

**DRAFT - SUBJECT TO REVIEW AND REVISION**

**LOWER MANHATTAN DEVELOPMENT CORPORATION**

Meeting of the Directors  
Held at the Offices of the Corporation  
One Liberty Plaza - 20th Floor  
New York, New York 10006

April 6, 2006

**MINUTES**

**In Attendance**

**Directors:**

John C. Whitehead, Chairman  
Lawrence T. Babbio, Jr.  
Robert Balanchandran  
Amanda M. Burden (via telephone)  
Daniel L. Doctoroff  
Robert M. Harding  
Thomas Johnson  
James Kallstrom  
Edward J. Malloy (via telephone)  
William C. Rudin  
Martha E. Stark (via telephone)  
Carl B. Weisbrod

**Staff Attending:**

**For Lower Manhattan Development Corporation:**

Stefan Pryor, President and CEO  
Bissera Antikarov, Director - Planning  
Allison Bailey, Secretary of the Corporation and Special Asst. to the President  
Irene Chang, General Counsel  
Dan Ciniello, Senior Vice President - Operations  
Valerie Corbett, Senior Vice President - Projects and Programs  
John Gallagher, Director of Communications  
Victor Gallo, Environmental Counsel and Regulatory Affairs  
Michael Haberman, Vice President - Community Development and Relations  
Eileen McEvoy, Assistant Secretary  
Robert Miller, Chief Financial Officer  
Anne Papageorge, Senior Vice President - Memorial and Cultural Development

Amy Weisser, Assistant Vice President -  
Memorial, Cultural and Civic Programs

Other Staff

**For Speaker Sheldon Silver:**

Judy Rapfogel, Chief of Staff

**Counsel to the Board:**

Joel Moser, Esq., Fulbright & Jaworski

**For Governor Pataki:**

Doug Blais

**Lower Manhattan Construction Command Center**

Charles Maikish, Executive Director  
Daniel McCormack, First Deputy Executive  
Director

**Also Present:**

The Public  
The Media and Press

The meeting of the Lower Manhattan Development Corporation ("LMDC") was called to order at 8:11 a.m. It was noted for the record that notice to the public and news media of the time and place of the meeting had been given in compliance with the New York State Open Meetings Law.

The first order of business was the approval of the Minutes of the March 9, 2006 Directors' Meeting. There being no comments or corrections, upon motion duly made and seconded, the following resolution was unanimously adopted:

APPROVAL OF MINUTES AND RATIFICATIONS OF ACTIONS TAKEN AT  
THE MARCH 9, 2006 MEETING OF THE DIRECTORS OF THE LOWER  
MANHATTAN DEVELOPMENT CORPORATION

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RESOLVED, that the minutes of the meeting of the Corporation held on March 9, 2006, as presented to this meeting, are hereby approved and all actions taken by the Directors presented at such meeting, as set forth in such minutes, are hereby in all respects and approved as actions of the Corporation.

\* \* \*

The Chairman opened his report by noting that on March 13<sup>th</sup>, the first phase of work began on the Memorial, explaining that workers are now demarcating and protecting the box beam columns, as well as assessing site conditions and performing other logistical work.

The Chairman went on to speak briefly about the deconstruction of the Deutsche Bank Building, noting that the workers have begun the cleaning and removal of materials from the building.

The Chairman then noted that Seven World Trade Center and

David Childs were recognized earlier in the week by the Municipal Arts Society, receiving a Masterwork Award for "Best New Building."

The Chairman then spoke at length regarding the resurgence of Lower Manhattan as an attractive community for both residents and businesses.

Following the conclusion of the Chairman's report, Mr. Pryor began his report by noting his appreciation for staff working on the Memorial and 130 Liberty Street projects.

Mr. Pryor then spoke about the first graduation ceremony for the Battery Park/Downtown Community Emergency Response Team (or CERT), which was held earlier in the week. He noted that the LMDC had funded this new program, and would also be funding a second class for the 27-hour training course in emergency response, first aid, and assisting first responders.

Mr. Pryor then reported on a recent event that had taken place to kick off the Clean Streets Program that was recently initiated in Chinatown. He noted that LMDC joined together with the Chinatown Partnership Local Development Corporation and the September 11<sup>th</sup> Fund to launch the first phase of the four-year

campaign to improve and maintain sanitary conditions in Chinatown.

Mr. Pryor then provided a brief outline of several of the items on the Agenda, including the first set of Cultural Enhancement Funds Recipient Agreements to go forward as part of the Cultural Enhancement Funding Plan adopted by the Board in March.

Next, Director Babbio provided the Audit and Finance report. Director Babbio opened by stating that the Committee reviewed the purpose, cost justification, availability of funds, and Board Working Group comments relevant to the funding resolutions on today's agenda and based upon same, the Committee recommends the approval of those resolutions.

Director Babbio then stated that the Directors had been provided with the variance report through February 28<sup>th</sup>. He further stated that the report compares authorizations with actual expenditures to date. He further noted that generally, the expenditures remain below the committed or budgeted levels.

Director Babbio then explained that the Committee is working with LMDC management to develop a revised approach to

budgeting for the upcoming fiscal year. It is anticipated, he noted, that this approach will provide a clearer view of the day-to-day operations versus the allocations for individual programs.

Director Babbio then presented a request to the Board to adopt the 2006/2007 Fiscal Year Budget.

Director Babbio provided the relevant background information with regard to this request. Specifically, Director Babbio stated that the budget reflects the fact that the LMDC planning and administrative activity continues to decline as the Corporation now focuses on the implementation of many of the programs that it has initiated.

Following Director Babbio's full presentation, the Chairman read the resolution into the record and upon motion duly made and seconded, the following resolution was unanimously adopted:

Approval of 2006-07 Fiscal Year Budget

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RESOLVED, that the Budget of the Corporation for fiscal year 2006-07 is hereby adopted as presented to this meeting; and be it

FURTHER RESOLVED, that the President and Chief Financial Officer are authorized and directed to implement and carry out the Budget and are directed to inform the Board of material variances from the Budget.

\* \* \*

Ms. Papageorge then asked the Directors to authorize LMDC to amend the World Trade Center Memorial Museum design contracts with Davis Brody Bond LLP and Snohetta, A.S. and to expend up to an additional \$10,845,808 for services for the World Trade Center Memorial Museum through September 2009.

Following this presentation, the Chairman read the relevant resolution into the record and upon motion duly made and seconded, the following resolution was unanimously adopted:

Amendment of Contracts for World Trade Center Memorial  
Museum Contracts

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RESOLVED, that the Corporation is hereby authorized to amend its agreements with each of Davis Brody Bond LLP and Snohetta, A.S. to increase the total authorized expenditures for services for the World Trade Center Memorial Museum, including construction documents and services during construction under such agreements, by an additional \$10,845,808 to an amount not to exceed \$15,933,808 for such agreements in the aggregate, as described in the materials presented to the Board at this meeting; and be it

FURTHER RESOLVED, that the expenditures approved hereby shall be allocated from funds included in Partial Action Plans 8 and 11; and be it

FURTHER RESOLVED, that the proper officers of the Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing.

\* \* \*

Next, Mr. Haberman presented a request for authorization for LMDC to enter into a subrecipient agreement with The City of New York to provide funds for the Chinatown/Lower East Side Acquisition Grant Program.

Mr. Haberman provided a detailed synopsis of the requested action noting, in part, that the program is expected to preserve or create a minimum of 160 affordable units in the area specified in the agreements.

Following Mr. Haberman's full presentation, the Chairman read the relevant resolution into the record and upon motion duly made and seconded, the following resolution was unanimously adopted:

Chinatown/Lower East Side Acquisition Grant Program  
Subrecipient Agreement

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RESOLVED, that the Corporation is hereby authorized to enter into a subrecipient agreement with The City of New York to provide funds for the Chinatown/Lower East Side Acquisition Grant Program, as described in the materials presented to the Board at this meeting; and be it

FURTHER RESOLVED, that the amount to be expended by the Corporation pursuant to such subrecipient agreement shall not exceed \$16,000,000, which expenditure shall be allocated from funds included in Partial Action Plan 6; and be it

FURTHER RESOLVED, that the proper officers of the



Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing.

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Next, Mr. Haberman presented a request for authorization for LMDC to enter into a subrecipient agreement with The City of New York Department of Transportation (DOT) to provide funds for costs associated with the planning of an upgrade to the City DOT's Management Oriented Street Attribute Information Control System (MOSAICS) Permitting System.

Following this presentation, the Chairman read the relevant resolution into the record and upon motion duly made and seconded, the following resolution was unanimously adopted:

MOSAICS Permitting System Subrecipient Agreement

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RESOLVED, that the Corporation is hereby authorized to enter into a subrecipient agreement with The City of New York Department of Transportation to provide funds for costs associated with the planning of an upgrade to the MOSAICS Permitting System; and be it

FURTHER RESOLVED, that the amount to be expended by the Corporation pursuant to such subrecipient agreement shall not exceed \$400,000, which expenditure shall be allocated from funds included in Partial Action Plan S-2; and be it

FURTHER RESOLVED, that the proper officers of the Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing.

\* \* \*

Ms. Weisser then presented two requests. The first was for authorization for LMDC to enter into subrecipient agreements for projects previously approved through the Cultural Enhancement Funding Plan with Dance New Amsterdam, Lower Manhattan Cultural Council, Minetta Brook, and 3-Legged Dog.

Next, Ms. Weisser presented a request for LMDC to amend its subrecipient agreement with Sound Portraits Productions for the ongoing operation of the StoryCorps oral history recording booth at the World Trade Center site. She noted that this amendment would reflect the award given to StoryCorps through the Cultural Enhancement Funding Plan.

Following both presentations, Director Doctoroff asked the criteria by which these particular projects were being brought to the Board for subrecipient agreement approval as opposed to other projects.

Ms. Weisser explained that the set brought forward at this meeting represented the projects that are ready to move forward immediately.

Director Doctoroff then asked if part of the standard included the availability of or the completion of additional fundraising activities.

Ms. Weisser stated that that was a criterion of the Advisory Panel and the Board in reviewing the Cultural Enhancement Funding Plan and awarding grants to institutions. She stated that in each of these proposals, LMDC has received assurances that its funds will enable a project to go forward and that there will be enough funds available to ensure completion of the LMDC-funded portion of the project.

There being no further questions or comments, the Chairman read the resolution relating to Ms. Weisser's first request into the record and upon motion duly made and seconded, the following resolution was unanimously adopted (It was noted for the record the Director Weisbrod recused himself from voting with regard to the Lower Manhattan Cultural Council portion of the following resolution.):

#### Cultural Enhancement Funds Subrecipient Agreements

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RESOLVED, that the Corporation is hereby authorized to enter into a subrecipient agreement with each of (a) Dance New Amsterdam for costs associated with Phase II construction in an amount not to exceed \$500,000, (b) Lower Manhattan Cultural Council for costs associated with site acquisition in an amount

not to exceed \$1,500,000, (c) Minetta Brook for costs associated with site acquisition in an amount not to exceed \$500,000, and (d) 3 Legged Dog d/b/a 3LD Art & Technology Center for costs associated with program support in an amount not to exceed \$1,500,000, as part of the Cultural Enhancement Fund grants, as described in the materials presented to the Board at this meeting; and be it

FURTHER RESOLVED, that the amount to be expended by the Corporation pursuant to such subrecipient agreements shall not exceed \$4,000,000 in the aggregate, which expenditures shall be allocated from funds included in Partial Action Plan 11; and be it

FURTHER RESOLVED, that the proper officers of the Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing.

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The Chairman then read the resolution relating to Ms. Weisser's second request into the record and upon motion duly made and seconded, the following resolution was unanimously adopted:

Amendment of Subrecipient Agreement with StoryCorps

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RESOLVED, that the Corporation is hereby authorized to amend its subrecipient agreement with Sound Portraits Productions to increase the authorized expenditures thereunder by an additional \$1,000,000 for the ongoing operation of the StoryCorps oral history recording booth at the World Trade Center site, as described in the materials presented to the Board at this meeting; and be it

FURTHER RESOLVED, that the expenditures approved hereby shall be allocated from funds included in Partial Action Plan 11; and be it

FURTHER RESOLVED, that the proper officers of the

Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing.

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Next, Ms. Chang requested authorization for LMDC to amend and extend its agreement with The Louis Berger Group, Inc. for environmental services. She explained that the term of the contract would be extended by six months to October 15, 2006 and that the contract would be increased by an amount not to exceed \$60,000.

Following Ms. Chang's presentation of the specifics of this request, the Chairman read the relevant resolution into the record and upon motion duly made and seconded, the following resolution was unanimously adopted:

Amendment and Extension of Contract for Environmental Services

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RESOLVED, that the Corporation is hereby authorized to amend its agreement with The Louis Berger Group, Inc. for environmental services and related expenditures to increase the authorized expenditures thereunder by an additional \$60,000 and to extend the term of such agreement for an additional six-month period, as described in the materials presented to the Board at this meeting; and be it

FURTHER RESOLVED, that the expenditures approved hereby shall be allocated from funds included in Partial Action Plan 8; and be it

FURTHER RESOLVED, that the proper officers of the

Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing.

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Next, Mr. Gallo presented a request for authorization for LMDC to approve and adopt the Environmental Assessment and Finding of No Significant Impact for Hudson River Park Segment 3.

Following this presentation, Director Balachandran commented positively on the proposed project, stating that it was an important milestone in the process. He thanked all those involved on behalf of the Hudson River Park Trust staff.

There being no further comments, the Chairman noted that the relevant resolution had been included with the Board Materials previously included in the Directors' environmental materials. He further explained that because of that he would only read the heading into the record. Following the Chairman's recitation, and upon motion duly made and seconded, the following resolution was unanimously adopted:

Approval of the Environmental Assessment and Finding of No Significant Impact for Hudson River Park Segment 3

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RESOLVED, that, on the basis of the materials presented to

this meeting, a copy of which is hereby ordered filed with the records of the Corporation relating to Hudson River Park Segment 3, the Corporation hereby approves and adopts the environmental assessment ("EA") and Finding of No Significant Impact and Determination of Non-Significance ("FONSI") for Hudson River Park Segment 3 in the forms submitted to this meeting, a copy of which EA and FONSI are hereby ordered filed with the records of the Corporation, finds that the EA and FONSI meet the requirements of the National Environmental Policy Act (NEPA) and the New York State Environmental Quality Review Act (SEQRA), and determines that construction of Hudson River Park Segment 3 will not have any significant adverse environmental impacts or have a significant impact on the quality of human environment; and be it

FURTHER RESOLVED, that the President of Corporation or his designee is hereby authorized to take such action as deemed necessary or appropriate in connection with the EA and FONSI pursuant to NEPA, SEQRA and any other applicable law, including without limitation, the providing, filing or making available of copies of the EA and FONSI and/or digests thereof.

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There being no further business, the meeting was adjourned at 8:46 a.m.

Respectfully submitted,

Eileen McEvoy  
Assistant Secretary