is to a project, and planning for success of a major project like this, and what's troubling here is that this potential disruption has a lack of clear communication with Battery Park Montessori, and as a parent that uncertainty creates enormous stress, and families are trying to make decisions about enrollments, about commutes, about childcare, and a firm understanding of what the school year would look like. We are overall left guessing for the near future. We hope that the BPCA and the school can come together quickly, and that a detailed plan can come together to ensure that the children are safe, families are informed and we trust that the project overall is maintained because it's important to the community. Thank you.

6. **Augusto and Emily Jockman:** Good afternoon, and thank you for the opportunity to speak today. My name is Emily Jockman and I've lived and worked in Battery Park for the past 13 years. What drew me to this neighborhood and what has kept me here is it's park-like atmosphere, the sense of community, and the calm natural environment by the water that makes it such a special place to raise children. I have two young kids, and both will be attending Battery Park Montessori next year. My oldest has already spent the past two years at BPM, and has thrived in this school's nurturing and uniquely Montessori environment, an environment that is deeply connected to the peaceful surroundings of this neighborhood. We understand and support the long-term goals of the South Battery Park City resiliency project. We know how important this work is for the future safety and sustainability of our community, and we appreciate the effort it represents. However, it's also deeply concerning about the short-term implications this construction could have on one of the most vulnerable populations in the area, our young children. I'm saddened to learn about how the construction may impact the day-to-day operations of the school. I respectfully ask what specific safeguards BPCA will put in place in order to ensure that the school can continue to operate safely during this time. Will there be independent environmental testing and transparent reporting? Have alternative solutions been considered, if a safe and consistent environment cannot be guaranteed? It is also disappointing that the school community was not included in the planning process earlier, particularly given the proximity of the site of our property line and the significant

regulations BPM must adhere to as a school, unlike neighboring businesses. Battery Park Montessori is not just a school, it's a vital part of this community. I urge the BPCA to work closely with families and the school to find a thoughtful and acceptable solution during this period of construction. Thank you.

7. **Arthy Luhadia:** Thank you, Nick, and members of the Board. My name is Arthy Luhadia and I'm here today not just as a parent, but as a deeply invested member of the Battery Park Montessori community. All three of my children have attended BPM, and it has truly become a second home to our family. Along with many other families, we absolutely love this school. We chose BPM for so many reasons, its triangle Montessori curriculum, its place within the broader Green Ivy International Schools network and the opportunity to continue [indiscernible] school, which is the only Ivy school in New York City. That pathway was a major factor in our decision, but we also fell in love with the school setting, nestled within a park full of natural light and openness that is incredibly rare in the city. This school is so special. As a parent, I'm deeply concerned about what the next few years of construction will look like for these young learners. The work is set to take place directly up against the building removing outdoor play space, blocking natural light, and introducing the real possibility of noise, dust, vibrations, and other hazards from a multi-year project. I would like to understand how you plan to manage construction at this level while ensuring a safe nurturing and healthy environment for these children, especially when it comes to sound, vibration, dust, egress, access to light, and safe outdoor play. These factors are critical for all of us, but particularly for children who are more sensitive to environmental stressors. If a safe and appropriate solution cannot be achieved, it's absolutely essential that current and incoming parents are informed with full transparency. We understand the importance of climate mitigation. That's something we all want. But I hope we can find creative thoughtful solutions that don't come at the expense of our children's health, safety, and learning experience. Thank you for your time, and for considering what's at stake here for the youngest members of our community.