

HUGH L. CAREY BATTERY PARK CITY AUTHORITY

Meeting of the Members  
200 Liberty Street, 24<sup>th</sup> Floor  
New York, NY 10281  
March 5, 2025

Members Present

Martha Gallo, Vice Chair  
Catherine McVay Hughes, Member  
Anthony Kendall, Member  
Angela Sung Pinsky, Member (via video)  
Clinton Plummer, Member

Authority Staff in Attendance: Raju Mann, President & CEO  
Allie Atlas, Chief of Staff  
Marie Baptiste, Deputy Treasurer  
Brett Beecham, Acting General Counsel  
Zachary Bergen, Deputy General Counsel, Procurement & Contracts  
Daniel C. Carmalt, Esq., Chief Construction Counsel  
Terence Cho, Vice President of Real Estate  
Gwen Dawson, Senior Vice President, Real Property  
Dan Dickson, Director of Planning and Design  
Claudia Filomena, Senior Director of Capital Projects and Resiliency  
Pamela Frederick, Chief Financial Officer/Treasurer  
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  
Karl Koenig, Controller  
Eric Munson, Chief Operating Officer  
Lauren Murtha, Paralegal/Assistant Corporate Secretary  
Jason Rachnowitz, Deputy Controller  
Kimberlae Saul, AVP Planning & Design  
Nicholas Sbordone, Vice President of Communications and Public Affairs  
Mimi Taft, Senior Manager of Special Projects  
Ryan Torres, Vice President of Parks Operations  
Yves Veve, Senior Director of Infrastructure  
Jennifer Yam, Director of Diversity Contracting

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 2:08 pm.

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Ms. Gallo began the meeting by thanking Gwen Dawson for her 15 years of service. She noted Gwen “played a pivotal role in shaping the neighborhood and really led a set of critical projects after Superstorm Sandy to restore the neighborhood”. Ms. Gallo credited Ms. Dawson with the comprehensive recovery and resiliency effort after Superstorm Sandy, the Battery Park City resiliency projects, including the community center, the ballfields, and Wagner Park and the south end of the neighborhood, which will be reopening this summer, investment in the sustainability of neighborhood including the esplanade pile remediation, and the Irish Hunger Memorial restoration. She further noted that Ms. Dawson transformed the design and construction team at the Authority through her mentoring and leadership over the years. Ms. Gallo expressed that she will miss Gwen’s calm, her demeanor, and her kindness. She expressed her appreciation for the impact Gwen had on building the neighborhood, noting “it will stand the test of time”.

The Members echoed these sentiments, including Ms. McVay Hughes who noted that Ms. Dawson was “a pioneer in minimizing climate risks”. Mr. Kendall stated, “the measures of a leader, is what they are leaving behind and clearly you have done a great job ... so thank you”.

Ms. Dawson expressed it was an “absolute honor and privilege to work...with such an amazing, smart, visionary, dedicated, and fun group of people, both past and present, at the Authority, and that goes for the staff, for the Board Members, whom I thank profusely for all your support over the years, and the community members themselves. And my work, I’m really grateful that my work here has been consistently compelling, interesting, exciting, and inspiring to boot. And you mentioned the staff, I’m blown away every day by my awesome staff... They’re a bunch of big thinkers and big doers and I know they’re going to continue to do magnificent things for the community and for the City. Thank you.”

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The first item on the agenda was a request for approval of the minutes of the January 28, 2025 meeting.

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

#### **APPROVAL OF MINUTES OF THE JANUARY 28, 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 January 28, 2025, are hereby approved.

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

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

Mr. Mann also thanked Gwen Dawson, noting that she has always been incredibly helpful, generous with her time, a wealth of knowledge, and a tough negotiator, who has helped lead the Authority's effort to create a bold strategy for addressing climate risks.

He then went on to briefly mention the items on the forthcoming agenda including the work at Wagner Park, the South, and on the Northwest. He expressed gratitude to Dan Dickson for his work on a cost-benefit analysis for the resiliency project which proves that not only is this project essential for the future of Lower Manhattan, but it is a wise economic investment. Lastly, he noted that, although February was a short month, Mr. Hudon's team had events that supported 3,800 people, largely residents of Battery Park City.

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The next item on the agenda was the Minority and Women-Owned Business Enterprise ("M/WBE") and Service-Disabled Veteran-Owned Business ("SDVOB") Utilization Report given by Ms. Nathan.

Ms. Nathan began by mentioning that, as previously presented, the anticipated M/WBE and SDVOB utilization rates for the South and Northwest Resiliency Projects are 18% and 21% respectively. These projections account for certain scopes of work that do not easily lend themselves to subcontracting opportunities, such as general conditions, allowances, and specialty trades. Ms. Nathan then shared a slide showing the currently awarded 18% to M/WBEs and SDVOBs on the South portfolio and noted that this represents \$21 million to M/WBEs and SDVOBs.

For the North project, she continued, prime contractors have awarded 21% of the current award value to M/WBEs. To date they have achieved a total of 23% in payment utilization based on about \$71 million in total payments, representing \$16.5 million to M/WBEs and SDVOBs. For the Northwest project, the diversity team in collaboration with the design and construction team and AECOM is working closely with Turner to maximize M/WBE and SDVOB participation in the upcoming construction phase of the project. Finally, she shared that in fiscal year 2024, the Authority achieved a historic milestone, paying approximately \$14.5 million to M/WBEs, the highest in the Authority's history.

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Ms. Frederick then provided the Members with an update from the Audit Committee which met just before this Members' meeting.

She explained that the Audit Committee met and made a recommendation to the Battery Park City Parks Conservancy ("Conservancy") Board and thereafter, the Board authorized Battery Park City Authority to submit on behalf of the Conservancy their CHAR500 and their form 990-N for fiscal year 2024.

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Next, Ms. Claudia Filomena presented an update on the North/West Resiliency Project, discussing the ongoing test pile program, the goal of which is to determine subsurface conditions and optimize foundation design for the project. She noted that the test pile work has been coordinated with local stakeholders.

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The next item on the agenda was a South Resiliency Project update presented by Yves Veve.

Mr. Veve reviewed the key milestones on the South Resiliency Project. He noted the Wagner Park and Museum of Jewish Heritage portion of the project is about 70% completed and the Wagner Park Pavilion is about 80% complete. The work along Pier A and the Battery is about 50% complete, he added. He advised that he will officially confirm the reopening date of the new Wagner Park at the next Board meeting. Of all known costs incurred and anticipated we are in good shape to deliver the project under budget. He then presented slides of the project area.

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The next item on the agenda, presented by Ms. Saul, was an authorization to enter into an amendment with AECOM for South Battery Park City Resiliency Design Services.

Ms. Saul recommended that the Board authorize an amendment to the AECOM contract to extend the contract term by approximately nine months through December 31, 2025, to align with the project's construction schedule; to update the contract billing rates, increasing them by 3%; and to, relatedly, increase the contract value by a not-to-exceed amount of \$2,274,053. She then requested that the Members authorize the execution of an amendment on behalf of the Authority.

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

**AUTHORIZATION TO AMEND THE AGREEMENT WITH AECOM USA, INC. (THE "AECOM CONTRACT") TO PROVIDE ADDITIONAL DESIGN & ENGINEERING SERVICES FOR THE SOUTH BATTERY PARK CITY RESILIENCY PROJECT**

BE IT RESOLVED, that in accordance with the materials submitted at this Board meeting, the President and Chief Executive Officer (the "President") of the Battery Park City Authority (the "Authority") or his/her designee(s) be, and each of them hereby is, authorized and empowered to amend the AECOM Contract to a) increase its value by a not-to-exceed amount of \$2,274,053.00, from the not-to-exceed amount of \$21,220,125.02 to the not-to-exceed amount of \$23,494,178.02, in order to cover the expanded and extended construction administration services referenced/described in the associated Memorandum; b) extend the Contract's term by approximately nine (9) months, through December 31, 2025; and c) revise the Contract's billing rates as detailed in the attached Memorandum; 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 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 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 Mr. Munson, was a request to enter into an agreement with AlliedUniversal Security Services for Comprehensive Unarmed Security Services.

Mr. Munson explained that NYPD's 1<sup>st</sup> precinct has primary responsibility for securing Battery Park City's 92 acre site. The team does a terrific job with limited resources, he explained, and the Authority has a great partnership with them, both their leadership and with the community affairs officers. The last time the Board was briefed on security, we shared that, by the numbers Battery Park City is the safest community and the safest police precinct in New York City. That said, he continued, we recognize that the statistics don't always equate to people's perceptions and feeling safe is just about as important as being safe. Some folks in our community have raised real concerns about their safety, and about their quality of life, and given our financial structure, we have the ability to support the NYPD and help address both of these concerns. He noted that at the Board's urging, there was an increase in the Authority's security budget.

The Authority supplements the NYPD's efforts with additional security personnel through a contracted third party, Mr. Munson reported. Currently that third party is AlliedUniversal. Like with NYPD, he noted, their presence in Battery Park City is designed both to improve safety and to improve the public's perception of their safety. The new solicitation was issued in December and the solicitation called for a visible uniformed presence in our community 24/7, 365 days per year, with at least 11 peace officers able to issue summonses. We also have a requirement that they connect folks in need of assistance with help, and report to the Authority what they observe in the park. We reached out to 86 different firms, he continued, including folks who had been on the prior solicitations as well as those on the New York State vendor directory, the M/WBE directory, and some that had been recommended by folks in the community, and others. A site walk-through was conducted.

Ultimately, he advised, the evaluation committee determined that AlliedUniversal's proposal was the best value for the Authority. We thought that they could staff the project according to our needs, including a significant upscaling in the months ahead as the weather gets warmer. They committed to focusing on supervision and ensuring redundancy for their account manager as well as additional training for their staff, and they proposed a rigorous site assessment at the start of the engagement to make sure that we are setting expectations properly, he concluded.

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

**AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH ALLIEDUNIVERSAL FOR COMPRENSIVE UNARMED SECURITY SERVICES**

BE IT RESOLVED, that in accordance with the materials presented to this meeting, the President & CEO (the “President”) of the Authority, or her/his designees be, and each of them hereby is, authorized and empowered to enter into an agreement with AlliedUniversal for Comprehensive Unarmed Security Services for a term of five (5) years for a not-to-exceed value of \$20,000,000, 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 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 President or her/his designees 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 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. Frederick, was a request for panel approval of the Pre-Qualified Bond Underwriter Panel and Investment Banking Services.

Ms. Frederick explained that the original panel was put in place in 2019 and the Members allowed an extension to that panel to enable the Authority to execute the 2023 bonds in a timely fashion. As promised, she continued, we are now coming to the Board with a new panel. An RFP was issued this past fall, she reported, and the evaluation committee, which consisted of representatives from finance, legal, and diversity, all decided upon and scored what was 27 submissions, a larger number than we had in 2019. Of the 27 firms that submitted proposals, 11 were selected to be on our Senior Manager Panel, and then another 11 were selected for a Co-manager Panel. Our advisor, Acacia Financial, provided significant support in summarizing the characteristics and experience of the firms consistent with our evaluation committee criteria. The proposed panel was chosen with a five-year term, and a one-year option to extend. The five-year term is being requested primarily because the hope is to keep the same panel in place to allow us to smoothly implement the bonding for the Northwest, she concluded.

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

## **APPROVAL OF A PRE-QUALIFIED LIST OF FIRMS FOR BOND UNDERWRITING AND INVESTMENT BANKING SERVICES**

BE IT RESOLVED, that in accordance with the materials submitted at this meeting, the list of Senior Managers and Co-Managers attached hereto as Appendix A is hereby approved to perform bond underwriting and investment banking services on a per assignment basis for a term of five (5) years with the option to extend the panel by one (1) year in the Authority's sole discretion; and be it further

RESOLVED, that the President or his/her designee(s), and each of them hereby is, authorized and empowered to execute and deliver agreements retaining such firms on behalf of the Authority, subject to such changes as the officer or officers executing the agreements shall, with the advice of counsel, approve as necessary and appropriate and in the best interest of the Authority, such approval to be conclusive evidence by the execution and delivery of the agreement; and be it further

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

### **Appendix A**

(List of Senior Manager and Co-Manager Panel Members\*)

#### **I. Senior Managers:**

Bank of America  
Barclays  
Goldman Sachs & Co., LLC  
JP Morgan Securities  
Loop Capital (MBE)  
Morgan Stanley & Co., LLC  
Samuel A. Ramirez & Co., Inc. (MBE)  
RBC Capital Markets  
Siebert Williams Shank & Co., LLC (MBE/WBE)  
TD Securities USA, LLC.  
Wells Fargo Bank

#### **II. Co-Managers:**

Academy Securities (MBE/SDVOB)  
BNY Mellon Capital Markets  
Drexel Hamilton, LLC (SDVOB)  
FHN Financial Capital Markets  
Fidelity Capital Markets

Janney Montgomery Scott, LLC  
Jefferies, LLC  
Raymond James & Associates, Inc.  
Stern Brothers (WBE)  
Stifel Nicolaus & Company, Inc.  
US Bancorp

\*Note: Any Senior Manager not selected for a bond issuance can be considered for selection as a Co-Manager on such bond issuance.

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The next item on the agenda, presented by Ms. Dawson, was an authorization to enter into an agreement with Crozier for the Art Logistics Contractor.

Ms. Dawson explained that the Authority is the owner of an extensive public art collection that is displayed at various locations throughout the public spaces within Battery Park City. Construction of the Northwest Battery Park City Resiliency Project is anticipated to impact some of the areas where these pieces of art are displayed and within the project area, multiple pieces of artwork will require protection in place, or alternatively transportation to storage in order to be kept intact and protected from the ongoing construction activity. As a result, she continued, the Authority requires the assistance of an experienced and qualified art mover and logistics coordinator to carefully transport and care for these art works during this process. In August, the Authority issued an RFP for this service, and in September received a single proposal from Crozier Fine Arts and the proposal was evaluated. Crozier is a very experienced and reputable art moving firm, and of note has performed some work for the Authority with respect to the relocation of the Wagner Park art works during the South Resiliency Project. She noted that staff has been quite pleased with the quality of their work. Their proposal was highly rated technically, and following discussions regarding the scope and some clarifications, Crozier submitted a final cost proposal in the amount of \$2,119,934 to perform the art logistics services for the Northwest Battery Park City Resiliency Project. Based on the procurement evaluation described, Ms. Dawson continued, the selection committee is determined that Crozier has submitted a complete and compliant proposal and is qualified to perform the services. Because only a single bid was received in response to the RFP, the procurement guidelines require that the President approve the award in reliance on the project manager's assertion that the RFP did not restrict competition for the project, and that the cost is reasonable. The President has approved the advancement of this contract in the face of only one bid being received, she reported. As a result, the Members are requested to authorize the execution of a 60-month contract with Crozier, with the option for up to two one-year extensions to be exercised at the Authority's discretion in the not-to-exceed amount of \$2,119,934.

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

**AUTHORIZATION TO EXECUTE A CONTRACT WITH IRON MOUNTAIN INFORMATION MANAGEMENT, LLC D/B/A CROZIER FINE ARTS ("CROZIER") FOR THE BATTERY PARK CITY ("BPC") ARTWORK LOGISTICS PROJECT: 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 60-month contract with Crozier – with the option for up to two 1-year extensions to be exercised at the Authority’s sole discretion – in the not-to-exceed amount of \$2,119,934 to perform all required contractor services associated with the BPC Artwork Logistics 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. Howard, was an authorization to amend the contract with Pullman SST, Inc. for the Pier A Windows & Doors Replacement.

Ms. Howard then reported that, March of 2024, the Board approved a contract for Pullman SST, Inc. in the amount of \$1,316,080 for the replacement of windows and doors at Pier A. This was based on an assessment that was performed in 2018, she continued, following which the Authority took a conservative approach and targeted replacement of 78 out of 186 of the windows, in accordance with the Authority’s obligations under the lease for the Pier A building to maintain it in a good condition. Subsequently, in the process of replacing some of those windows, we have discovered significant and further deterioration of the balance of the windows largely due to the marine environment, she explained. Ms. Howard then noted that Pier A is a landmarked building, so the new windows will be consistent with the existing windows.

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

**AUTHORIZATION TO AMEND THE AGREEMENT WITH PULLMAN SST, INC. (“PULLMAN”) FOR THE PIER A WINDOWS AND DOORS RESTORATION, REPAIR AND REPLACEMENT PROJECT (“PROJECT”)**

BE IT RESOLVED, that in accordance with the materials submitted at this Board meeting, the President and Chief Executive Officer (the “President”) of the Battery Park City Authority (the “Authority”) or his/her designee(s) be, and each of them hereby is, authorized and empowered to

amend the Pullman Contract to a) increase the Contract's total value by a not-to-exceed amount of \$900,000, from \$1,316,080 to \$2,216,080, which sum will be allocated to a newly-created allowance for additional Pier A windows repairs, as described in the attached Memorandum; and b) extend the Contract term from April 15, 2025 through December 31, 2025; 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 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 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 Mr. Munson, was Approval of Disposition Guidelines for Personal and Real Property.

Mr. Munson requested approval for an authorization to file the Disposition Guidelines for Personal and Real Property owned by the Authority. These are unchanged from last year, he noted.

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

**APPROVAL OF GUIDELINES FOR THE DISPOSITION OF PERSONAL AND REAL PROPERTY**

BE IT RESOLVED, that the Guidelines for the Disposition of Personal and Real Property Owned by the Authority (the "Guidelines") as presented to this meeting, be, and hereby are approved; and be it further

RESOLVED, that the Contracting Officer shall file the Guidelines as soon as practicable with the New York State Comptroller; and be it further

RESOLVED, that the Guidelines be posted on the Authority's website; and be it further

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

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The next item on the agenda, presented by Mr. Munson, was approval of the March 5<sup>th</sup> Consent Agenda item.

Mr. Munson presented one item for the consensus agenda which was an authorization to amend the On-Call Agreement with Cashin Associates, P.C. for the On-Call Engineering/Architectural Services. He explained this is a 20-month, no cost, time extension for Cashin to perform the remaining design and engineering work for the ballfield turf replacement project. He then asked for approval of the resolution as presented in the materials.

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

**AUTHORIZATION TO EXECUTE AN AMENDMENT TO AN AGREEMENT WITH CASHIN ASSOCIATES, P.C. FOR ON-CALL ENGINEERING / ARCHITECTURAL 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 execute an amendment to extend the term of the Authority’s on-call engineering and architectural services contract with Cashin Associates, P.C. from February 24, 2025 through October 31, 2026; 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 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 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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Ms. McVay Hughes made a motion to enter Executive Session, which was seconded by Mr. Plummer, to discuss proposed, pending or current litigation. The Members entered Executive Session at 3:45 p.m.

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The Members exited Executive Session at 4:45 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 4:45p.m.

Respectfully submitted,

*Lauren Murtha*

Lauren Murtha

Public Comment  
March 5, 2025

1. **Marianne Brigman**: Thank you. And if I could get a few extra seconds of my two minutes, I also want to thank Greg -- Ms. Dawson very much, Gwen for all that you've done over all these years to really keep us all above the river. And I know that there have been times when you've really had to stand and explain a lot to community members, and neighborhood people, you know, what's being done and why it's being done. And I thank you for all those efforts because slowly but surely some people, you know, come along. So thanks again, Gwen. I have two things to mention. One is regarding your meeting schedule -- the Board's meeting schedule, and there was a time probably before COVID, when we sort of expected that every third Wednesday or, you know, skipping a month in the summer would be the schedule. And it seemed like it was pretty well adhered to. In more recent times there's been many more changes, and I understand that there are times when you might have to adjust the schedule, you need quorum to do [indiscernible] that's a requirement. My request is that as soon as you know a meeting is being cancelled, that Nick let us know, and then as soon as you know when it's being rescheduled, that Nick knows so that he can let the community know just the way he announces things. There's that legal requirement to put out an announcement two days before the meeting, but sooner, just a heads up, you know, that there's been a change would be greatly appreciated. The second thing I want to mention is regarding 100 Gold Street, which is not in Battery Park City, but is in our neighborhood. Battery Park City was created in my mind, when I moved in in 1982, I knew I would pay more and that that could go to affordable housing. And I was committed to that, and contributing to that, and over time I came to realize that the city and the state did whatever the heck they wanted with the money they got. I know there's no control by any of us sitting in the room as to what happens, but here's a new building going up on city property, and there's not a strong provision for affordable housing. I don't have the audience that you individuals on the Board have. People listen to you, the person may listen to you, and if you could just express an opinion, which I hope you share, that the extra money that goes to the city and state we'd love to see it and representing us who live here, we would love to see it really go to affordable housing. That's my request, and I thank you for my time.
2. **Pat Smith**: Leaders of the Battery Park City Homeowner's Coalition wish to thank Terence Cho for a productive meeting last week to discuss the critical issues of ground rents for more than 5,000 homeowners we represent. Mr. Cho said he would work with Battery Park City Authority President, Raju Mann, to get a response to the negotiation offer the Coalition presented to the Authority in January. Coalition leaders also asked Mr. Cho to explain the blatant imbalance in the ground rent structure which allows the LeFrak organization to pay less than \$400,000 a 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 over 18 residential condos. \$235 per unit versus \$5,900 per unit. You, the members of the BPCA Board must answer for that. We also ask why 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 rent in 2025 from the Pavilion -- the Gwen Dawson Pavilion in Wagner Park, which is expected to open in 2025 or 2026, and from Pier A, which hopefully will move from a net loss to a revenue producing asset someday. As you can see, there is much to discuss. We look forward to work with you to discover revenue sources which help ease some of the burden on homeowners in this community. Thank you.

3. **Anna Rita Pergolizzi-Wentworth**: Hi, everyone. I'm here as the Regional Managing Director for Green Ivy Schools that oversees Battery Park Montessori and also the President of New York State Montessori Alliance, the State's advocacy group for teachers and Montessori. We would like to note that we have met with BPCA regarding the proposed plans for the test pile and subsequent construction near Battery Park Montessori; however, we remain unsettled with the proposals presented thus far. Several key issues remain unresolved, particularly regarding the feasibility of keeping BPM safe and operable during the test pile and construction process. Additionally, we have serious concerns about the limited timeframe provided to us in order to either resolve these matters with BPCA before the start of the next school year, or to secure a comparable space and obtain the necessary permits, again, before the start of the next school year. As stated in prior statements, we want to acknowledge the importance of the storm wall, but as we shared in fall meetings with the BPCA we strongly feel that we should have been brought into these discussions much sooner. As an institution serving young children, we take health and safety very seriously. In addition, we are subject to significantly higher level of regulatory oversight. As such, any changes to our environment require careful planning and time to ensure safety and compliance with the various laws and processes that govern our operations. We respectfully request that BPCA work more collaboratively with us to address these concerns and provide a realistic path forward that minimizes disruption to our school, ensures the safety of our children, and ensures our continued ability to serve the community of families and the stability of our teachers.
4. **Carrie Denning Jackson**: Hi. Thank you so much for having me here. My name is Carrie Denning Jackson. I'm a Director at Jamestown, LP. I'm on the Board of the Nature Conservancy as well as Friends of Governor's Island, and I say that to say I really appreciate the work you do, and I understand the deep complexity of it, and the importance for New York City, but I'm here today as a parent of a student at Battery Park Montessori, along with other families 75% of which live in Battery Park we absolutely love it, we love the school. We chose BPM for its unique educational approach. It is the only trilingual Montessori School in New York City and it's part of the broader Green Ivy network. BPM's sister school and the financial district is the only international baccalaureate middle school in New York City, so that was important to us when we applied and came to Battery Park. We also chose the school because of its amazing location within the park, and its natural light that something it's very rare in New York City as many of you likely know. Most

importantly though, as a parent, I am very concerned about what the next few years of construction will look like for these toddlers and preschoolers. The work is directly up against the building envelope of the school. It will take away 50% of usable outdoor space, block natural light, and bring up all the additional hazards of a large multi-year construction project. I would like to understand, and the other parents would like to understand, how you plan to manage this level of construction while maintaining a safe and healthy learning environment particularly with sound, vibration, dust control, egress, access to natural light, and safe play spaces. This is extremely important. Children have much smaller bodies, and so they're much more vulnerable to pollutants and environmental hazards. If a satisfactory solution cannot be achieved, we will need an alternative location for BPM to move to quickly. It is crucial to inform parents. Cut offs for public and private school are about to pass. I deeply understand the complexity, and I hope there can be creativity here, and you can help us find solutions.

5. **Gabby Rowe**: My name is Gabby Rowe. I'm the CEO of KSS Emergent Schools, Green Ivy Schools, and the parent company for Battery Park Montessori. I'd like to start by entering into the record the letters that we have provided, and I also brought copies for everyone on the Board, if you'd like to read. And these letters are not to object to the project, but instead to ask questions about the safety for our children as you've heard who are very young, and extremely vulnerable to dust and pollutants. We do not stand in the way of this project. We believe in the project, but we have to watch out for the safety of our young children. We understand that the test pile work is going to be starting soon. It is in direct proximity to our children. And we would like to meet as quickly as possible with the Authority to discuss safety measures and testing that can take place during that test pile to ensure that there are no pollutants going into the air that will harm our children. We have been told by the Authority that there will be no dust coming outside of the wall, and yet there will also be testing for pollutants in dust that comes outside the wall. That is somewhat incongruous if there will be no dust, why are we testing for it. Therefore, we would like there to be wipe testing of surfaces. Our children are very young. They tend to touch things and put their hands in their mouths. It's part of what young children do. And so we would like that wipe testing to be taking place during the course of those test piles. We would also like to ask that the soil samples that are taken out during that drilling at all levels are tested for pollutants so that we can reassure our parents as to what may in fact be coming up into the air, and again, I reiterate we do not want to or intend to in any way stand in the way of this project. We speak to our children about the importance of the environment. We believe in what you are trying to do, but we must take care of our vulnerable students and find a way to keep them safe during this testing, as well as the construction of the project. Thank you.



## **Guidelines and Procedures for the Disposal of Personal and Real Property**

Last updated 2/21/2025



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# **GUIDELINES AND PROCEDURES FOR THE DISPOSAL OF PERSONAL AND REAL PROPERTY**

## **I. PURPOSE**

These Guidelines and Procedures for the Disposal of Personal and Real Property (hereinafter "Guidelines"), which comply with the applicable provisions of Title 5-A, Article 9 of the Public Authorities Law, establish the procedures which detail the Authority's policy and instructions regarding the disposal of personal and real property. In addition, the Guidelines designate a Contracting Officer who shall be responsible for the Authority's compliance with, and enforcement of, the Guidelines.

## **II. DEFINITIONS (§ 2895)**

- A. "Contracting Officer" shall mean the Chief Operating Officer of the Authority, as appointed by resolution of the Authority's Board Members ("Members") to be responsible for the disposition of property.
- B. "Dispose" or "disposal" shall mean transfer of title or any other beneficial interest in personal or real property in accordance with these Guidelines.
- C. "Property" shall mean personal property in excess of \$5,000 in value, real property, and any inchoate or other interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party.

## **III. DISPOSITION OF PROPERTY (§ 2897)**

- A. The Authority has entered into an agreement with the New York State Office of General Services "OGS" for OGS to dispose of all Authority-owned personal property, including but not limited to use of on-line disposal methods by OGS.
- B. In addition, in accordance with New York State law, surplus computers and accessories (monitors and keyboards) and surplus office furniture and other equipment may, with the approval of the Contracting Officer, be transferred to OGS for disposition, and in the case of computers and accessories to the New York City school district.
- C. Except as set forth in Section III.I. below, the Authority may dispose of real property for not less than the fair market value of such property by

sale, exchange, or transfer, for cash, credit or other property, without warranty, and upon such other terms and conditions as the Contracting Officer deems proper and it may execute such documents for the transfer of title or other interest in property and take such other action as it deems necessary or proper to dispose of such property under the provisions of Section 2897 of Title 5-A. Provided, however, that no disposition of real property or any interest in real property shall be made unless an appraisal of the value of such property has been made by an independent appraiser and included in the record of the transaction, and provided further that no disposition of any other property, which because of its unique nature or the unique circumstances of the proposed transaction is not readily valued by reference to an active market for similar property, shall be made without a similar appraisal.

- D. All disposals or contracts for disposal of real property of the Authority shall be made after publicly advertising for bids, except as provided in Section III.F of these Guidelines.
- E. Whenever public advertising for bids is required under Section III.D:
  - i. the advertisement for bids shall be made at such time prior to the disposal or contract, through such methods, and on such terms and conditions as shall permit full and free competition consistent with the value and nature of the property;
  - ii. all bids shall be publicly disclosed at the time and place stated in the advertisement; and
  - iii. the award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the state, price and other factors considered; provided, that all bids may be rejected when it is in the public interest to do so.
- F. Disposals and contracts for disposal of property of the Authority may be negotiated or made by public auction without regard to Sections III.D and E above but subject to obtaining such competition as is feasible under the circumstances if:
  - i. the fair market value of the property does not exceed fifteen thousand dollars;
  - ii. the personal property involved has qualities separate from the utilitarian purpose of such property, such as artistic

quality, antiquity, historical significance, rarity, or other quality of similar effect, that would tend to increase its value, or if the personal property is to be sold in such quantity that, if it were disposed of under Sections III.D and E above, would adversely affect the state or local market for such property, and the estimated fair market value of such property and other satisfactory terms of disposal can be obtained by negotiation;

- iii. bid prices after advertising therefore are not reasonable, either as to all or some part of the property, or have not been independently arrived at in open competition;
- iv. the disposal will be to the state or any political subdivision, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation;
- v. such action is otherwise authorized by law; or
- vi. under those circumstances permitted by Section III.I. below.

G. An explanatory statement shall be prepared of the circumstances of each disposal by negotiation of:

- i. any real property that has an estimated fair market value in excess of one hundred thousand dollars, except that any real property disposed of by lease or exchange shall only be subject to clauses ii. through iii. of this paragraph;
- ii. any real property disposed of by lease, if the estimated annual rent over the term of the lease is in excess of fifteen thousand dollars;
- iii. any real property or real and related personal property disposed of by exchange, regardless of value, or any property any part of the consideration for which is real property; or
- iv. any personal property which has an estimated fair market value in excess of fifteen thousand dollars.

H. Each such explanatory statement referenced in Section III.G. above shall be transmitted to the persons entitled to receive copies of the report required under Section IV.B. hereof not less than ninety days in advance of such disposal and a copy thereof shall be preserved in the files of the

Authority.

I. Property Disposal for Less than Fair Market Value

- i. No asset owned, leased or otherwise in the control of the Authority may be sold, leased, or otherwise alienated for less than its fair market value except if:
  - a. the transferee is a government or other public entity, and the terms and conditions of the transfer require that the ownership and use of the asset will remain with the government or any other public entity;
  - b. the purpose of the transfer is within the purpose, mission or governing statute of the Authority; or
  - c. in the event the Authority seeks to transfer an asset for less than its fair market value other than through a. or b. above, the Authority shall provide written notification thereof to the Governor, the Speaker of the Assembly, and the temporary President of the Senate, and such proposed transfer shall be subject to denial by the Governor, the senate, or the assembly. Denial by the Governor shall take the form of a signed certification by the Governor. Denial by either house of the Legislature shall take the form of a resolution by such house. The Governor and each house of the Legislature shall take any such action within sixty days of receiving notification of such proposed transfer during the months of January through June, provided that if the Legislature receives notification of a proposed transfer during the months of July through December, the Legislature may take any such action within sixty days of January first of the following year. If no such resolution or certification is performed within sixty days of such notification of the proposed transfer to the Governor, Senate, and Assembly, the Authority may effectuate such transfer.
- ii. In the event a below fair market value asset transfer is proposed, the following information must be provided to the Members and the public:
  - a. a full description of the asset;
  - b. an appraisal of the fair market value of the asset and any other information establishing the fair market value sought by the Members;

- c. a description of the purpose of the transfer, and a reasonable statement of the kind and amount of the benefit to the public resulting from the transfer, including but not limited to the kind, number, location, wages or salaries of jobs created or preserved as required by the transfer, the benefits, if any, to the communities in which the asset is situated as are required by the transfer;
    - d. a statement of the value to be received compared to the fair market value;
    - e. the names of any private parties participating in the transfer and if different than the statement required by subparagraph d. of this paragraph, a statement of the value to the private party; and
    - f. the names of other private parties who have made an offer for such asset, the value offered, and the purpose for which the asset was sought to be used.
  - iii. Before approving the disposal of any property for less than fair market value, the Members shall consider the information described in paragraph ii. above and make a written determination that there is no reasonable alternative to the proposed below-market transfer that would achieve the same purpose of such transfer.
- G. A deed, bill of sale, lease, or other instrument executed by or on behalf of the Authority, purporting to transfer title or any other interest in property of the Authority under the Guidelines shall be conclusive evidence of compliance herewith insofar as concerns title or other interest of any bona fide grantee or transferee who has given valuable consideration for such title or other interest and has not received actual or constructive notice of lack of such compliance prior to the closing.

#### **IV. REPORTING REQUIREMENTS (§ 2896)**

- A. The Authority shall publish, not less frequently than annually, a report listing all real property of the Authority. Such report shall include a list and full description of all real and personal property disposed of during such period. The report shall contain the price received by the Authority and the name of the purchaser for all such property sold by the Authority during such period.
- B. Such report shall be submitted to the Comptroller, the Director of the

Budget, the Commissioner of General Services, the Legislature, and the Authorities Budget Office.

- C. These Guidelines, as approved by the Members, shall be reviewed and approved annually by the Authority's Board. On or before the thirty-first day of March in each year, the Authority shall file with the Comptroller a copy of the Guidelines most recently reviewed and approved by the Members, including the name of the Authority's designated Contracting Officer. At the time of filing such Guidelines with the Comptroller, the Authority shall also post such Guidelines on the Authority's internet website and maintain such Guidelines on the website.
- D. The Authority shall maintain adequate inventory controls and accountability systems for all personal and real property under the Authority's control.
  - i. The Authority shall periodically inventory such property to determine which property shall be disposed of.
  - ii. The Authority shall dispose of such property as promptly as possible, in accordance with the Guidelines.
  - iii. The Contracting Officer shall prepare annual reports of such property in accordance with Section A, above.

## **V. EFFECTIVE DATE**

- A. These Guidelines shall take effect on and apply to contracts entered into after the date of approval by the Members, except as otherwise provided by law.