BROOKLYN BRIDGE PARK CORPORATION
MEETING OF THE BOARD OF DIRECTORS:
Brooklyn Bridge Park
334 Furman Street
Brooklyn, New York 11201
September 4, 2013
10:09 A.M.

IN ATTENDANCE:
REGINA MYER, President
ROBERT STEEL, Chairman
MARTIN CONNOR
JUNY FRANCOIS
VERONICA WHITE
ANITA CONTINI
ANNE STRAHLE
DANIEL SIMMONS
JOANNE WITTY
MATHEW WAMBUA
JOHN RASKIN
HENRY GUTMAN
DAVID OFFENSEND
STEPHEN LEVIN
KYLE KIMBALL
NANETTE SMITH
PETER ASCHKENASY
PETER DAVIDSON (via videoconference)
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CHAIRMAN STEEL: Good morning, everyone. If people could take their seats. My name is Bob Steel and let me welcome you to a meeting of the Board of Directors of the Brooklyn Bridge Park Corporation. This meeting, of today, September 4, 2013, is, hereby, called to order.

Let me ask that Suma Mandel, secretary of the Brooklyn Bridge Park Corporation, act as secretary for today’s meeting, and confirm that there is a quorum for today.

MS. MANDEL: We have a quorum.

CHAIRMAN STEEL: Thank you very, very much. Let’s see. First, I wanted to announce that we have one change, in our Board membership, and that will be that Mr. Kyle Kimball will be replacing Seth Pinsky. As you know, Mr. Pinsky served, on the Board, with distinction, and we are required, that all the Board of
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Directors, approve any Chairman of
the standing committees.

Mr. Pinsky had ably served as
chair of the Audit and Finance
Committee, and we would like to
appoint Mr. Kimball to replace
Mr. Pinsky in that position.

Do any Directors have any
questions or comments?

Kyle, you can cover your ears
like third grade. And if anyone has
any questions or comments, then this
is the time to hear them. Yes, sir.

MR. SIMMONS: Does he come from
EDC also?

CHAIRMAN STEEL: Yes. I beg
your pardon.

Kyle, why don't you describe
your position?

MR. KIMBALL: I am currently
President of EDC, five-and-a-half
years, and I have been involved with
Brooklyn Bridge Park, from the very
beginning, in terms of structuring
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the deal with the State.

MR. SIMMONS: Welcome.

CHAIRMAN STEELE: Thank you.

That's a fair question. I am glad
you asked. I should have given a
résumé. And he also has, what an
accounting firm would describe, as
financial expertise.

So, he is qualified, by dint of
his background and responsibilities,
to serve in this position. I should
have said that, so thank you for
asking a clarifying comment.

Any other questions with regard
to this suggestion?

If not, is there a motion to
approve as presented?

MR. GUTMAN: Yes.

CHAIRMAN STEELE: Second.

BOARD MEMBER: Seconded.

CHAIRMAN STEELE: All in favor,
signify by saying "aye."

(A chorus of ayes.)

All those opposed?
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Hearing none, then that motion passes. So thank you very much.

Congratulations, Kyle, and we appreciate and thank you, in advance, for all the good work you are going to do.

Next let me invite the President to provide her perspective. And today is an exciting day. And before we get to the voting items, other voting items, let me also thank the members of the public who have come today. It's always a privilege for us, who serve on the Park Board, to hear from you, and we are glad that you are here.

Just one other housekeeping item, too, while we are going through those, that Mr. Wamba is also departing the Board. He has been a fantastic friend to Brooklyn Bridge Park and a very productive Board member. We thank him, for his service, and wish him good luck in
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the future. Thank you, very much,

Mr. Wambua.

Also, now, let me turn it over
to Regina Myer, who is going to give
the President's report. And as you
can see, Mr. Davidson is on the video
cam. I think, Peter, if you could
mute, that would be great, thank you,
you just did, speaking of mute. So,
let me turn it over to Regina, who
will tell us a bit about what we are
going to go over today.

PRESIDENT MYER: Thank you,
Bob. As you know, now, with the
conversion process complete, we will
be moving ahead with a few of the
voting items on today's agenda. I
also want to take this moment to
remark that this is truly a historic
moment for the Park.

We are thrilled to move forward
with the adoptive reuse of the Empire
Stores, further strengthening the
Park's financial future, and, also,
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moving ahead with the rehabilitation
of the Tobacco Warehouse,
re-energizing the Tobacco Warehouse
with a fabulous theatrical production
company, St. Ann's Warehouse.

While we are exited to move
forward, I want to take a moment to
acknowledge how many people helped us
got to this moment. I would like to,
particularly, thank the Mayor's
Office, Vicki Metzger and Bill
Heinsohn, the Law Department, Susan
Amron and Sarah Kogel-Smucker and
Haley Stein, and the entire Brooklyn
Bridge Park Board, specifically
Chairman Steel, Nanette Smith and
Hank Gutman.

And, also, I would like to
thank the community, the CAC, and the
Brooklyn Bridge Park Conservancy for
their work on moving through this
process. Lastly, I want to thank the
staff, of the Brooklyn Bridge Park
staff, for all their work.
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This conversion process does also let
us move forward with significant Park
expansion. And as we discussed
earlier, we will be creating new
parkland, at Main Street, including
expanded lawns, a new dog run, a
bouldering wall, indoor and outdoor
educational space and maintenance
space. We are, currently, soliciting
bids for this contract and we will be
likely to be seeking your approval
for these contracts later this year!

I want to move on forward with
a few other items, today, to talk
about in terms of the President's
report. In terms of construction, as
I mentioned at our last Board
meeting, we are moving quickly ahead
on the construction at Pier 2. As
you can see from the bridge, we have
already started to paint the steel
members, and it's going to look
smashing, as an open, active
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recreation space.

And the Pier 3 uplands, you can also see, especially from the BJOE, how important building the Pier 3 uplands and greenway are going to be to the Park experience here.

I just want to bring you up to date, on a few programming items, and I have some slides. As our fourth summer concluded, I wanted to mention a couple of noteworthy highlights.

Just last month, we had some terrific events, here, at the Park, including Winard Harper, presented by Jazzmobile, and Ayana Mathis, reading from her wonderful book "The Twelve Tribes of Hattie." Those presentations were both, of course, in conjunction with the Brooklyn Bridge Park Conservancy.

We also hosted the ESPN, high school basketball tournament. As you can see here, this was televised on national television, and we got a lot
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of good recognition for that, and it
was great to have some of the
nation's best basketball stars, here,
at the Park, as well Katy Perry's VMA
finale performance, which was really
nice, again, to have that kind of
global recognition at the Park.

On Labor Day, the popup pool
finished its second summer, drawing
over 25,000 swimmers and beach
visitors to the Park. The
Conservancy's strong summer included
39 programs, with 1,500 students and
teachers, from 15 different summer
camps and academic programs citywide.
Highlights included Brooklyn kayaking
and, also, a partnership with the
Oasis Children's Services for a
traditional summer camp, here, at the
Park.

We have a terrific fall season
planned, including United Way's
Volunteer Festival, the DUMBO Arts
Festival, and the Conservancy's
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Annual Harvest Festival and Smorgasburg.

Now in our third season of permitting on Pier 5, we have 19 youth soccer teams, flag football, rugby, field hockey and lacrosse at Pier 5. But the big news, for the fall, is that St. Francis will be using the field as their home field, as well as some private schools in our neighborhood. So, this is a real change -- excuse me -- an establishment of the Pier 5 fields in the community.

We will also be hosting the PSAL, with important games, including Brooklyn International, the East New York Transit Tech and Boys and Girls High School all playing, here, at the Park. So, this is really, I think, a great balance of programming, and I want to thank the staff for arranging that.

We have a number of public art
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projects this fall. I think this is really our best season for public art just yet. Photoville will be back, at the Pier 5 uplands, for the season. They are produced by United Photo Industries, the group in DUMBO, that has also done the fence, at the Park, which received wonderful press all summer long.

There will be some other programming, here, through the DUMBO Arts Festival, including, this was last year, where we presented Luke DuBois’ piece. But this fall, there will be a few great pieces on the lawns, here, at Main Street and Empire Fulton Ferry, and I think, most notably, Ship of Tolerance -- excuse me. We have Camera Obscura. This is a group from DUMBO. This project was at Madison Square.

But most importantly, Ship of Tolerance will be floating to Empire Fulton Ferry, at the end of
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September, and will be here for several weeks. I will be sending a lot more details, via e-mail, to all of you regarding the very rich season that we have coming up for public art. And this last slide is, we have a performance, by the Orchestra of St. Luke's, on the 22nd.

A few other updates. The Park count had just been completed. From the data, that we are just downloading now, we believe that we have a 20 percent increase in Park attendance, and I will be getting a lot more details to you as the statisticians go through those details.

Lastly, I want to go through Pier 6, and describe to you the design process and where we are with the Pier 6 design. As you know, last year, we received $21 million, in City capital funds, to finally complete Pier 6. Pier 6 already has
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playgrounds and sand volleyball

 courts. But the idea, here, is to
complete the pier with a beautiful
pastoral lawn, that would really
bookend the great success of Pier 1
in the northern section of the Park.

 So, we have been refining our
design of Pier 6 and I want to show
you -- highlight a few things. The
design has been significantly, I
believe, improved to include yet
larger lawn spaces, that would allow
for large gatherings and a lot of
real enjoyment of the beautiful space
at the southern end of the Park.

 We, also, as you can see from
this field, have reoriented the lawn.
Previously, the lawn had been
reoriented around a wetland feature.
But we have changed that in response
to a lot of community requests, and
changed it to be oriented around a
beautiful meadow of flowers. And,
again, I think that echos the great
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popularity and success of the Pier 1 landscape with the water garden and lawns.

In addition, we have also engaged the Bjarke Ingels Group, from Copenhagen, to develop a design for a viewing platform, and you can see that from these slides. And this viewing platform, really, will be a fantastic architectural moment, with the idea that the views to Governors Island and the Upper Harbor and Lower Manhattan, really can be celebrated in a way that is much different than any other area of the Park.

This design, as you can see, is a wooden design for a beautiful platform. You can walk up, and directly access it from the lawns, and you can actually see below it. So, it gives a lot of light. It also will have the ability to provide shade and protection from rain if you are out at the Park. We are very
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excited about this design.

Right now, we have discussed it with the community in depth, and we are also working closely with the members of the Public Design Commission. We will be discussing this design with them this coming Monday. So, I wanted to let you know that.

I do want to note that we are aiming to privately fundraise for this platform. And if we are not successful, we do have the ability to move to a different scenario, at this location, that could provide a shaded area and viewing. So, I just wanted to let you know that those two things are going on.

And then with that, I do want to make two staff announcements. I am pleased to welcome Mike Lampariello as our new Deputy Director of Operations. He will be joining Jeff Sandgrund. I think he
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is here someplace. Please wave. He comes to us from Highline. We are thrilled that we are able to move forward with really beefing up our operations staff.

And lastly, I wanted to wish the best of luck to Theresa Gonzalez, who will be leaving BBP, for our nation's capital, at the end of the month. I want to personally thank her for her incredible consideration, to the Park, over the last year, not only guiding our arts programming, but also our external affairs, the CAC and all of other partnerships. I want to thank her.

CHAIRMAN STEEL: Great. Let me just join in echoing Regina's comments that a lot has been accomplished and, today, is a momentous day, in lots of ways, and we have several important things to consider.

In terms of the rules of the
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road, as you know, it's our practice,

that if any members of the public

have questions or comments, that we

have a special time, at the end of

the meeting, where we will look

forward to hearing from them, and

remind you that, in order to allow

for everyone to have a chance to

speak, our normal practice is to

allow for two minutes. We will go

through everyone, who wishes to

speak, for two minutes, and if time

allows, we will start again. But

that's, kind of, the plan. So, we

will see how things go.

Now as we turn to the voting

issues, the first is, prior to

today's meeting, all Board members

were distributed a copy of the

minutes of the last Board meeting of

July 31st. And if there are any

corrections, additions or supplements

to the minutes, as presented to you

prior to today’s meeting, now would
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be the time to make those

Hearing none, then, is there a

motion to approve the minutes as

presented to you for the July 31st

meeting?

MR. OFFENSEND: So moved.

CHAIRMAN STEEL: Thank you.

And a second?

BOARD MEMBER: Second.

CHAIRMAN STEEL: All in favor

of approving the minutes, from the

July 31st meeting, please signify by

saying "aye."

(A chorus of ayes.)

CHAIRMAN STEEL: All those

opposed?

Hearing none, then those

minutes are approved.

The second item, on the agenda,
is the authorization to enter into a

lease transaction with regard to St.

Ann's Warehouse. David Lowin will

present this item. David.
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MR. LOMIN: Thank you.

St. Ann's Warehouse was conditionally designated to redevelop the Tobacco Warehouse, and operate it as a theater, with community use, pursuant to an RFP, that was issued by Brooklyn Bridge Park back in 2010.

In 2011, after a court decision, in both Federal and State Court, raised obstacles to the redevelopment, the conditional designation letter, CDL, was amended to revise certain milestones and terms set forth in the CDL and return the deposit.

In 2012, after reaching settlement terms, with the plaintiffs in the lawsuits, the CDL was amended, for a second time, to reset the milestones and incorporate specific requirements of the settlement agreement.

The CDL imposed certain conditions, that must be met in order
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to enter into a lease for the site,
and these conditions included that
St. Ann's Warehouse complete the
construction documents, along with
the construction budget, that St.
Ann's Warehouse raise qualifying
funds, that the National Park Service
approve conversion, that the general
project plan be modified to clarify
that the use was allowed, that SHIPO
approved of the design project, the
designs and approval by this Board.

At this time, all the required
conditions have been met, but for the
Brooklyn Bridge Park approval. To
wit, St. Ann's Warehouse has
submitted full construction
documents, with a construction budget
of, approximately, $25 million, as
well as proof of qualifying funds of
just over $24,000,000.

The National Park Service, as
Regina mentioned, approved conversion
last month. The general project plan
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was modified, by the ESBC, again,
last month, and SHPO approved the
design last month. In addition, the
St. Ann's Warehouse's design was
presented to the CAC and a special
committee, that was formed, that we
call the TMPSPC Tobacco Warehouse
Public Space and Planning Committee.
That was a special committee, that
was established pursuant to the
settlement documents, for their
input.

It was also presented to
Community Board 2 and approved, and
presented to the Landmark
Preservation Commission and who
issued a positive advisory report.

Therefore, we are currently
asking for authorization to enter
into a lease agreement, which
contains the following material
terms. There is a 30-year term with
two, ten-year renewals. And I just
want to note, that the first renewal,
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is being deemed exercised immediately.

There is a nominal rent, but we will establish capital reserves to ensure the ongoing stabilization.

St. Ann's Warehouse will build out and operate, pursuant to the construction documents, the nonprofit theater with community uses.

Brooklyn Bridge Park will be fully responsible for maintaining the operations of the triangle, and Brooklyn Bridge Park will be responsible for permitting the committee rooms, with St. Ann's Warehouse maintaining and operating that space. Those portions, of the building, will be made available to community groups, on the principle of equal and fair access, in accordance with the settlement documents.

St. Ann's Warehouse's proposed design, which you see behind me in these two renderings, calls for the
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rehabilitation of the existing shell,
an addition of glass brick to raise
the ceiling height, by about seven
feet, which can you see on this
diagram right here, 18, and then on
this one -- you can see the
18,000-square-foot area, what we call
the rectangle, will be used to house
a lobby, a flexible 800-person
theater, restrooms, St. Ann's
Warehouse's offices, the Tobacco
Warehouse, and a 1,000-square-foot
community room right in that corner
over there.

It also calls for the
rehabilitation of the
7,000-square-foot triangle to open
into a wall garden, that will be open
to the public, pursuant to Brooklyn
Bridge Park standard park rules.
That's the area right over here.
Brooklyn Bridge Park is
requesting authorization to enter
into the lease transaction, as
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described, and to take related
actions.

CHAIRMAN STEEL: Thank you,

Mr. Lowin.

And now, do any Directors have
any questions or comments with regard
to the proposal as presented?

Yes, ma'am?

MS. WHITE: I just wanted to
say that I am just so amazed by the
beauty and elegance of the design,
particularly because of how the
community room really flows into the
Park. I think that's really smart.

St. Ann's has been such a major
organization for this community and,
also, to include it as a community
room, I think, is really powerful.

So, I just want to say
congratulations to all that made this
happen. I think it is fabulous.

CHAIRMAN STEEL: Board members,

this information, that Ms. Contini is
referring to, is at your position, at
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your place, so you can see what she's referring to. Thank you.

Yes, sir, Mr. Gutman.

MR. GUTMAN: I would just second that. I think this is an extraordinarily positive development for the park and for the community. Great parks are enriched and enlivened by the presence of world-class artistic and cultural constitutions and their bounds, and I am thrilled that our park will be among those parks.

And I agree that the community, the community space is an extraordinary amenity for everybody, everybody who visits the park. So, congratulations, and I am thrilled.

CHAIRMAN STEELE: Other comments.

Yes, sir, Mr. Raskin?

MR. RASKIN: Regina said it earlier, but I just want to note that this is an important step, that came
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out of a long process of lots of
community people who disagreed, but,
respectfully, worked it out. Hank
Gutman was helpful with that.
Various elected officials, here,
including my boss, but other folks
were helpful -- my former boss.
(Laughter.) I have a moment with
that one. And the other elected
officials, who are here and, also,
the Park and the City.

So, I just wanted to say we are
moving forward with this, but not
after a long process that was
inclusive, and engaged, and produced,
I think, a much better result.

CHAIRMAN STEEL: You might add
your future bosses, too.

Who knows? (Laughter.)

MR. RASKIN: Three steps beyond
where we are right now. Anyway,

CHAIRMAN STEEL: Thank you,

very much, and your comments are
correct and appreciated.
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Other questions or comments?

Good. Then, thank you for those.

And now, what I would like to do is ask if the Directors would make a motion to approve this request, as presented to you in the materials prior to today's meeting.

MR. OFFENSENDE: So moved.

CHAIRMAN STEEL: Second?

BOARD MEMBER: Second.

CHAIRMAN STEEL: All in favor, please signify by saying "aye."

(A chorus of ayes.)

All opposed?

MR. DAVIDSON (via videoconference): Aye.

CHAIRMAN STEEL: Great, thank you, Peter. That passed unanimously, which is delightful. Congratulations to the Park on an exciting step forward.

And now, speaking of steps forward, we are going to move to the third agenda item, which is the
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information presented in advance of
today's meeting, to enter into a
lease transaction with respect to the
Empire Stores development site. And,
here, Mr. Lowin is also going to
present this item as he organizes the
audiovisuals for that.

MR. LOWIN: Yes, and I just
want to note, in addition to the
images I have here, all these images
are at your desks.

CHAIRMAN STEEL: In the thin
deck at your desks.

MR. LOWIN: Empire Stores is
one of the five approved development
sites, provided for in the general
project plan, and analyzed in the
EIS, which will generate the majority
of the funds to operate and maintain
the Park. Empire Stores is a complex
of seven contiguous, four- and
five-story, historic warehouses,
containing, approximately, 247,000
gross square feet, originally built
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in the late 1800s, along Water Street
and at the Empire Fulton Ferry
section of the Park.

The buildings have been vacant
for over 50 years and are in a
highly-deteriorated condition. The
general project plan allows for
398,000 square feet of commercial and
retail space. Brooklyn Bridge Park
issued an RFP, for the site, in
September of 2012.

One of the major goals, of that
RFP, was ensuring the historic
structure was adaptively reused in a
manner compliant with the Secretary
of the Interior’s standards for
rehabilitation, and, also, to have
the ground floor uses and design
integrate into the Park design and
enhance the pedestrian appearance.

We received ten responses to
the RFP. A selection committee,
comprising staff from BBP, BDC and
the Parks Department, reviewed all
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the proposals. Additional input was given by staff at the Landmarks Preservation Commission, given the historic nature of the building. A presentation, of the design, was made to the CAC, who provided valuable feedback that was taken into account during the consideration.

The selection committee unanimously decided to recommend the proposal that was submitted by the team led by Midtown Equities. It was deemed the best proposal, based on the rent proposal, the quality of the development team, the financial feasibility, the design and the relationship of that design to the surrounding community. I just want to note that the proposed Midtown design was also very highly rated by the CAC.

The Midtown design can be seen in some of the slides behind me. I will kind of go through it in a
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little bit of detail. On the ground
floor, there is a large, public
passthrough, that provides a
connection to the Empire Fulton Ferry
section of the Park from Water
Street. That's this area right here.

The passthrough opens up into a
3,000-square-foot, open-air atrium,
on the Park side, highlighting the
building's beautiful walkups. The
ground floor uses include larger
restaurant and retail spaces, along
the exterior, with outdoor seating
along the Park side, and marketplace
stalls along the exterior. You can
see the larger retail around the
exterior, the marketplace, along the
interior, and the outdoor seating
along the Park.

There are elevators, of course,
to the office space above, and the
ground floor includes public
restrooms, that will be usable by
Park patrons, and storage space for
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Brooklyn Bridge Park maintenance.

There are loading docks along Water Street.

And then, not on the ground floor, but on the second floor, I want to note that there is a 3,200-square-foot exhibit space, that will tell the story of the Brooklyn Industrial Waterfront, which will be located on the second floor overlooking the outdoor atrium, on the second floor, kind of right over here. Midtown is in discussion with the Brooklyn Historical Society to manage that space on their behalf.

The middle floors will be occupied by office tenants. West Elm signed on as the anchor office tenant, taking over half the office space. They are currently in DUMBO, and about 12,000 square feet of ground floor retail space.

The rooftop will include a 7,000-square-foot public park, along
the open-air atrium, and that will
range in this area, over here, on the
roof, and can you see it as well on
the rendering over there. There will
also be a glass rooftop addition,
that will house additional office
space in Buildings 1 through 3,
restaurant spaces, surrounding the
atrium on the fifth floor, and a
13,000-square-foot event space, which
will include outdoor space facing the
Park as well.

Empire Stores is within the
100-year floodplain and took on
several feet of water during
Superstorm Sandy. The design will
include plans to try to flood-proof
the building, including the
installation of removable flood
gates, to ensure the rehabilitated
project appropriate levels of flood
resiliency.

In addition, all mechanical
equipment will be located well above
the 100-year floodplain. Midtown
will be seeking, at least, LEED
silver rating as well as historic tax
credits. MVVA, the Park’s landscape
architect, has also reviewed the
design, and will be coordinating with
Midtown Equities, to ensure that the
proposed design meshes into the
Park’s design.

The proposed lease terms
include a 96-year term, $26 million
upfront payment, annual rent of
$1.55 million, commencing in year
four, with escalations and
rescission, participation rents, over
certain performance hurdles, with
PILOT rates set by the Department of
Finance. And I just want to note
that the tenant is intending to apply
for ICAP, which is the management’s
right of abatement and redemption.

There will also be PILOT,
payments in lieu of sales tax, and
mortgage recording tax, as of right.
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as determined by DOF. Half of any
proceeds, from the historic tax
credit, they do get. The upfront
payment and guaranteed rent portion
has a net present value of,
approximately, $60 million. Brooklyn
Bridge Park retains design approvals,
over the project, as the design moves
forward.

We will be presenting these
designs, as they develop, to the CAC,
as has been our habit, at the 25
percent complete stage as well as
75 percent stage. Brooklyn Bridge
Park and the Midtown team will also
be working together, with the DUMBO
bid and the Department of
Transportation, to hold a community
meeting, in DUMBO, in late September
or early October, to address the
neighborhood, regarding potential
loading, parking, traffic and noise
concerns. At the current time, DOT
is performing a bunch of traffic
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studies that will be presented at
that meeting.

Brooklyn Bridge Park is
requesting authorization to enter
into this lease transaction, and
other agreements with the Midtown
Equities for the Empires Stores, as
described above, and to take related
action.

I want to note, we have a
couple more renderings, that I will
throw up here, which show the
passthrough and the atrium. I want
to note the passthrough. You can see
the walls, with the carve-outs in
them, as well as the new additions.

This is the roof. This is the
atrium, here, area, open to the sky
inside with, currently, an indoor
portion of the building.

CHAIRMAN STEEL: Great. And as
I said, some of this is a bit more
clear when you see it in front of
you. The original floor plan is the
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first page of the floor presented,
and then you can see the information.
Now, let me invite Board members for
comments, questions or observations.
Mr. Connor?

MR. CONNOR: You know, I was
elected to the Senate on Tuesday,
February 14th, in 1978. And on the
following Monday, the 20th of
February, I was due in Albany. And I
asked our then Assemblyman, Mike
Pesce, "Could you give me a ride? I
don't have a car."

And I got in his car, and as we
started off for Albany, the first
thing he said to me, and I remember
this, "Oh, by the way, they are
announcing, today, the State’s taking
over Empire Stores from Con Ed." And
I said, "Empire Stores, where is
that?" Now, he didn't say DUMBO,
because there was no DUMBO then.

He said, "Oh, they are the
warehouses, you know, down on the
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East River.* I said, "What is the
State going to do with them?" "I
don't know. That's something we
should consider over the coming
years." (Laughter.)

Little did I think, 35 years
and six months later, we are doing
something with it. I am delighted by
that. Thank you.

CHAIRMAN STEEL: Thank you.

Other questions?

Yes?

MR. OPPENSEND: I would just
like to comment. I think it's a
terrific design. I think it's
wonderful, that these buildings are
going to be preserved and adaptively
reused, and I think it will be
terrific for the Park.

CHAIRMAN STEEL: Yes, sir,

Councilman?

MR. LEVIN: I just wanted to
ask about the annual estimated value
in terms of rent.
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What is the Park looking to bring in on an annual basis?

I know that you mentioned the $60 million figure.

Is that over the course of the entire lease?

MR. LOWIN: The $60 million is the net present value, over the course of the entire lease, and it only includes the guaranteed portions of the rent. The annual figures will be guaranteed rents, about one-and-a-half -- a little over one-and-a-half million dollars a year.

And in addition, there will be PILOT, which will be equal to what real estate taxes would have been as determined by the Department of Finance. And then there is also language, in the lease, about participation rents, if the revenue the developer generates from the site exceeds a certain value.
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MR. LEVIN: Does BBP have an estimate of what all of that would be together in terms of annual?

MR. LOWIN: You know, we try not to put projections on the PILOST portion of it, since it’s set by DOF, and has been shown to be somewhat temperamental. So, we like to focus on the guaranteed portion.

CHAIRMAN STEELE: Yes, sir, Mr. Simmons?

MR. SIMMONS: Yes. I understand we are getting $26 million upfront.

Does that have any specific uses or is it just going to go a general aggregate fund?

MR. LOWIN: Yeah. All of the revenues, that we generate from the development site, go into the Park’s operating budget, to be used for all operating expenses.

MR. SIMMONS: It’s not going to go towards any construction projects?
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MR. LOWIN: No. At this point, this is for the operating budget. It does include -- yes. It does include -- when we say our "operating budget," we include the rehabilitation of the piles, under the piers, as part of that.

MR. SIMMONS: Could any of that money go to the viewing deck that you talked about earlier?

PRESIDENT MYER: At this point, I think we have been taking a pretty conservative view. I think, if you remember in the June budget meeting, we allocated $4 million for the rehabilitation of the piles under Pier 3. We are undergoing a maritime analysis of the rest of the piles right now.

I don't want to rule anything out, because it would be great to fund that project, as you saw. But right now, I think the waterfront piles have been our focus.
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MR. LOWIN: I also want to point out, as we are building this Park in phases, and we are bringing the development site in phases, too, at this point in time, without the Pier 6 development, which is the last one that has not yet been RPP'd, if the Park gets built out to its full capacity, we would not have the funds to operate the whole Park.

It would only be with the revenue of Pier 6 that we would have sufficient funds. So, I don't think, at this point in time, we would be privileged to burn operating funds when we still have a little hole.

CHAIRMAN STEEL: I think I might add, that several of you have raised, at previously meetings, the idea that we need to have a bit of a first finance and audit committee, but then full Board discussion of a refresh of the overall financial picture. I think we have held off on
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that until this number fell into place. And now that this number has fallen into place, then that sets us up to have this refresh, because things have changed. And so, this is a positive outcome, better than we had budgeted previously.

So now, I think that the team should go away, now, that this number has been set and approved -- hopefully about to. Then they will be able to come back, with a refresh of all the financials, capital budget, operating budgets and things like that.

So, I think the next step, sir, that really is in -- other people have raised this issue, and I think it was premature until this number fell into place. Now we have a lot better information to look longer-term down the road. Thank you, good.

Yes, Mr. Raskin?
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MR. RASKIN: Two questions.

The first is, this development site, as a revenue source, in particular, is forming much better than we had projected when we were discussing it a couple of years ago.

Am I right about that, am I misreading, and if so, then why?

MR. LOWIN: Yeah, I think you are correct. The revenues, that we are generating from Empire Stores, are higher than what we had been projecting. We had been, in our modeling, somewhat conservative, specifically on this site, given its historic nature and the amount of money that this building needs to rebuild in order for it to rehabilitated.

I think there has been a couple of reasons why it outperformed. I think, number one, is that the DUMBO office market has really taken off, in the last three years, in a way.
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that I don't think anyone really
anticipated. I think the whole
creation, of the Brooklyn Tech
Triangle, has really reinforced DUMBO
as, probably, the premier office
location in Brooklyn.

And I think the success of the
Park, not to toot our own horn, but
around it, has really generated a lot
more interest in the site and brought
a lot more people down to the site.

MR. KIMBALL: I would just add
one thing to answer in that train of
logic. When we became -- started
working together in 2009 and '10, I
guess 2010 on this Park, we were also
just coming off of tremendous
weakness in the real-estate market in
general. And so, we asked them to
put together a very conservative
model.

We were very concerned about
Empire Stores, because of its tricky
architectural nature, and just not a
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clear vision of what this would be
used for.

CHAIRMAN STEEL: You had a
second question, sir?

MR. RASKIN: I do have a second
question on a somewhat related note.
I want to ask you about labor
protections in here. It's something
we actually haven't discussed. The
attention has gone to the residential
sites, but the same concerns and
questions apply to private
development site on public land.

And I wanted to ask you, this
is kind of -- we have discussed point
of leverage, and when the Board
weighs in on this stuff, the Board's
point of leverage on this site. So,
I wanted to ask you if there are
labor protections, any guarantees or
anything beyond what is in the RFP,
any status or expectation with the
Midtown development?

MR. LOWIN: There were no labor
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protection requirements in this RFP,
as well, and the developer is
planning on moving forward with this
on an open-shop basis. And that is
consistent with the City's policies
on economic development sites
throughout, in which the revenues
generated, are going to support
another public function, i.e., the
maintenance and operation of the
Park.

It's also consistent with how
the City, typically, does affordable
housing, when there's another public
policy there. So, this RFP, as I
mentioned, was issued last year. I
think the lease, that we are
projecting, going forward, is
consistent with the rules and
regulations that were laid out during
the RFP process.

MR. RASKIN: Thank you.

CHAIRMAN STEELE: Yes?

MS. CONTINI: I think you
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mentioned there was going to be an
event space, which I think is
fabulous for the site, and will bring
lots of interesting opportunities for
the Park.

Who is managing that and does
the revenue, from that, go to the
Park?

MR. LOWIN: The manager of that
space has not yet been selected. It
will be selected by the developer.
They have been talking to a number of
really exciting, potential operators,
but no one we can announce at this
point. The event space will be
tenants of the building and so they
will be paying their revenue to the
building.

But as I did mention, the
building does have the rent
structure, that we have with the
building, shows that there will be a
participation rent if the building
clears certain rent hurdles. So, to
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the extent that event space does do
phenomenally well, we will see.

CHAIRMAN STEEL: Yes?

MS. FRANÇOIS: In addition to
West Elm, does the developer have any
other flagship, stable companies?

MR. LOWIN: They have been
actively talking to a lot of tenants,
at this point, a lot of DUMBO-based
companies, as well as other
nationally-known companies. At this
point, though, they don't have anyone
else signed up.

You know, they have about 18
months to two years before the
building opens, which is further
ahead than most tenants would plan on
that basis. And so, we expect to
have a bunch of really exciting
announcements, over the next two
years, but no one else at this point.

CHAIRMAN STEEL: Yes?

MS. STRAHLE: I just have a
question, again.
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There is no progress, with regard to using union workers, at all?

MR. LOWIN: Right. This developer, as I mentioned speaking to Mr. Raskin, is planning on going on an open-shop basis on construction.

MS. STRAHLER: And that's the City policy, right?

MR. LOWIN: Yes.

MS. STRAHLER: And that's the City policy, right?

If a new administration comes in, Mr. Steel, what happens?

CHAIRMAN STEEL: I'll defer to the legal people. But we issued an RFP, and people have responded to the RFP as issued. So, my presumption -- again, I am not an attorney -- so my presumption would be that the agreement, that we have exercised as stewards, would be the agreement that would stand. But I look to someone -- it's not my --
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MS. MANDEL: That's right.

MS. STRAHLE: So, the new mayor could not change --

MS. FRANÇOIS: If the contract is signed, before the new administration --

MS. STRAHLE: Then it stays?

MS. FRANÇOIS: -- then we have to abide by the contract.

CHAIRMAN STEEL: Mr. Levin?

MR. LEVIN: Do we have a sense of what type of rents the project is going to fetch in terms of per square foot?

MR. LOWIN: Sure. I mean, we have a sense of what is going on in the DUMBO marketplace right now. And when we think, given the prominent nature of the building, and both its beauty, and its location, and the wonderful design, that this building would fetch on the upper ends of those tiers.

What people, I think, are
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typically seeing is an office space,
something on the low $30 per square
foot, and on retail space, a little
higher than that, maybe 40, $45 a
square foot.

CHAIRMAN STEEL: Yes, sir?

MR. SIMMONS: Just a quick
question.

Could you define "event space"?

Is it cultural or is it
entertainment?

MR. LOWIN: Like a place to
have weddings and bar mitzvahs. The
real kind of public cultural spaces,
in this building, are the historic
center, on the second floor, as well
as the public access to the Park
space on the rooftop.

We have a great rendering -- I
think it's in your copies as well --
of the rooftop park space, which is,
really, it's really amazing.

MR. SIMMONS: It is more park?

MR. LOWIN: One of the things
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we experienced, when we were bringing
developers through this building in
this RFP process was, whenever anyone
got up to the roof, everyone's jaw
just dropped, and they sat there for
five minutes staring at the view.
It's really an amazing part of this
proposal that will be able to bring
the public up to that space.

MS. FRANÇOIS: The maintenance,
the BBP maintenance facility, that
they are going to construct, that's
going to be a separate facility for
the Park?

Are we going to have to pay
rent?

MR. LOWIN: No. There is no
rent on that. It's in the footprint
of the building.

MR. SIMMONS: Storage room.

CHAIRMAN STEEL: Yes.

Any other questions or
comments?

Yes.
MR. RASKIN: I just wanted to follow up and say that I know we don't have a 200-person rally here, today, et cetera, et cetera, but I want to make sure we are consistent between development site and development site, and take the same principles, we have been discussing, the opportunity to make the site work for the public and create good jobs, apply here. So, I just want to announce, we don't explain our vote during the voting, so I will be voting against the site for the same reason. Thank you. (Applause.)

CHAIRMAN STEEL: Ms. Witty?

MS. WITY: I would like to address this to the public officials, who sit on this Board, of which there are three, who have consistently voted against every development project, and I just, I have to say, I am confused by that.

I would like an explanation.
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from them, because I don't understand, if the reason that they are voting against these projects are based on the fact that union labor is not being used, then I would like to know how they would propose fulfilling the maintenance obligations of this park, which is a fiduciary duty of each of us as a Board member. Every dollar less that we collect, from these development projects, means a dollar less to maintain Brooklyn Bridge Park.

And I wonder what these elected officials would suggest we do to make up those dollars, since we know that they don't like the development in the Park to begin with, and have tried, on successive occasions, to reduce it, and I assume will continue to do that in the future.

So, I don't understand what our elected officials are doing here, and I would like an explanation from
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them.

SPEAKER: It has nothing do

with union jobs.

CHAIRMAN STEEL: No. We don't

engage in this. It is not the time,
sir. If you want to stay, we have a
time when people, from the public,
can have comments, but it's not a
shout-out session. And anyone that
doesn't understand that, will not be
allowed to stay. So, we will be keen
to hear from you, at the right time,
and treat your comments with respect,
and ask you to do the same for
others. Thank you very much.

MS. WITTY: This is a direct
tradeoff right here. If the projects
bring in less money to the Park,
because they are paying higher wages
to union employees, then we have to
build more commercial development in
the Park.

That's just, that's the way it
goes. I mean, that's reality. So, I
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want to understand why these elected
officials continue to want it both
ways.

CHAIRMAN STEEL: Should you
wish to comment?

MR. LEVIN: Thank you, very
much, Mr. Steel. Actually, I want to
associate my comments with
Mr. Raskin, but, also, in response to
Board Member Witty's question. What
I have consistently proposed, on all
development site RFPs, that have gone
out as part of the Park, is that
there be language that is written,
into the RFP, at the get-go.

The responses would then be,
they would be created -- all the
responses, to the RFP, would factor
into their calculations, the fact
that it would be a prevailing-wage
job. This is more of an issue about
the fact that this is a public
benefit. This is a site that is in a
public park.
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It is going to fetch on the higher-end rents than what its cohorts, in the neighborhood, are fetching in terms of commercial space. It is going to be premier commercial space, in the City, with some of the best views that we have. It's part of a public park.

And it has been my position, consistently, that the development projects, in New York City, where we are conferring a public benefit on private institutions, private developers, that there ought to be standards in place, labor standards, that are consistent with, what I believe, that we ought to be as a city, in making sure that we are providing decent jobs, living-wage jobs, as well as labor standards and work standards, that are commensurate with a project that commands this type of respect.

And so, I think that it is not.
necessarily, a tradeoff of one to one, because if we create the baseline, that we are a city that insists on that type of standard in development practice, then I think you would see a rising tide.

MS. WITTY: Just in response to that, what you said makes no sense in terms of the finances of this park. If we put it in the RFP, it would just mean that we would get bids for less money, and we would have less money to maintain this park.

And there are competing goods here, as Mr. Wambua knows, that there are competing issues here, that there is the public good, of Brooklyn Bridge Park, and there is the public good of prevailing wages and labor unions. I support labor unions, but I think that we have to consider the balance here, and you can’t ignore that.

To the extent that we get less
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money for these projects and we are not conferring a benefit on these developers. They are paying us. That's the whole point. We are monetizing this value to benefit Brooklyn Bridge Park. That is a public good.

We weigh that against your desire to have labor unions on these sites, and you have to make a choice. You can't avoid the choice. It's a difficult question. But as a member of this Board, my fiduciary duty is to make sure we have enough money, generated from these development sites, to pay our maintenance costs.

That's a fixed number. So, if you get less money from these sites, as you described, because you put it in the RFP, less money means less money to cover a fixed budget. There is no way around that, Steve.

MR. LEVIN: Just if you would, just a quick response is that, as
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Mr. Lowin pointed out, we are, in fact, anticipating a greater revenue, as a result of this development project, than we were just a couple of years ago.

MS. WITTY: But we see it as a whole, the project as a whole.

MR. LEVIN: Absolutely. But where there seems to be a greater revenue coming in, we had -- when we did the RFP, we anticipated a revenue. That revenue was part of a larger picture of revenue within Brooklyn Bridge Park. If there is greater revenue, as a result of this, then we can consider and we ought to consider, where there are public benefits.

MS. WITTY: Would you support housing on Pier 6 when it comes to that?

Are you going with to tell us you don't want to build housing on Pier 6?
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MR. LEVIN: I think, Joanne, I have taken a position, consistently, for a long time, about housing in the Park. But I do believe that we ought to look at the picture down the line, the economic picture of where we are in terms of our revenue.

But I think, that as a result of this project, we are bringing in greater revenue than we anticipated. I think that this is a fabulous proposal and a project. I am very glad to see that the Empire Stores is going to be converted, after 35-and-a-half years, and that there is going to be greater revenue than we anticipated.

MS. WITTY: But if we had put, in the RFP, as you wanted, the requirement that union labor be used, we would not be getting greater revenue, because we know, from the John Street site, what the differentials are.
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MR. LEVIN: I would say that
that's an unknown. If you create,
again -- I mean, it is. We don't
have to get into a back-and-forth
here.

CHAIRMAN STEEL: I think we
have made the point. I think that,
if I can try to be forward-leaning, I
think that Board Member Witty has
pointed out the tension between the
amount of development and revenue
that we receive from that
development. Her observation is if
we take a path that reduces the
revenue, pick your unit of account
per square foot, if we have a budget
to solve, we need more square feet,
and that's the tension, I think, she
was alluding to.

I understand your perspective,
and I think that you have each
described where you are. I would bet
that you believe, what you have
described, and she doesn't find it.
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completely responsive. But I don't
think we are going to resolve that
this morning. But I think you both
described your position.

Is that a fair summary?

MR. LEVIN: Yes.

CHAIRMAN STEEL: And if anyone
else wants to add to this or feels
they have something to add to this
comment or question, we can have it
as you would like to present it. But
I think that's the essence of the
tension we are hearing, and it's an
honest one presented by both sides.

Anything else?

Good. If there are no more
comments or questions, with regard to
the proposal that Mr. Lowin has
presented, let me just ask if there
is a motion to approve. And I think
we might offer this right to
Mr. Connor to make the motion.

(Laughter.)

MR. CONNOR: That's what
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happens if you live long enough.

CHAIRMAN STEEL: After

35-and-a-half years, I want the

record to show that Mr. Connor made

the motion and we recognized him for

having to do that.

MR. CONNOR: So moved.

CHAIRMAN STEEL: Good.

And a second?

BOARD MEMBER: Second.

CHAIRMAN STEEL: All in favor,

signify by saying "aye."

(A chorus of ayes.)

All those opposed?

MS. STRAHLE: No.

MR. RASKIN: No.

MR. LEVIN: No.

CHAIRMAN STEEL: We have three

opposed, sir, and all the rest are

ayes. The specific names are

Strahle, Raskin and Levin, are the

three who voted no, sir.

Is that a fair description?

Did I miss anyone?
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Then that motion passes.
And I think that, despite the
discussion we have had of some
questions where we thought of things
differently, this is a very exciting
day for the Park. And when we all
come back in three years, and see
what has been accomplished, I also
think, too, that these sites were
very complicated to organize, and
judge, and administer the proposals,
and get them to the right place.

And lots of people in the city,
and the support of the community, and
the team, here, with the Park, did a
fantastic job to bring these. The
amount of work, that has gone in to
give us these six pretty pictures,
that we have, today, is almost
unimaginable. And now we will all
get to see this come to life, which
is terribly exciting. Thank you,
very much, for leading us off and
congratulations to the Park.
Now, I think what we've got to do, if there are no additional matters, what we would do is like to invite the public to make a statement. I think, what we should do is, we are fortunate to have lots of you today. If people could just stand up, here, in the front, when they come forward. And the plan, as I said, will be for people to take two minutes and go through. And if you could begin, please, by identifying yourself and any official affiliation, that would be great.

Thank you, very much, sir.

MR. HALPIN: Hi. My name is Mike Halpin and I am with Build Up N.Y.C. I am here to talk about Hudson Meridian, the general contractor, that is being used, over on the Pier 1 development, to build the hotel and condominium.

In July of this year, the New York City Department of Buildings
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ordered residents, of 500 Fourth
Avenue, to stay off their balconies
because of deterioration in the
concrete and pieces in danger of
falling. 500 Fourth Avenue was a
Hudson Meridian job. We would like
to know what action this Board is
going to take to make sure that
something like this doesn’t happen,
with concrete work on the hotel and
condo project, that Hudson Meridian
is building right here.

Hudson Meridian projects were
also issued more than 200 violations,
of the New York City Building and
Zoning Codes, by the Department of
Buildings and the ECD since 2006.
And we would like to know what action
this Board is going to take to make
sure construction is done in a safe
manner and in accordance with New
York City laws and regulations.

Hudson Meridian has been named,
in multiple lawsuits, alleging
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construction defects and project
delays. Most recently,
Canyon-Johnson Urban Fund is suing
Hudson Meridian, alleging the project
was six months behind schedule as a
result of Hudson Meridian's
incompetence. This is only one, of a
number of lawsuits, alleging Hudson
Meridian's faulty construction, use
of inexperienced subcontractors and
use of faulty materials.

The Brooklyn Bridge Park
project was already shut down, by a
Department of Buildings inspector,
because the excavating company hit a
water main.

What action is this Board going
to take to make sure qualified
contractors and subcontractors are
hired and the project is not delayed
due to problems or lawsuits like
these?

I am now going to distribute,
to each of you, a fact sheet on
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Hudson Meridian, so that you have the information. And I would also like to ask that the fact sheet become a part of the official record of this meeting. I would also ask Ms. Myer, that my testimony here, today, be reflected accurately in the minutes.

And I would ask, also, if the notekeeper would just read back a few of the notes of what I just said, so that we are sure it would be reflected, accurately, in the minutes. Thank you.

CHAIRMAN STEEL: Could you just leave them here?

We will pass them out, sir, and we will circulate them around. We have a stenographer here. Sir, please give them all the copies, here, and we will pass them around.

MR. HALPIN: Also, I note that in passing, the stenographer, somehow, between the officials minutes and the stenographer, there
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was stuff lost in translation.

CHAIRMAN STEEL: We can follow
that up with the President and talk
to her.

MR. HALPIN: Okay. Great.

CHAIRMAN STEEL: Thank you,
sir.

MR. HALPIN: Can I get an
assurance that it will be reflected
accurately?

Thank you very much.

CHAIRMAN STEEL: Yes, ma'am?

JAMIE: Good morning. I am
here to talk about --

CHAIRMAN STEEL: And your name
is?

JAMIE: My name is Jamie. I am
a proud member of Local 79. I am
here to talk about construction
safety. Construction work is one of
the most dangerous jobs there is.
There is one of us who works on
construction sites, like this, every
day.
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I seen a lot of accidents, injuries on the jobs. I have seen people lose lives, their safety, because of the safety equipment or because of work practices they learned in a training or apprentice program. Sometimes my grandmother, my mother and my family don't want me to go to work, because they worry I can get hurt or worse.

Every year, OSHA releases statistics on our industry. OSHA is the Occupational Safety and Health Administration of the Federal Government. The statistics are pretty clear. Last year, in New York City, OSHA found out 75 percent, of all workplace fatalities, happened on construction sites.

72 percent, of all construction fatalities, were workers employed by companies that did not participate in State-approved training and apprenticeship programs.
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52 percent of construction fatalities were immigrant workers, Latino workers or workers who spoke a different language from their supervisor. None of the construction contractors or subcontractors, now working on Brooklyn Bridge Park, participated in State-approved training or apprenticeship programs.

In the past, behavior has demonstrated the OSHA statistics is an indicator of future performance. Then that means the workers, doing the construction work at Brooklyn Bridge Park, are about three times more likely to fall to their death, be crushed to death or die while working. There's nearly 100,000 construction workers, in New York City, who work for irresponsible contractors.

How can you sleep at night knowing that you have the power to require the use of responsive
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contractors, on this job, and choose all irresponsible contractors in the work?

The Department of Buildings already shut down construction on Brooklyn Bridge Park when a water main was hit. The construction didn't get started again until the water main was repaired.

What action is this Board going to take to ensure the construction companies provide safe working conditions?

I am going to distribute, to each of you, a fact sheet, so you have the information. I would like this fact sheet to become as part of the official minutes and an accurate summary of my comments included in the minutes.

Ms. Myer, will this fact sheet and accurate summary of my comments be included in this minutes?

PRESIDENT MYER: Yes.
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SPEAKER: Thank you for your time.

CHAIRMAN STEEL: Yes, sir.

MR. WALCOTT: How are you doing?

I am Dan Walcott. I am with Build Up New York. I am here to talk about transparency in the actions of this Board. Build Up representatives have made public comments on many important issues in the past few meetings to this Board.

Our representatives have brought up problems with construction contractors or subcontractors, that have been hired, concerns about construction safety, concerns about the environment, concerns about the procurement decisions and how they are being made.

Somehow, these concerns have never been made into the official minutes of the Board meetings. An example is on June 5th, a number of
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Build Up New York, New York City
members, spoke during the public
comments section. Yet the minutes of
the meeting only read, and I quote,
"Dan Walcott, of Build Up New York,
had expressed his view that Pier 1
development should be built with
union labor.'

I never said that. I said,
"responsible development." I am
going to go into something at the
tail end.

What action is the Board going
to take to make sure that the minutes
accurately reflect public comments
made by the Board meetings?

What action is this Board going
to take to give the public confidence
that the minutes accurately reflect
the entirety of the Board's
decisions?

Build up New York has also
said, in fact sheets, and provided
written materials to the Board. None
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of these materials ever made their
way into the minutes.

What action is this Board going
to take to ensure, the materials
presented to the Board, are
accurately summarized and noted in
the minutes?

Attending Board meetings and
providing the Board with information
is the only way that the public has
to bring matters of concern to the
Board's attention.

What has Brooklyn Bridge Park
Corporation Board got to hide?

Why isn't the Board being
transparent and accurate?

Ms. Myer, will an accurate --
be put in? I took a walk, this
morning, through the Park. It's a
very nice park. I got down to the
construction site. An empire truck,
was brought to your attention, about
having no registration on the truck.
There is a truck. Truck number 24.
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The Empire name on it, plate number 1182TC. Truck number 16, no name on the side, the name was crossed out, plate number 1182 TC. Here is one truck -- two trucks, on your property, with the same plate number.

That's an issue. It's got to be an issue for this Board that things are going on. This is what happens when you have a nonresponsible contractor.

Could I just take 20 seconds?

CHAIRMAN STEEL: Surely.

MR. WALCOTT: Ms. Witty, I understand your concern about keeping the costs down.

CHAIRMAN STEEL: This is to be addressed to the Board. Not specific people, sir.

MR. WALCOTT: I was also here a few months back. And a few months back, you gave benefits to the people who work for Brooklyn Bridge Park.
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You gave them retirement, you gave them healthcare, and you did the right thing. That's what living in Brooklyn, living in New York is all about, not cutting corners every which way you can. That's what this is about.

CHAIRMAN STEEL: Thank you.

Hello, sir.

DENNIS: Good morning. My name is Dennis. I am with Build Up New York.

How is everybody doing today?

How is everybody feeling today?

Good?

All right. Starwood Capital should be applauded for some of the stuff they have done. The thing with ESPN, with the high-school sports, that's great. The responsible development, that they do do, is great.

But a day, in the sun, does not create a middle-class way of life and
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it doesn't. Some of Starwood's stuff they do on 54th Street, they have had several accidents there. They have been shut down a bunch of times.

This is not responsible development.

This is not -- I don't know what your idea of responsible development is, but it's not ours. All right? A lot of people have fought and died for the rights that we all share.

In responsible jobs, three times as many workers died on these projects. Responsible construction jobs are good for families, for the middle class. They provide health insurance and retirement benefits that I am sure that all of you enjoy, also.

A company, like Starwood Capital, is worth billions and billions of dollars, right?

It is a very small percentage of their profits to do the job responsibly. It's not asking a whole
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lot more, folks. It's really not.
And it behooves, all of us, to make
them keep promoting responsibility
like they have done in the past.

Why they are trying this now is
beyond me. They have always had
great success on their projects.
Responsible contractors also push
upon their workers to go and make
sure that the public is also safe in
our projects. If you read a lot
about our projects, stuff don't go
wrong to the public, all right?

I think that's a big part of
it. It may be you, some day, with
your children, your grandchildren,
niece, nephew, that's walking by one
of these jobs and they get hurt.
When steel is falling off of a job,
on 54th Street, that's bad, ladies
and gentlemen. That is not good and
it is not responsible.

Is it?

Is it, folks?
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No. It's not. It's not. We demand that they come back and start going back to their old way. Their old way was excellent. They are worth 20-something billion dollars. They just got another four-and-change billion on top of that. They can't put out a few more shekels for people here?

And just like everybody else, will you, please, accurately read into your minutes everything it says. Not some little byline. There's a lot of people's feelings here and families. They want to portray that. We have to make you feel.

And if we can't make you feel, then why do we all come?

All of us, we are all the same. We are all in this together. There is no difference between you and I. There's not. There really, really isn't.

How many one-percenters are in
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this room?

We all have a vested interest
in this, ladies and gentlemen. We
do. Thank you.

CHAIRMAN STEELE: Yes, sir.

MR. WILLIAMSON: Good morning,
ladies and gentlemen, honorable Board
members, members of the community. I
am asking this Board not to play hide
and seek with Empire.

CHAIRMAN STEELE: Excuse me,
sir, your name is?

MR. WILLIAMSON: Anthony
Williamson from Build Up New York. I
am asking this Board not to play hide
and seek with Empire pile. I am here
to talk about Empire pile on
foundations. As a representative of
Build Up New York, I have been
bringing this issue, to your
attention, for a number of months
now, but it seems to have fallen on
deaf ears.

 Somehow, trucks, with Empire's
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logo on them, have magically appeared
on the Brooklyn Bridge Park
construction site. As recently as
today, an Empire truck was seen on
the construction site. That truck
has an expired vehicle registration
on it. I don't know how it got on
the site. Perhaps, it took a ride on
a magic carpet.

If someone drove it to the
site, they were driving a vehicle
with an expired license plate and
registration. When the truck is no
longer needed, it will have to be
removed from the site. Maybe it will
be towed back to Empire's office, but
that would be difficult, because
Empire lists a commercial mailbox to
store their company's office. I'm
not sure if a big truck can fit in a
little, tiny post office box.

Is this Board going to allow a
vehicle, used for the construction
work at the Brooklyn Bridge Park, to
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have no current license plate or
vehicle registration?

What assurance can the Board
give the public that the truck is in
good working order?

If the Board allows employers
to violate the law, what assurance
can the public have that other the
laws will not be broken as well?

Empire has no active Workers’
Compensation insurance coverage.

According to the New York State
Workers’ Compensation Insurance
Board, Empire canceled its coverage
in 2010. They have no active
disability benefit coverage. There
seems to be a dispute about the role
Empire is playing on this site.

Build Up representatives have
been and talk with employees of
Empire on the work site. When the
Daily News wrote an article about the
issue, Toll Brothers, one of the
joint-venture partners on the job, we
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told a Daily News employee that Empire equipment was rented and Empire had no employees on the job.

If there is an accident, involving the equipment that was rented, Empire had no employees on the job, there is an accident took place, the Empire employee, who was working on the Brooklyn Bridge Park project, and the company still does not have Workers' Compensation insurance, the Brooklyn Bridge Park Board, and all the public agencies, could be sued.

CHAIRMAN STEEL: Okay. Thank you very much.

MR. WILLIAMSON: One moment, sir.

Why is this company allowed to have equipment and people on the job? What action is this Board going to take to assure the public that only contractors and subcontractors, who obey the law, are hired, in any
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capacity, on this project?

I am now going to distribute, and I have information there, to each of you. It's called a fact sheet on Empire. So, you each have the information. I would like this fact sheet to be part of the official minutes, of this meeting, and an accurate summary and comments included in these minutes.

Ms. Myer, will this be done?

I thank you and I recognize the honorable Councilman. Thank you.

CHAIRMAN STEEL: Thank you.

Yes, sir.

UNIDENTIFIED SPEAKER: How are you doing, sir?

Good afternoon -- good morning, ladies and gentlemen. My name is Elmo (phonetic). I am with Build Up New York. I want to talk about good jobs. I am here to talk about why good jobs make a difference at Brooklyn Bridge Park.
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Good jobs make a difference, for our whole family, and they make a difference for our communities. Good jobs pay wages that can support a family. Good jobs come with health insurance. Good jobs provide real pensions. Good jobs have pathways for real careers. Good jobs are safe jobs.

When the workers have good, middle-class wages, they will spend money, which will support small and large businesses. It will have a ripple effect to the economy and stimulate the economy’s growth. If workers are paid poverty wages, they won’t have money to spend and the economy will shrink.

When workers have health insurance, their whole families are healthier, and they are not dependent on the public-health system. The combination of good jobs, and good pensions, and good health insurance
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means that working families are
paying taxes to support public
services. It also means that the
need for public, safety-net programs
is reduced.

The jobs, created at Brooklyn
Bridge Park, are not good jobs,
because of the decision made by the
Brooklyn Bridge Park Board. The
Brooklyn Bridge Park Board
Corporation’s mission statement says
that, “The mission is to create a
world-class park, that is a
recreational, environmental and
cultural destination, enjoyed by,
both, citizens and visitors of New
York City.”

What action is this Board going
to take to make sure that the
world-class jobs are created?

What action is this Board going
to take to make sure that the
Brooklyn Bridge Park is not a
location of an ongoing labor dispute?
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I am now going to distribute to
you a copy of the Brooklyn Bridge
Park Corporation mission statement.

Ms. Myer, will an accurate
summary, of my comments, be included
to your minutes of this meeting?

PRESIDENT MYER: Yes.

SPEAKER: Thank you very much.

CHAIRMAN STEEL: Thank you,
sir.

MS. WEBSTER: My name is Nancy
Webster. I am with the Brooklyn
Bridge Park Conservancy. So, first
of all, I wanted to thank the Board
for your openness and allowing of the
extensive public comment. It's the
right thing to do. It's very much
appreciated and thank you, thank you
for that.

I wanted to, if I may, sort of
take us back to the park-visitor
experience. That is, certainly, what
is dear to the Conservancy's heart.

It has been an incredible summer.
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In addition to the 39 educational programs, that Regina mentioned earlier, that have brought children from, I think eight council districts, 1,500 kids and educators to the Park just this summer, there has been a whole host of recreational, and cultural, and public-education programs, close to 400 of those, that have been happening in the Park throughout this summer. It has been absolutely incredible.

But looking forward, I feel like very close to every Board member. I am impressed. I have words of praise for new developments, new amenities in the Park. Today is, certainly, no exception. Brooklyn Bridge Park continues to become a more vibrant, enriching public space for all New Yorkers.

It's absolutely incredible with the developments in the north end of...
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the Park and the DUMBO section.

Congratulations to St. Ann's

Warehouse for their coming into the

Park and for their leads being

implemented. Empire Stores is going

to be amazing.

And I can speak -- I don't have

the longevity of Marty, but I was a

DUMBO resident, for 12 years, and

walked by, you know, boarded up,

barricaded stores on Water Street.

It's going to be a real change for

that neighborhood. So, thank you,

all, very much.

The Park continues to be

incredible and that's not even

mentioning the knockout platform on

the end of pier. There is really

sort of too much good news to go

over. But suffice it to say, the

Conservancy is just incredibly

excited about the trajectory of

Brooklyn Bridge Park. So, thank you.

CHAIRMAN STEEL: Thank you.
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Yes, sir. If you could introduce yourself.

CARL: My name is Carl (unintelligible) from the District Council of Carpenters representing Build Up New York. And I am here, today, to talk about the selection of Eagle Geotech to perform excavation work on Starwood’s, Pier 1, condo-hotel development.

Eagle Geotech is a new and inexperienced company. According to the New York City Department of Buildings, Eagle Geotech received its safety registration on May 13, 2013. Additionally, Eagle Geotech had just previously incorporated, in the State of New York, in November 2012.

Brooklyn Bridge Park should ensure that all experienced contractors, with proven track records, are allowed to perform work on such an important and sensitive project. The use of such a new and
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inexperienced firm, to perform
sensitive foundation work, at
Brooklyn Bridge Park, raises real
concerns about the quality of work on
this site.

What type of background, such
can be performed by a company, that
is less than one year old, in order
to determine whether they are
qualified or capable of safely and
properly performing work on the
project of this magnitude?

What is the action -- what
action is the Board doing to ensure
that only experienced construction
contractors will be hired, on the
Pier 1 development, as well as the
future projects in Brooklyn Bridge
Park?

On August 13th, the New York
City Department of Buildings actually
shut down the Starwood, Pier 1
development, because the water main
was hit during excavation work. This
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is just the latest example of
irresponsible and disruptive
construction activity on Brooklyn
Bridge Park.

What is the Board doing to
ensure that all contractors,
performing work on the Brooklyn
Bridge Park, have a proven track
records on safety and performance?

Ms. Myer, will an accurate
summary, of my comments, be included
in the minutes on this meeting?

PRESIDENT MYER: Yes.

CARL: Thank you, ladies and
gentlemen.

CHAIRMAN STEEL: Thank you.

Any other comments from the
public?

Yes, sir.

MR. FLEMMING: Peter Flemming,
Community Advisory Council. Two
points, quickly.

CHAIRMAN STEEL: If you could
speak a little louder, because there
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is background noise, and he can't
pick it all up (indicating
stenographer).

MR. FLEMING: I was hoping
they would be turning it off. The
CAC committee, on Empire Stores, very
much, favored this particular
project. And speaking for myself, it
is very pleasing that that's the one
that is picked, but I will say that I
accept Steve Levin's points about
going forward.

We have Pier 6 coming up. Pier
6 will be a brand-new RFP. So, it
will be an opportunity to step
forward and ask for prevailing wages
and safe-working standards.

And Steve Levin's point, that
Empire Stores has brought in more
money than we thought would be
brought in, when the Chairman, as the
review committee on finances, then
you will be better able to understand
if you have of a more margin to
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afford a decent contract on the Pier
6 projects.

And on the Pier 6 projects, I
would like to ask if Ms. Myer or
Mr. Steel have a report, as to
whether or not that Jehovah's
Witnesses' buildings, any of them,
have been filed for residential
re zoning by a taxpayer entity,
because December 31st, of this year,
this is the last time they have to do
that.

And to the extent that the
Jehovah's Witnesses' buildings can be
re zoned as residential, as we all
know, the Pier 6 residential units
can be reduced. Thank you.

CHAIRMAN STEEL: Any other
questions or comments, for today,
from the public?

MR. HALPIN: If I may, one
more?

CHAIRMAN STEEL: Yes, sir.

MR. HALPIN: Thank you. Hi.
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My name is Mike Halpin, again. I am with Build Up N.Y.C. I want to talk about the Brooklyn Bridge Park selection of Midtown Equities to redevelop the Empire Stores and Tobacco Warehouse properties.

I am very troubled that the Board chose to move forward with the development of Empire Stores and Tobacco Warehouse without conducting a supplemental EIS as Build Up New York City has requested.

I am also very troubled that the Board selected Midtown Equities to develop this property without ensuring that responsible construction operations and maintenance contractors will be employed on this project.

Brooklyn Bridge Park has a duty to ensure, that any developer chosen to build on public parkland, hires contractors who will create good jobs and have the expertise needed to
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build safely on sensitive waterfront locations.

What action is the Board going to take to ensure that the mistakes, of the Pier 1 condo-hotel development, are not repeated on the Empire Stores and Tobacco Warehouse properties?

And what is the Board going to do to ensure that Midtown selects responsible construction operations and maintenance contractors?

Ms. Myer, will an accurate summary, of my comments, be reflected in the minutes?

Thank you.

CHAIRMAN STEEL: Thank you very much. Yes, sir.

MR. WALCOTT: A quick comment, again.

CHAIRMAN STEEL: Your name for the record, please.

MR. WALCOTT: Dan Walcott,

Build Up New York. Again, it's a
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nice day out. I would encourage anybody, on the Board, to take a walk down to the job site down there. Take a look. You are going to see one truck and another truck. They both got the same plate number.

That is what you deal with when you deal with these types of contractors. It would pay to take a look at that and you start to see what kind of problems happen with some of these contractors.

CHAIRMAN STEEL: Thank you very much. So, with no further comments from the public, then, now, I would like to ask for a motion, from the Board, to enter into an executive session, with the Corporation's attorneys, regarding a legal matter.

BOARD MEMBER: So moved.

CHAIRMAN STEEL: Second?

BOARD MEMBER: Second.

CHAIRMAN STEEL: All in favor, signify by saying "aye."
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(A chorus of ayes.)

Opposed?

Hearing none. And now, let me invite the public, if you could give us time, we have a private session, executive session. We also represent to you that this is the end of the public session, and that there will be no votes held during the executive session.

You are welcome to return, but we will only return back to regular session to adjourn. And so, I wouldn't encourage you to wait, but you are welcome to should you wish. Thank you very much.

(Whereupon, at 11:30 a.m., the executive session was held.)

CHAIRMAN STEEL: Is there a motion to adjourn, that we are back in regular session?

BOARD MEMBER: So moved.

CHAIRMAN STEEL: Second?

BOARD MEMBER: Second.
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CHAIRMAN STEEL: All in favor,
signify by saying "aye."

(A chorus of ayes.)

(Whereupon, at 11:41 a.m., the
above meeting was adjourned.)

I, JOSHUA B. EDWARDS, a Notary
Public for and within the State of
New York, do hereby certify that the
above is a correct transcription of
my stenographic notes.

__________________________
JOSHUA B. EDWARDS, RPR
Hudson Meridian Construction Group

Starwood Capital has hired Hudson Meridian Construction Group, LLC as the general contractor for its mixed-use condo-hotel at Pier 1 Brooklyn Bridge Park. Although Starwood has partnered with responsible contractors at other recent New York City projects, including the Baccarat Hotel & Residences at 20 West 53rd Street, Starwood has selected a general contractor for Brooklyn Bridge Park with a troubling history.

Hudson Meridian Construction Group, LLC, the general contractor for Brooklyn Bridge Park, has a history of dangerous practices, illegal behavior, and faulty construction that could expose the project and the public to unnecessary disruption and risk.

Dangerous Building Practices Put Workers and the Public at Risk

From 2006 through 2012, Hudson Meridian projects were issued 200 violations of New York City building and zoning codes by the Department of Buildings and the Environmental Control Board.

- Safety violations include multiple instances of failing to protect the public from dangerous construction, resulting in the 2012 injury of a Brooklyn pedestrian struck by plywood at a construction site near Brooklyn Bridge Park.
- During a Department of Building inspection at 40 Rector Street in 2010, a parapet glass railing shattered, raining glass on the street.
- In 2007, Hudson Meridian was issued violations at 421 East 13th Street during three separate inspections for entirely failing to have a sidewalk shed to protect pedestrians.

Hudson Meridian's construction practices have also put workers at risk and resulted in a disturbing series of injuries.

- Last year alone, at least two serious accidents were documented on Hudson Meridian construction jobsites, including an incident last June where a worker was struck in the face with a heavy metal end cap which dislodged during a pressure test of the water supply.
- Hudson Meridian has been cited for failure to provide adequate guard rails to protect construction workers at least seven times since 2007, including a lack of guard rails as high as the 20th floor of a building.
- Since 2006, Hudson Meridian has been sued four times alleging negligence resulting in serious injury at their worksites. The City of New York and New York City Agencies were named as co-defendants in at least two of the suits.
Starwood’s General Contractor Plagued by Criminal Issues and Wage Theft

Hudson Meridian is known to have been affiliated with a construction company that was found guilty of cheating its workers out of wages and benefits, and which is now disqualified from bidding on construction projects with the NYC School Construction Authority.

- Hudson Meridian initially billed itself as an affiliate of an established construction firm M.A. Angeliades. In 2007 an independent arbitrator found that Hudson Meridian was an alter ego of M.A. Angeliades Inc., a unionized construction contractor, which violated the contractor’s collective bargaining agreement with the Mason Tenders District Council. The General Counsel for the National Labor Relations Board upheld this ruling in 2008.

- In 2010 the owners of M.A. Angeliades pled guilty to charges of failing to pay their workers prevailing wages on MTA projects, cheating workers out of nearly $600,000 in wages and benefits. As part of a plea agreement, Angeliades established a $3 million escrow account to settle wage claims by affected workers.

- Hudson Meridian was sued in 2009 for breach of contract by a subcontractor who alleges the company failed to pay more than two million dollars for work performed. Another subcontractor sued Hudson Meridian and M.A. Angeliades alleging breach of contract in 2011.

Poor Construction Drives Ongoing Litigation

Hudson Meridian is currently embroiled in multiple lawsuits alleging that the contractor is responsible for significant construction defects and project delays.

- Canyon Johnson Urban Fund, an urban investment fund co-led by Earvin “Magic” Johnson, is currently in litigation with Hudson Meridian, the former general contractor of a project at 12 Henry Street. Canyon Johnson alleges that the project fell six months behind schedule as a direct result of Hudson Meridian’s “incompetence.”

- The condominium board at Hudson Meridian’s 18 Morningside Avenue project is pursuing legal action for faulty construction work that has allowed water penetration through the exterior concrete walls and into the building.

- The developer of 421-433 East 13th St is currently suing Hudson Meridian for allegedly hiring a subcontractor with insufficient experience and failing to adequately supervise that subcontractor. According to the complaint the property was built with “faulty material, design and workmanship” resulting in “negligent and defective construction” that caused the developer to sustain extensive damages.
NYC Construction Safety Fact Sheet

The federal Occupational Safety and Health Administration (OSHA) recently released statistics on construction. According to OSHA’s report:

75% of all NYC workplace fatalities in 2012 were construction related.

72% of construction fatalities in NYC in 2012 occurred on job sites where workers did not participate in state approved training and apprenticeship programs.

52% of construction fatalities involved immigrant workers or workers who spoke a language other than English.

In 2012, OSHA’s federal safety and health experts conducted 741 construction inspections, issued over 1,000 serious, willful or repeat violations and assessed nearly $3.5 million in penalties to employers in New York City.

In 2012, NYC Department of Buildings inspectors conducted 281,301 building inspections, issued 49,958 violations and 5,130 Stop Work Orders.

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BROOKLYN BRIDGE PARK
Starwood Capital Fact Sheet

Starwood Capital Background
Starwood Capital is one of the largest private equity real estate investors in the country. Starwood has $23 billion under management and just raised a new $4.2 billion dollar real estate fund with huge investments in commercial office, retail, residential and hospitality. Headquartered in Greenwich, Connecticut Starwood’s CEO is Barry Sternlicht.

Starwood’s most important investors include public pension funds such as the New York State Teachers’ Retirement System, which recently invested $50 million in Starwood’s latest fund. Public records indicate that Starwood has been actively seeking investment from NYC public pension funds, including NYCTERS and the Teachers Retirement System of NYC, spending $170,000 lobbying these and other NYC public pension funds over the last two years.

New York City and State public pension funds have Responsible Contractor Policies which require these funds invest in real estate projects that employ responsible contractors whose workers receive fair wages and benefits.

NYC Development Activity
Starwood is currently developing a Hilton Hotel at 237 West 54th St in Manhattan in partnership with the Moinian Group.

Starwood was recently awarded the rights to develop a mixed-use condo and hotel project at Pier 1 in Brooklyn Bridge Park. Starwood’s project will be developed on publicly owned parkland. Starwood will not pay property taxes on the project and instead will pay an estimated $3.3 million annually in rent and payments in lieu of taxes (PILOTS) to help maintain the park.

A number of elected officials believe Starwood’s Brooklyn Bridge Park development should adhere to the state labor peace requirements of the NYS Public Authorities Law. However Starwood has refused to provide assurances that all employers engaged for the project will be required to have labor peace agreements.

Concerns About Starwood’s Commitment to Good Jobs & Responsible Development
Increasingly Starwood Capital relies on investments by public pension funds to finance their developments. However, Starwood is not insuring that all the construction, operations, maintenance and security workers on their newest projects receive prevailing wages and industry standard benefits or other provisions required by many of these pension fund’s responsible contractor policies.

A. Starwood Project Shut Down Due to Dangerous Practices
Starwood’s Hilton Hotel project at 237 West 54th St has been shut down, fully or partially, by the NYC Dept of Buildings multiple times, including at least seven separate occasions since August 2011. Many of these violations were for conditions with the potential to cause property damage, accidents, injury or even death.

8/4/2011: Failure to Protect Neighboring Property from Demolition
The Department of Buildings issued a Partial Stop Work Order at the site on August 4th, 2011 during the demolition phase of the project. According to the Department of Buildings, the demolition contractor failed to provide a fence separating the demolition work from the adjacent property, and shut down part of the site as a result.

11/16/2011: Excavation Undermines Adjacent Building
In response to complaints that building excavation work was undermining a neighboring building the Department of Buildings Issued a Partial Stop Work Order requiring the project to amend its building plans.

5/21/2012: Worker Injured Due to Lack of Protection
The Department of Buildings issued a Partial Stop Work Order on May 21, 2012 after a worker was injured while pouring concrete due to a lack of overhead protection. The Stop Work Order forced the project to suspend all concrete operations above the fourth floor. This Stop Work Order was rescinded on May 29th, 2012.

10/5/12: Piece of Metal Beam Fell from the 30th Floor
The Department of Buildings issued an immediate Stop Work Order at 237 West 54th St in response to dangerous construction activity at the site.

The job site was shut down because a piece of metal beam fell from the 30th floor of the project onto the second floor of an adjacent building. Additionally, the Stop Work Order mentioned that there was no fire safety manager.
present on the site. This is especially troubling in light of the fact that a fire broke out on the site previously in 2011. The Department of Buildings rescinded this Stop Work Order ten days later on October 15th, 2012.

12/22/12: Piece of Iron Fell During Concrete Stripping
On December 22nd, 2012, the Department of Buildings issued a full Stop Work Order at 237 West 54th St in response to a falling piece of angle iron that came loose during a concrete stripping operation.

1/9/13: Failure to Provide Safety Netting
On January 9th, 2013, the Department of Buildings issued a partial Stop Work Order which forced Moinian to shut down all work on the 34th and 35th floors of the building because of a lack of safety netting at the site.

The Department of Buildings had issued a violation against this job previously on October 12th for a lack of safety netting. This is especially troubling in light of the two previous Stop Work Orders due to falling pieces of metal from the site. The Department of Buildings rescinded the Stop Work Order five days later and allowed work to resume.

B. Residents allege Damage Caused by Starwood Construction Project
In February 2012, the New York Post reported that tenants of 243 W. 54th St., a building owned by the Moinian Group, complained to the NYC Department of Buildings about damage to their homes caused by the adjacent construction at 237 West 54th St, the Starwood-Moinian joint venture.

Previously in July 2011 a fire broke out at the construction site at 237 West 54th St, forcing the tenants of the adjacent Moinian building to evacuate.

C. Starwood Subcontractors Drive Down Standards and Put Public at Risk, General Contractor has Extensive History of Illegal Activity
Starwood has hired construction subcontractors at 237 West 54th St that do not participate in the well-established training and apprenticeship programs or provide all of their employees the wages and benefits at the established industry standards. Additionally the general contractor on this project from October 2011 through December 2012 was Icon NY/NJ whose owner has a history of illegal activity.

Starwood Subcontractor Endangers Public with Fake OSHA Safety Certifications
RNC Industries, a subcontractor who worked on 237 West 54th St, is alleged to have engaged in the distribution of falsified OSHA safety certifications. RNC representatives allegedly sold unearned OSHA safety cards for $50 dollars apiece to RNC employees who have not taken the safety training needed to earn such certifications. These actions put the health and safety of the public and construction workers at risk and are illegal.

Icon Principal Jailed for Embezzling Public Funds: Manny Bana, current principal of Icon NY/NJ and former owner of Icon Construction Corp., was indicted on March 29, 2005 for embezzling nearly $1 million in public funds earmarked for school construction and renovation projects in Edison Township NJ. As a result, in 2006 Bana was sentenced to five years in State prison.

Icon Principal Debarred by the State of NJ: In connection with the embezzlement charges, Bana and his previous firm Icon Construction Corp. were also debarred by the New Jersey Schools Construction Corporation and the State Division of Property Management and Construction from receiving public works contracts in New Jersey.

Icon Principal Indicted for Loan Sharking: In 2009, Bana was charged by the Brooklyn District Attorney with extortionate collection of credit, commonly known as loan sharking. In April 2012, Bana was sentenced to 12 months probation in connection with the indictment and ordered to pay $12,500 in restitution.

Join Our Effort to get Starwood Capital to take the High Road
Build Up NYC is working for good jobs and responsible development. Developers who finance, construct and operate buildings in New York have a responsibility to the communities, tenants and workers who make their success possible. Investing in good jobs build strong communities and grows a bigger and stronger New York.

Developers who rely on public pension funds and get public benefits, such as payments in lieu of taxes (PILOT’s), free land or subsidies, should contribute to the local economy by insuring that the workers who build, operate and secure their properties earn the established industry standard wages and benefits; and have the opportunity to participate in well-established training and apprenticeship programs.
Empire Pile and Foundations, Inc. Fact Sheet

Empire Pile and Foundations, Inc. has equipment on-site at Starwood's Pier One Hotel and Condo Development in Brooklyn Bridge Park. Despite eyewitness reports that Empire has employees on site, Starwood's development partner, Toll Brothers, claims that Empire is only renting equipment to a subcontractor and that Empire is not performing any work on the project.

Expired Workers Compensation Coverage
- Empire Pile and Foundations, Inc. has no active Workers’ Compensation Insurance Coverage.
- According to the NYS Workers Compensation Board, Empire cancelled its coverage in 2010.

Expired Disability Benefits Coverage
- Empire Pile and Foundations, Inc. has no active Disability Benefits Coverage.
- According to the NYS Workers Compensation Board, Empire’s policy was cancelled because the company failed to pay its disability coverage premium.

Lack of Coverage Generates Potential Liability
- If Empire has employees working on-site, the legal liability associated with a lack of Workers Compensation insurance and expired Disability Benefits coverage could potentially reach back to the Brooklyn Bridge Park Corporation, as owner of the property in question, as well as the developer and the general contractor.

Expired NYC Department of Buildings License
- Contractors who perform excavation work are required by the NYC Department of Buildings to have an active general contractor license or safety registration.
- Empire Pile and Foundations, Inc’s general contractor license expired in 2009. Additionally, the Department of Building’s Building Information System indicates that Empire does not have the required safety registration.

Inactive US Department of Transportation Number
- Companies that operate commercial vehicles transporting passengers or hauling cargo in interstate commerce must be registered with the Federal Motor Carrier Safety Administration (FMCSA) and must have a US Department of Transportation (USDOT) Number.
- Empire Pile and Foundations has a flat bed truck at the Pier 1 construction site in Brooklyn Bridge Park that has an inactive US DOT registration number. It is unclear who is operating this vehicle.

Expired License Plate
- Empire Pile and Foundations’ vehicle witnessed at the Pier 1 construction site in Brooklyn Bridge Park also has an expired NYS license plate.
The Brooklyn Bridge Park Corporation, d/b/a Brooklyn Bridge Park, is the not-for-profit entity responsible for the planning, construction, maintenance and operation of Brooklyn Bridge Park, an 85-acre sustainable waterfront park stretching 1.3 miles along Brooklyn’s East River shoreline. The Corporation’s mission is to create and maintain a world class park that is a recreational, environmental and cultural destination enjoyed by both citizens and visitors of New York City. The Corporation operates under a mandate, substantiated by its General Project Plan, to be financially self-sustaining, which includes the activation of certain development sites within the project’s footprint.