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George Tsunis: Let me call to order the March 26, 2019 Hugh L. Carey Battery Park City Authority meeting. Welcome everyone. Does anyone have any questions on the February 12, 2019, February 26, 2019 and March 7, 2019 **Minutes**? Seeing no questions. May I have a motion?

Members: So moved.

George Tsunis: Unanimous. **Public comment**, Nick?

Nick: Okay. Good afternoon, everyone, Nick Sbordone. We have one request for public comment this afternoon. It's from Ms. Ann Schwalbenberg, Battery Park City resident and one of the leaders of our Battery Park City Senior's Group.

George Tsunis: Welcome.

Ann Schwalbenberg: Hello. I'm here to have a request about curb cuts. Too many of the current curb cuts are below the grade of the street next to the curbs, which means that the water comes or the snow when it melts, all flows back into the curb cut and there are as much as 4-6 inches of slush. And when it's really freezing, then it freezes up over the edge. And so the people who are cleaning the streets think it's wonderful to not worry about the corners and so they just didn't do anything about pushing that a little bit further so that the water doesn't flow back into the curb cut. If that's me, and many of you have seen me with my walker, it affects carriages, and it affects strollers, it affects the dogs and whatever it is, whoever goes through there. Anybody who doesn't have boots, but I can't put a boot on what I need. So when were we doing South End Avenue, would you please make a point of telling DOT or whoever is going to be doing South End Avenue to make sure that the curb cuts are higher than the drains so that the water will run into the drain as opposed to the drain start coming into the curb cuts. So that's the major request that I have.

George Tsunis: Were you able to take a photo of the situation?

Ann Schwalbenberg: I have not. But I will do it in the future. I have brought it up at the Community Board meeting, etc., and they just said well it's a DOT issue.

George Tsunis: Okay.

Ann Schwalbenberg: But if you're going to re-do South End Avenue and it's part of the fundings coming from you, I can't imagine it would be DOT just to have new curb cuts. But maybe it does. I don't know. Does it Gwen?

Gwen Dawson: No, I don't believe that it would, and certainly we can make sure that that happens.

Ann Schwalbenberg: So I will work on telling you where.

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Gwen Dawson: Okay, sure.

Ann Schwalbenberg: The issues are.

Gwen Dawson: We can certainly figure that out too. I mean we'll fix, we'll respect the South End Avenue in particular. We'll do what we can.

Ann Schwalbenberg: And so, it's really important [indiscernible].

Bevilacqua: And Gwen, why isn't it a DOT issue? Do they repair the sidewalks as well, or?

Gwen Dawson: The property in the dual buildings care for the sidewalks, but then all of the street realm is within those streets and the south part of the neighborhood are DOT controlled streets, and the project that we are contemplating or plan to do some improvements to those streets, the South End Avenue and West Thames we have an ongoing arrangement and a working relationship with DOT on that, but we as the Authority are planning to actually do that work, so we'll take that into account when we do that improvement work.

Bevilacqua: When's the timing on when that should get done?

Gwen Dawson: We are about to embark on the detailed design work and so I would expect that the construction work would begin in 2020, but we could look and see what we might be able to do about this situation in the meantime as well.

Bevilacqua: I think it's a safety issue because someone could trip or whatever and we ought to take care of it sooner than that.

Ann Schwalbenberg: I do have one other comment, and that is I'm also visually impaired and as well as having a walker, when it gets to be dusk and especially if it's nighttime we have to cross West Street. We do not have here, and this is a DOT issue also, and as far as I know it's not on their agenda, and particularly if you're up by the Chamber Street and you're changing the lanes, you know, for turning and all kinds of things like that, it would be extremely helpful to have the walk thing that has the buzzer on there or whatever it is. They have them all over the city, but the DOT isn't planning to do anything here that I'm aware of, and so it would be really helpful on Chamber Street and a couple of other places if we, because there aren't that many people who are, you know I ask all the time when I go, but there aren't that many people crossing the street, especially in the winter when it starts getting dark and it's like 8:00 at night, you're not necessarily going to find somebody who's crossing the street. And so you say well take the bridge. Well I can't walk upstairs, and particularly here, you know, at Liberty Street and a few other places where there's a big crosswalk, you know. It would be very helpful to have on the light poles a walk so that you can hear it because my vision goes down dramatically in the dark. It's not too great in the day, but it's really bad at night. And if there's nobody there I'm out of luck.

George Tusnis: Thank you. **Investment Committee report**, Ms. Frederick?

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Pamela Frederick: Reporting on behalf of the Investment Committee, which had its quarterly meeting earlier today. Attending and Chairing was the Chairman, Lester Petracca and members Catherine McVay Hughes, and Martha Gallo. Providing a review of the materials were the Authority's Investment Advisors, PFM Asset Management and Ramirez Asset Management. The Committee reviewed the adjustment to the debt service reserve fund account. The actions are in anticipation of potential changes associated with bond financing and it was decided that PFM will continue to suspend the long-term strategy in the debt service reserve fund to enable the Authority to prepare should they require liquidity given changes in the fund requirements.

The Committee also reviewed the January 2019 quarter end investment report. The investment advisors are here if any of the members would like a brief summary.

George Tsunis: Thank you. And let me thank Pam and Petracca and members McVay Hughes and Gallo for all their work here. I appreciate it. The **MWBE report**, Anthony?

Anthony Peterson: Yes, good afternoon.

George Tsunis: Afternoon.

Anthony Peterson: For the month of February, the Authority issued just under 31% MWBE. As for the 100% would basically be broken down into 23% for minority businesses and 8% for women businesses. A further breakdown was 28% of the monies were paid directly to the MWBEs and 3% paid to them as subcontractors and Authority's contractors. And keep in mind that was triple what we did last month as far as expenditures, but we still hit the number.

George Tsunis: Thank you. **Resiliency report**?

B.J. Jones: Briefly, I'd like to mention a few highlights for the Board. We had two important milestones recently, both with the South Battery Park City and Ball Fields projects. We had our second community input sessions, both of which were where we shared the results of our engineering analysis and coastal modeling to date. And we received a lot of community input at these sessions. And also, I'm happy to say, a lot of positive feedback from members of the community about our progress, and the measures we're contemplating. Also, you'll hear more from Gwen later today we are with the Board's approval about the embark on the third component of our four-phase resiliency plan with the North Battery Park City design and engineering project. Also I wanted to note for the Board that the Mayor's office is announcing its downtown resiliency plan included in our work here in Battery Park City and acknowledged that they are also now looking at some measures similar to what we're pursuing. In that regard, Borough President, Gail Brewer, was there at the press conference, Gwen and Catherine and Nick were there too, and gave Battery Park City a shout out and said the Battery Park City Authority has not only come up with ideas, but they've been very instrumental in bringing the community into that discussion, referencing us as a model for this work. And then finally, just to end on a note that we are continuing to pursue a public-private partnership pathway to see how we might be able to further accelerate this work through either a design build or also maintenance and operations measures that we could bundle together in some fashion. And I

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would really like to thank Gwen and her team who have really been doing the heavy lifting here and that is really finally coming to fruition, and the community is recognizing it, and to Nick too who has really continued to foster our relationships there. But we've made some good progress.

George Tsunis: Thank you, B.J. That brings us to corporate action. Approval of **prequalified panel to provide legal services**.

Abby Goldenberg: Mr. Chairman. For January of this year the legal department did do a request for proposals with the goal objective of creating and broadening our current panel of prequalified attorneys. We sought proposals from seven substantive practice areas for qualified counsel and really focused not only on making sure that our RFP adequately described the nature of work to be done, but also made extra efforts to do outreach to get as broad a applicant pool as possible, both in the legal community in general and of course obviously in the women and minority owned businesses and SDVOB firms. And as a result of that, we have had a record number of proposals that were interested in being counsel to the Authority as needed. We got 46 proposals. We reviewed those proposals very carefully and came up with the proposed list that is attached to your materials in those seven substantive areas. In accordance with the policy, the Authority's policy on prequalification of vendors we're asking at this point for the Board to approve the list of prequalified vendors for a term of three years with an option to extend the panel for an additional year and for approval to enter into retainer agreements with firms on an as-needed basis for an aggregate amount of up to whatever the line item in our annual budget as approved by the Board is.

George Tsunis: Thank you. Does anyone have any questions?

McVay Hughes: And this is basically streamlining a new process. And this will help you facilitate streamlining your process.

Abby Goldenberg: Yes, having a group of prequalified counsel will make us you know much more nimble as legal matters arise. It's hard to predict, obviously, what types of legal matters will arise and this will make us able to respond to those matters in short order and enter into retainer agreements in accordance with the prequalified policy as things come up.

Petracca: And is there any negotiation of rates?

Abby Goldenberg: There wasn't and that's in large part because the rates that were proposed by those successful proposers was really across the board remarkably reasonable. I mean there are some variation from firm-to-firm obviously and the policy on prequalified vendors that we passed some months ago here accounts for when we assign actual work to each, you know, to a particular counsel we have to take into account a number of factors including the hourly cost for each of the proposers.

Petracca: I think it's great.

Abby Goldenberg: Yeah. We're excited.

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George Tsunis: Any other questions? May I have a motion please?

Petracca: So moved.

Bevilacqua: Second.

George Tsunis: All in favor?

Members: Aye.

George Tsunis: Carried unanimously. Abby, the second matter, authorization to **amend retainer agreements for legal services?**

Abby Goldenberg: Sure. Thank you. Now that the Board has approved our new panel of firms, the next item is to sort of bridge any gap that might exist as we now undertake to enter into contracts, retainer agreements with any firm with whom we have ongoing work. So currently we have 10 attorneys under contract with the Authority, and I would request authority to enter into time extensions only with those 10 firms for up to six months. I don't anticipate actually needing six months but I thought I would make my ask as conservative as possible during which time we will for firms that have ongoing and current work enter into new contracts under the new prequalified list.

George Tsunis: Abby, is it practical to set a tier rate at the upper limit?

Abby Goldenberg: What do you mean?

George Tsunis: I thought we had tier rates. I think most of these were about \$600 an hour.

Abby Goldenberg: Interestingly, our prior procurement for prequalified counsel had a cap of \$600 an hour and when we were determining how to handle this procurement made a decision not to include any cap in large part because we really wanted to make sure we weren't excluding any talented firms that might be useful to us on the basis of having a cap. That being said, somewhat surprisingly, almost all of the firms came in below what our prior cap was and in fact the rates were astonishingly competitive.

George Tsunis: Okay.

Abby Goldenberg: We ended up at a good place I think on rates.

George Tsunis: Does anyone have any additional questions?

Lester Petracca: [Indiscernible].

Bevilacqua: Efficiency and effectiveness is a lot more important.

Abby Goldenberg: That's right.

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B.J. Jones: We have the best deal with him being on our Board.

George Tsunis: May I have a motion, please?

Petracca: So moved.

Kendall: Second.

George Tsunis: All in favor?

Members: Aye.

Abby Goldenberg: Thank you.

George Tsunis: Thank you. Carried unanimously. Approval for an **increase to the 2019 budget** for real estate advisory services.

B.J. Jones: Thank you, Chairman. I'm requesting an increase of \$589,000 to our fiscal year operating budget to enable us to continue our efforts with regards to analyzing and addressing lease term and lease re-set concerns and to also help us in taking advantage of opportunities related to preserving and increasing affordability and also enhancing sustainability and resiliency in this neighborhood. The nature of our work is largely subject to nondisclosure agreements, but you are aware of our efforts to date. As you know, it involves continuing our policy work and overall strategy development as well as financial modeling and also assistance with building assessments, particularly with regards to capital needs and plans and sustainability and resiliency improvements. And you know, as we've mentioned here and in public meetings the Authority doesn't want to kick the can on these issues and so we've been ramping up over the last several months in this regard and are eager to keep momentum going. So this budget request is really in tandem with the next item that you'll hear about pending approval here which is to retain a panel of real estate advisors as we get into the nitty gritty of the work.

George Tsunis: The amount of work that we're undergoing right now I think that became pretty evident when at least the first time that I've been here we've actually had approval of three meetings of minutes, or three Minutes of Meetings. We're all doing a lot of work, let me leave it at that. Are there any other questions? May I have a motion, please?

Kendall: I move.

George Tsunis: Second?

McVay Hughes: Second.

George Tsunis: All in favor?

Members: Aye.

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George Tsunis: Unanimous. Abby, approval of prequalified panel to provide real estate consultant services?

Abby Goldenberg: Sure. Further to what B.J. was just describing and you know, as he just simply put it we're doing a lot of work and similar to having a panel of qualified counsel on board and able to meet the on-call needs of the Authority we felt that it was crucial to also make sure that we had as robust a panel of real estate consultants as possible. And with that in mind, we issued an RFP to empanel prequalified real estate consultant services. As a result of that, we would like to recommend the five consultants listed in your materials, two of whom are the talented firms that we've worked with previously, CBRE and HR&A, and the other three firms would be newly added to our panel of pre-qualified real estate consultants to be used in accordance with the pre-qualified policy.

Catherine McVay Hughes: I just also want to add that a lot of this work is in response to community comments over the last year and more. So it's in response to the people that live in the neighborhood.

George Tsunis: Any additional questions?

Abby Goldenberg: And just to be clear, it's in the materials, but this panel would be approved for a period of five years with the ability to enter into contracts on an as-needed basis for up to the now approved line item for real estate consultant services.

George Tsunis: Thank you.

Petracca: Do they all have different expertises?

Abby Goldenberg: They do. It's some of them are obviously big firms that have multiple expertises. Some of them are smaller firms with really interesting expertises that could come invaluable to the work that we're doing.

Petracca: Which is [indiscernible]?

Abby Goldenberg: I'm sorry?

Petracca: [indiscernible]?

Abby Goldenberg: Yeah.

George Tsunis: Well, being that I've been in numerous meetings with them I'm very glad they're in the room as they're helping us navigate a very, very busy period in the Authority. Are there any additional questions? May I have a motion, please?

Bevilacqua: So moved.

McVay Hughes: Second.

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George Tsunis: All in favor?

Members: Aye.

George Tsunis: Unanimous. Ms. Frederick, the **declaration of intent to reimburse interim funding of capital projects with bond proceeds?**

Pamela Frederick: This item we're bringing to the Board for approval to reimburse the Authority for any interim funds that are used to pay for 2019 capital plan projects. These projects, assuming that they're initiated or incurred prior to the bond actually closing. So we approved at a prior Board meeting the ability to use up to \$10 million of the contingency reserves to fund the projects and so those funds would then be reimbursed from bond proceeds once the bond closes. And so that's what this item covers.

George Tsunis: Thank you.

Catherine McVay Hughes: I just wanted to point out that Battery Park City Authority also is doing a landscaping of the PS-89 playground because I think people don't realize the depth that Battery Park City takes care of key resources in this community.

George Tsunis: Any additional questions? Can I have a motion, please?

Kendall: So moved.

George Tsunis: Second?

Bevilacqua: Second.

George Tsunis: All in favor?

Members: Aye.

George Tsunis: Unanimous. Pam, can you address after the amendment of **guidelines for use of interest rate exchange agreements?**

Pamela Frederick: The Authority has an existing policy that was a policy for Swap agreements that were put in place or interest rate exchange agreements basically referred to Swap, interest rate Swaps, has been in place since 2013 when those Swaps were initially put in place. There's been a fair amount of regulatory change since that time including that of Dodd Frank, so with those new requirements that includes the need for a qualified independent representative. You'll hear us refer to as a QIR. And they will provide the required representations that are needed to give to our underwriter, Morgan Stanley as we start to work towards structuring and amending a bond and the associated swaps. So we took this opportunity to also make a couple of changes to the policy that were needed. One was increasing the concentration limit to 40% and that would be consistent with our existing swaps. And we are also correcting a S&P rating reference to equate it to the same references as Moody's. We also make note that BofA/Merrill they fell

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below the minimum rating, but because we have no credit exposure to any of the swap providers that did not trigger, make our ratings trigger. The ratings trigger would have required collateral if we had credit exposure to them. Since we actually are the ones with the negative mark-to-mark meaning if the Swaps unwound we would owe money, so we have credit exposure to the dealers but we're not required to provide collateral. If the opposite were true and they had credit exposure to us then we would require them to post collateral if they did not meet our ratings requirements. So the other thing I'll make note just sort of tied to that just for information is that as of March 15th, our market to market was negative \$56 million. Given the rally in the market over the last few weeks that's gone up to a negative about \$64 million as of today. We had the Swap provider, Mohanty provide that.

George Tsunis: When everything is at maturity it'll zero out.

Pamela Frederick: It zeros out. And as I often explain, when you have a Swap even though you have a negative mark what the Swap does is provide you a fixed rate. That fixed rate on our Swap is 3.452 which it falls within the range of the fixed rate debt that we pay as well which is 3-5%. The Authority also selected Mohanty Gargiulo as our Swap advisor. They are WBE so that will help our WBE members where you guys report once we get that contract signed and paid. They will provide us an analysis of the Swap portfolio. They also provide ongoing credit monitoring of our counter-parties and they will analyze any Swap restructuring that we intend to do which they've started some of that work. We're trying to engage them and finalize their contract and we're pretty close to having that done.

George Tsunis: After business school, law school, and a prior briefing I'm almost getting this. Thank you.

Pamela Frederick: I can provide any level of detail that you --

George Tsunis: I am happy that you are running this. Are there any questions for Ms. Frederick? Thank you. A motion, please?

Petracca: So moved.

Bevilacqua: Second.

George Tsunis: All in favor?

Members: Aye.

George Tsunis: Thank you. Pam, could you address the, oh I'm sorry, Gwen, number G, the authorization to enter into a contract with **AECOM** for the North Battery Park City Resiliency Project Design Services.

Gwen Dawson: As B.J. mentioned earlier is the third of our four planned resiliency projects and we're eager to get started on it. Just as a reminder for everyone, this project will address the area that runs essentially from the north promenade just west of Stuyvesant High School, eastward across Route 9A and eastward from there to about West Broadway. And this will address one of

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the top two points of vulnerability for storm inundation that we have in Battery Park City. We issued an RFP in December. We received eight proposals. After an initial scoring we took the top four scoring proposers and interviewed them. Those were Aecom, Arup, Jacobs and Stantec. After the interviews we then took the top two of those proposers who seem to have a better understanding and a better approach to the project than the other two. Those were Aecom and Jacobs. Those two proposers scored very close to each other in terms of their technical proficiency according to the criteria that we had set. As a matter of fact, their scores were less than a point away from each other, Aecom coming in at 90.4 and Jacobs coming in at 89.63. When we then evaluated the cost proposals we found that Aecom's cost proposal was significantly lower than that of Jacobs, there was about a \$2.7 million or 38% difference between the two. And it also appeared that Jacobs' cost proposal had not included a couple of the items that were required for the scope of work which would indicate that their cost would go even higher, and so given that Aecom had the higher, slightly higher technical score and a significantly lower cost proposal, which the evaluation committee determined was reasonable for the services provided the evaluation committee recommends that the Authority enter into a 33-month contract with Aecom in the not to exceed amount of \$6,475,386 plus \$665,040 in reimbursable expenses for a total of \$7,140,426.

George Tsunis: Thank you, Gwen. Are there any questions?

Catherine McVay Hughes: I just want to make sure that, again, since there seems to be successful engagement with Aecom on the southern portion of Wagner Park that we're going to get the same level of community engagement on this key component as well?

Gwen Dawson: Absolutely.

Catherine McVay Hughes: And we're also going to get FEMA certification at the end of the project.

Gwen Dawson: Yes, that is included in the scope of work and covered by the fees that are proposed.

Petracca: And they're currently working for us and we're very happy with them, correct?

Gwen Dawson: Yes, they are doing the South Battery Park City resiliency project and we are extremely pleased with their work.

Catherine McVay Hughes: They're giving me an excuse to really appreciate.

Petracca: [Indiscernible] so that's a good sign. [Indiscernible].

George Tsunis: I want to thank Catherine and Martha and Tony for being the working group on our resiliency issues. Do any of you have anything to add here? I know there's a lot going on.

Gallo: I think it's all good.

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George Tsunis: Well, all good is good. Any other questions from the Board? Okay. May I have a motion, please?

Kendall: I move.

McVay Hughes: Second.

George Tsunis: All in favor?

Members: Aye.

George Tsunis: Unanimous. Gwen, number H, **Community Center Leak Remediation**.

Gwen Dawson: Thank you. The Community Center Leak Remediation project was before the Board a few months ago, I think in October or November, for the approval of a construction management contract. We are here today to present a proposal for the authorization to enter into a contract for the general contractor to perform the project. Just as a reminder, going back to way back to 2006 Milstein Properties was designated the developer of Sites 23, 24, or what are currently known as 200 and 300 North End Avenue today, as part of their ground lease they were obligated to provide to the Authority a 50,000 square foot community center space, the core and shell of the space, which they did. Milstein bore the responsibility for the core and shell while the Authority assumed responsibility for the interior fit out of the project as well as for the construction of the terrace above the community center.

While the construction was in progress there were problems noted by the Authority in that there were some leaks and some water infiltration that was experienced and brought to the attention of the base building's contractor. However, it appears that there were no efforts to address those problems, or if there were they were unsuccessful because the leaks persisted even after the opening of the facility by Asphalt Green in 2013. In 2013 and 2014, the Authority retained WJE, Weis, Jenny, Elsner Associates, engineering firm, to perform an assessment and analysis of the problems with the space and the water infiltration that was being experienced. The conclusion was there's a water proofing failure at the expansion joint between the two buildings and that's below, above the community center but below the finished terrace. And a water proofing failure at the eastern façade of the community center.

The reports that came out of that process were forwarded to Milstein in 2013/2014. Negotiations ensued between the Authority and Milstein for rectification of these issues which did not lead to a mutually agreeable resolution, and it was subsequently determined that Battery Park City Authority would proceed with correcting the problem, which was going to require the removal of the terrace and re-water proofing of the area above and repairs to the deficiencies in the water proofing on the eastern façade subject to a subsequent negotiation with Milstein once all of the facts were known to determine a proper allocation of financial responsibility.

The scope of the project will include a complete removal of the terrace overburden of the terrace above the community center, a re-water proofing of the terrace, a replacement of the expansion joints, repairs to and restoration of certain elements of the eastern façade storefront fenestration system, and installation of a new terrace surface and seating.

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The Authority issued an RFP in February and received four proposals. One of those proposals was eliminated from eligibility because they failed to provide all of the appropriate and required documentation. The three remaining proposers were interviewed. Following the interviews one of those proposers was determined not to have sufficient expertise and experience and understanding of the project to perform the project, and so we proceeded to evaluate the cost proposals of the remaining two. Those two were Nicholson & Galloway and Related Services. Both of those proposers were qualified, capable, had adequate significant experience in water proofing and masonry restoration. Nicholson & Galloway scored, their technical score was higher, they were at 81.8 and Related was at 73.5. In evaluating the cost proposals there was a great divergence in the cost proposals of those two proposers, and Nicholson & Galloway was at \$7.3 million, Related was at \$11.5 million. We were a little concerned about that discrepancy in the cost proposals. We questioned both of the proposers at length about their cost proposals and determined that it was likely that Related had made some calculation errors in their proposal. Consequently we issued a request for a best and final offer from both proposers, and we received best and final offers which then brought them much more closely in line with each other. Nicholson & Galloway at \$7.298 million and Related at \$7.639 million.

In addition to that, we had identified during the course of the interviews some slight modifications that we could make in the scope that would create some opportunities for some cost savings. We asked both of the proposers to give us alternate costs for those potential changes in scope which they did, but we wound up with the same result and that is that Nicholson & Galloway has a higher technical score and a lower cost proposal, a total of \$6,855,646 compared to Related's \$7,533,420.

Consequently, we are requesting that the Board approve the entering into of a 15-month contract with Nicholson & Galloway in a lump sum amount of \$6,905,646 which includes a \$50,000 allowance to cover rat mitigation work as maybe determined to be necessary once we get the cover removed from the terrace. And I will note that Nicholson & Galloway is the contractor that performed the Irish Hunger Memorial waterproofing and restoration work and we had a very positive experience with them.

Petracca: Gwen, are we hoping to get back some of this money?

Gwen Dawson: I'll defer a little bit of this to Abby, but I can tell you that our engineer had allocated the majority of the responsibility for the faults, the defects to the base building contractor.

Abby Goldenberg: And we were very careful in making sure that us doing this work did not prejudice us in any way to be able to go back to Milstein either through negotiation or through litigation to recoup what we believe is their a lot of responsibility, so we have entered into reservation of rights agreements which cover us and enable us after we've done the work and have additional evidence to pursue our rights for their contribution.

Petracca: Thank you.

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George Tsunis: Are there any additional questions?

Martha Gallo: It's just disappointing that this has taken 10 years. I was there when it opened. This was a little leak. Now it's become a big issue. It's a lot of money and we have no assurance that they're going to pay us a cent. So we're kind of stuck. I guess the only other question I had Gwen is what's this going to do to the, because that terrace space is where the parents watch baseball and soccer, so what's it going to do to taking it out during season?

Gwen Dawson: We're obviously going, I mean we won't actually be beginning the physical work until we're partway through the Little League season, but there's no question we have to create an alternate area that's the lower level for parents. And there may not be as much space, but we're going to do the best we can. And that will become part of the scope for the project is creating that alternate space.

Martha Gallo: So will it be done before the end of this calendar year, or you think it will go into next year?

Gwen Dawson: It currently looks as if they'll get most of the way finished but they won't be able to finish the final concrete reinstallation of the terrace level because the cold weather's probably going to prevent them from doing that. We probably won't be able to get it done before cold weather sets in, so it'll go into a little bit of next spring.

Petracca: Who's overseeing the construction?

Gwen Dawson: LiRo.

Petracca: Engineering firm that we hired?

Gwen Dawson: Yes, LiRo has done many projects for Battery Park City Authority as construction manager and is a very, very professional firm and does a very good job on construction management.

Petracca: Were they part of the input on the design?

Gwen Dawson: Yes.

Petracca: Okay. Thank you.

Catherine McVay Hughes: Is there any way that their work like an 8-hour day versus a 10-hour day, or?

Gwen Dawson: We're going to explore that. I mean we got into a little of that during the interviews and certainly Nicholson & Galloway has always been receptive to any way they can adjust matters or accommodate the local community better or try to change their schedules. They're open to those kinds of things within reason. So I think that we'll have the ability to explore what some of the different scenarios might be for schedule.

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Petracca: Can we give them the schedule as part of the scope?

Gwen Dawson: We indicated that the term of the contract would be a 15-month contract. We felt that it might need to go into the early part of 2020. But we also always consider whether there is, in the approach to the project we have an evaluation criteria that's approach to the project which includes schedule. So if one proposer has a better approach to the schedule than another then that works in their favor, but neither of the final two proposers here proposed that they would be able to have it finished in 2019.

Petracca: So it's they have the opportunity in the criteria evaluation of speeding up the process.

Gwen Dawson: Yes.

Petracca: Okay. Cool.

Catherine McVay Hughes: It does seem like we'd want the roof to the community center to be secured before entering the winter season.

Gwen Dawson: It will be secure one way or the other. It's a matter of whether or not it will be accessible. And of course we would love to have it be accessible, and we will be doing everything we can to, I mean we also recognize that we have to accommodate other activities that are going on in the summer and the residents in the building who may not want work to be performed in the evening or too early in the morning. So it's a balancing act, but we'll do whatever we can.

Martha Gallo: Gwen, are we sure we understand the root cause of the leaks? We only want to go through this once.

Gwen Dawson: And that's the reason that we're doing a complete replacement of the waterproofing. There was a point in time several years ago that we thought maybe we could get away with simply redoing the area around the expansion joint, but as time passed it seemed that there might be some other points of leakage and so both our design engineer and our forensic engineer have advised us that the only way that we can really make sure that we are addressing the root cause is to remove all of that waterproofing and to replace it all.

Petracca: Are you using a different waterproofing membrane this time.

Gwen Dawson: Yes. There was a Kemper product used before. We're using a Cica product now that's more flexible because part of the problem is there's an expansion joint between the two buildings and there's movement associated, which is what's expected at the expansion joint, but there's movement and the Cica product is more flexible and not brittle so it can manage to hold up under that kind of movement.

Petracca: Thank you.

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George Tsunis: Are there any more questions? May I have a motion, please?

Petracca: So moved.

Gallo: Second.

George Tsunis: All in favor?

Members: Aye.

George Tsunis: Thank you.

George Tsunis: Bruno, request for approval to enter into an agreement with **WEX Bank fuel** card services.

Bruno Pomponio: Thank you, Mr. Chairman. Parks Operation Department vehicles and equipment that require fuel. These vehicles are required for necessary park operations. The New York State Office of Governmental Service has a contract with WEX Bank which allows New York State authorized users to purchase fuel for New York State vehicles at retail fuel locations. So I'm looking for approval to enter into an agreement with WEX Bank through the use of the New York State Office of Governmental Services, contract number PS67946, Group 79008, Award 23062 for a not to exceed amount of \$30,000 during the contract term of June 22, 2018 through June 21, 2021. The contract will be utilized for an execution of BPCA's own agreement with WEX Bank until the expiration of the contract, which is June 21, 2021. As this contract is for greater than a year we need Board approval.

George Tsunis: Are there any questions for Mr. Pomponio?

Catherine McVay Hughes: I just have a question. I know you've brought this up before. Are some of these vehicles going to be able to be electrified in the future?

Bruno Pomponio: Just so that you know, about 80% of our operational fleet is electric, so in my experience here having fuel vehicles was worthwhile and in the past we've needed that option during blackouts or during emergencies, so that's why we do have gas powered vehicles.

Catherine McVay Hughes: Thank you.

Bruno Pomponio: But wherever we can we always try to incorporate electric vehicles whenever possible.

Petracca: And so I also assume that you retain about 20% of the fleet in gas in case there is electrical problems?

Bruno Pomponio: Yes.

George Tsunis: Are there any additional questions? May I have a motion, please?

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McVay Hughes: So moved.

Kendall: Second.

George Tsunis: All in favor?

Members: Aye.

George Tsunis: Thank you. At this time, I'd like to make a motion to conduct **executive session** to discuss the negotiations related to the lease of real property, the publicity of which could substantially effect the value of the relevant properties.

Abby Goldenberg: Just to add one additional subject for discussion in the executive session I would like to raise some litigation related issues.

George Tsunis: And for additional litigation related issues as well.

Abby Goldenberg: Thank you, sir.

George Tsunis: Do I have a second to my motion?

Bevilacqua: Second.

George Tsunis: All in favor?

Members: Aye.

George Tsunis: Okay. Thank you everyone.