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Atlantic Yards Community Development Corporation

A Subsidiary of Empire State Development

ATLANTIC YARDS COMMUNITY DEVELOPMENT CORPORATION
at the New York City Offices of
Empire State Development
633 Third Avenue – 37th Floor Conference Room
New York, New York 10017

Meeting of the Directors

Tuesday
September 20, 2016 at 3:00 pm

PROPOSED AGENDA

CORPORATE ACTION

1. Approval of the Minutes of the May 17, 2016 Directors' Meeting

FOR INFORMATION

2. President's Report – Corporate Update (Oral Report)
   - Community Relations Update
   - Project Update – Greenland Forest City Partners
3. Public Comments

Item #1

Atlantic Yards Community Development Corporation
Meeting of the Directors
Held at the Long Island University's Brooklyn Campus
Library Learning Center – Room 515C
One University Plaza
Brooklyn, New York 11201

May 17, 2016

MINUTES

In Attendance

Directors:	Howard A. Zemsky – Chairman Shawn Austin Julene Beckford Joseph Chan Liz Harris Jennifer James Daniel Kummer Tamara McCaw Jaime Stein Barika X. Williams
AYCDC Staff:	Tobi Jaiyesimi – AYCDC Director Marion Phillips, III – President Debbie Royce – Corporate Secretary
ESD Staff:	Rachel Shatz – VP, Planning & Environmental Review Robin Stout – Senior Counsel Jonah Bruno – Press Secretary Nicole Jordan – Manager, Community Relations Greg Lynch – Senior Inspector, Atlantic Yards
Also Present:	Jennifer Bienemann, HDR Jeff Martirano, HDR Ashley Cotton, Greenland Forest City Partners Members of the Media Members of the Press Members of the Public

The meeting of the Atlantic Yards Community Development Corporation (the "Corporation" or "AYCDC"), was called to order at 3:10 p.m. by Chairman Zemsky. Mr. Zemsky introduced two new AYCDC Directors, Ms. Jennifer James and Mr. Daniel Kummer.

The Chairman reminded the Directors that the meeting was being webcast and that they had received the written materials in advance of the meeting and were free to ask questions at any time. He noted for the record the Corporation's policy which welcomes public comments on items on the meeting's Agenda. He also noted, as referenced as the final Agenda item, that time would be made available for members of the public to make non-Agenda related comments.

Before beginning with the substantive portion of the meeting, Chairman Zemsky asked the Directors whether anyone had any potential conflict of interest with respect to any of the items on the proposed Agenda. Hearing none, he turned to the first order of business, approving the Minutes of the Directors' meeting on March 15, 2016.

Hearing no comments or edits from the Directors, upon motion duly made and seconded, the following resolution was unanimously adopted:

ATLANTIC YARDS COMMUNITY DEVELOPMENT CORPORATION – Approval of Minutes of the March 15, 2016 Meeting of the Directors of the Atlantic Yards Community Development Corporation

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RESOLVED, that the Minutes of the meeting of the Corporation held on March 15, 2016 are hereby approved and all actions taken by the Directors present at such meetings as set forth in

such Minutes, are hereby in all respects ratified and approved as actions of the Corporation.

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The Chairman then turned the meeting over to Mr. Phillips to provide the President's report. He noted that the oral report was an informational item that required no vote.

Mr. Phillips explained that the President's Report consisted of three parts, a presentation by HDR, ESD's environmental monitor; a Community Relations update; and a construction update provided by the Project Developer, Greenland Forest City Partners.

Mr. Phillips noted that there were no updates on the proposed changes to Project Development Site 5.

Speaking on the community feedback app, Mr. Phillips noted that a digital solution in the form of a mobile website is in the works. He further noted the mobile website will have the same functionality as an app. Lastly, he stated the scope of work will be made available to Directors for their input, as well as having outreach to the community.

Director Kummer asked if there was any opposition to the development of a mobile website or whether there were any meaningful differences between a mobile website and an app that should be taken into consideration before the shift in direction. Mr. Phillips acknowledged that members of the public wanted to address this question.

Three members of the public made comment in response to Director Kummer's question. Gib Veconi noted that it was very important for the digital solution to have the ability to geo-code complaints. Steve Ettlinger recommended looking at the 311 app as a model. Peter Krashes added the need for transparency and openness in posting complaints and responses.

Mr. Phillips then introduced HDR's Jennifer Bienemann to give an environmental update. Before Ms. Bienemann's presentation, Mr. Phillips noted that Directors were sent responses to all questions from the March 15, 2016 meeting and that Directors have been sent all 2015 Quarterly Reports. He stated that moving forward, reports will be provided by 90 days after the end of the reporting quarter.

Ms. Bienemann introduced herself as HDR's project manager for the mitigation monitoring program at Atlantic Yards. She advised that of the five projects HDR monitors in New York City, Atlantic Yards is by far the most robust, thorough, and expansive in scope. She explained the organizational chart for overseeing compliance with the Memorandum of Environmental Commitments (MEC), HDR's scope of work, and how data is compiled for the quarterly reports sent to Directors. She further explained that HDR performs one full day and three unannounced half day site visits each week, plus random site visits during weekend and nighttime hours when work is being performed.

Ms. Bienemann's presentation provided examples of what the team observes during

site visits to ensure compliance with the MEC; how the compliance rate is monitored; and how recommendations for improvement are formulated and communicated. She mentioned that HDR monitors compliance for, among other things: air quality, dust suppression, and vehicle washing; truck routing, site ingress and egress, idling, and queuing; and noise mitigation. She advised that HDR maintains a mitigation matrix spreadsheet as a tool to monitor MEC compliance.

Following the presentation, Director Stein asked about the specific recommendations on proactive planning mentioned in HDR's third quarter 2015 report. Ms. Bienemann explained that proactive planning happens through weekly calls, bi-monthly site-wide coordination meetings, quarterly meetings on the mitigation matrix, and developing the six month look ahead.

Director Stein inquired about the signage for truck protocols mentioned in the presentation and Ms. Bienemann responded that language for the signs was still being finalized and would be implemented upon approval.

Director Stein asked how the recommendations were being tracked and what metrics were used to ensure success. Ms. Bienemann explained that the recommendations were just being implemented so a tracking system has not been finalized, but the metrics reports for August through March show rates of compliance at 90% or better across the site. She also added that the metrics are available as an appendix to the quarterly reports.

Director Stein then asked for information on the issues that take the longest to resolve, noting that some issues are resolved the same day, but citing from the fourth quarter report that 17% of incidents took up to one month to resolve and three percent took over a month. Ms. Beinemann responded that these incidents typically reflected potential structural and reoccurring problems that require additional time to develop a solution and course of action.

The meeting then turned to a Community Relations Update from Nicole Jordan. Ms. Jordan gave an overview of the issues discussed at the April 14, 2016 Community Update meeting and reminded Directors that the meeting notes were sent along with the Incident Log. She explained that, since the last AYCDC Directors' meeting, of the 14 new incidents that were added to the log, nine were non-MEC related items. She noted there were items on the log classified as pending but a response was sent from the Barclays Center representatives and that, along with updates on the two other pending incidents, will be reflected in the next edition of the log sent to Directors.

Ms. Jordan stated that there were two meetings with NYPD representatives, including a walk-through of the Project site. She explained that the walk-through and the meeting were held to discuss the ESD Incident Log and the precinct's suggestions on how to address issues in their jurisdiction. She concluded her presentation by announcing that the next Community Update Meeting is scheduled for June 14th at 55 Hanson Place.

Director Kummer asked how it was possible to tell which incidents were new on the log. Ms. Jordan replied that open incidents, pending a response from an outside party, are highlighted in yellow.

Director Williams asked about the lines of communication with the NYPD and Barclays Center, and whether they would have representatives at AYCDC Meetings given that a number of the open incidents tend to fall in their jurisdiction. Ms. Jordan gave an example of the parking issues that arise as a result of events at the Barclays and she noted that the NYPD has approved the language used to describe the incidents in the ESD log. Ms. Jordan further explained that she works closely with the Community Liaison for the Barclays Center and maintains an open line of communication through regular e-mails, calls and meetings.

Terrence Kelly then introduced himself as the Community Affairs representative for the arena and he committed to making himself available to the Board, regular attendance at AYCDC Meetings, and addressing community complaints.

Director Beckford stated that she found the notes from the Community Update Meeting very helpful as a supplement to what is discussed at Board meetings. She thanked Ms. Jordan for her work on the Project and expressed interest in attending the next Community Update Meeting.

Director Stein then requested more detailed Community Update Meeting minutes. She also noted that community members have requested video recording at Community Update

Meetings. Additionally, she requested a summation of the ESD Incident log to help Directors understand the reoccurring issues.

Director Harris remarked that she attended the last Community Update Meeting and found the minutes developed to be comprehensive. She asked Director Stein if she had communicated in advance what she thought was missed and tried to address the concerns in advance. In response, Director Stein noted that she had concerns regarding the representation of the sexual harassment charge, and clarifying the role of arena operations and construction activity. Director Stein also mentioned that she invited Ms. Howard to the meeting to tell the Board her full story.

Director Williams then turned the discussion to the notification system for community meetings and ensuring that new residents know how to get updates on the Project and report any incidents. Director Williams suggested having signs with the Developer's contact information at the construction site. In response, Mr. Phillips noted that there are signs around the Project site with the contact information for the State and the Developer. Ms. Jaiyesimi added that contact information for the Developer's and ESD's Community Liaison Offices is listed on all distributed materials. She further noted that Directors were welcome to make recommendations on contacts to add to the current e-mail blast list.

Ms. Jordan shared that the e-mail blast list includes community organizations, Community Boards, local colleges and elected officials.

Director Williams also noted that AYCDC meeting notices are currently not listed on the ESD Atlantic Yards Project site. Mr. Phillips noted that advance public notice is given for all AYCDC Directors' meetings on ESD's website.

Director Kummer, speaking from his experience as a former Community Board Chair, noted that meeting minutes can have a wide range of thought and quality. He suggested that whoever was responsible for taking notes incorporate as much detail as possible on the issues raised during the meetings. Mr. Phillips responded that the staff will continue to take detailed notes and cross check the information before it is sent to the Directors.

Mr. Phillips then turned the meeting over to Ashley Cotton, of developer Greenland Forest City Partners and also representing Barclays Center, to provide the Developer's Project update. Ms. Cotton's presentation started with an update on work at the Long Island Rail Road ("LIRR") rail yard. She noted that a maintenance of equipment modular building was installed and advised the building will house LIRR cleaning and train maintenance staff.

Ms. Cotton stated the condo building at 550 Vanderbilt Avenue, which topped out in November, currently has façade installations completed halfway up the building, while interior work continues. She noted the lottery for the approximately 300 affordable units at 535 Carlton Avenue will be the next to open after the current lottery at 461 Dean Street and stated that. 535 Carlton is also topped out and façade installation continues.

Ms. Cotton went on to explain that construction at 38 6th Avenue, a 100% affordable building, has reached the tenth floor and the building will also be the future site of a health center. She noted that there will be 300 market rate rental units and a middle school housed at 664 Pacific Street, where demolition has been completed. At 615 Dean Street, she advised foundation work is on-going.

Ms. Cotton noted that final modular unit was installed at 461 Dean Street and stated that its affordable housing lottery opened on April 27th and will close June 27, 2016. She advised that information about the building's lottery, including income bands and the number of units available, is on the building's website and also the New York City Housing Connect affordable housing portal. She welcomed any suggestions how to get the word out about the housing lottery.

Following Ms. Cotton's presentation, Director Kummer spoke about a letter sent to the Board from members of the community regarding gathering information on Project-related incidents. He recommended that in response to the letter a meeting be held with Mr. Krashes from the Barclays Center Impact Zone Alliance, representatives from the Mayor's Community Affairs Unit, ESD, AYCDC, and the Developer. Mr. Phillips responded that the staff will work on scheduling the meeting with all parties. Director Williams then asked for clarification on the letter Director Kummer referenced and the meeting being scheduled. Mr. Phillips gave highlights of the letter which was sent by a group of community members with concerns about how complaints were recorded, openness with City and State agencies, and an attempt to

address recurring concerns raised by HDR and the ESD Incident Log. Director Kummer added that he would urge all parties attending the meeting to come with a reasonable mind to work towards a realistic solution.

Mr. Phillips noted that the President's Report was complete. The meeting then turned to the public comment period, and Ms. Jordan was asked to call on members of the public wishing to make comments.

Elicia Howard was the first speaker. She expressed concern that her issue was falling to the wayside. Ms. Howard noted that after watching the video footage of the March AYCDC Directors' Meeting and also meeting with Director Stein, she wanted to tell her story and address the Board directly. She noted that that she experienced harassment from construction workers starting in September. She stated there was a troubling incident with a construction worker who described her day-to-day activities; she asserts that he drew hearts on her car window, and watched while she did laundry. Ms. Howard noted that the harassment worsened and continued for months.

In December, Ms. Howard stated she got into an argument with one of the construction workers in a store on Dean Street. She described the circumstances leading up to the incident and how she was called an expletive insult because she ignored repeated greetings. Following this incident Ms. Howard noted that she tried speaking to a representative for Tishman Construction but was met with rude behavior and her complaint disregarded.

Ms. Howard indicated that a few days later, while on her way home she was sexually assaulted by a group exiting the Barclays Center. She advised that a police report was filed on the incident. She stated that it was difficult living with constant harassment and that the incidents have affected her emotionally.

Terrence Kelly spoke next representing the Barclays Center. He noted that the code of conduct for arena events has changed; the new language is included in the PA address before games; and will also be included into next season's code of conduct video. Mr. Kelly gave an update on events at the arena, the playoff schedule for the Islanders, and coordination with NYDP's 78th Precinct to address traffic issues.

Representing the Barclays Center Impact Zone Alliance, Steve Ettlinger requested having Community Update Meeting minutes, video recording, and attendance by contractors and consultants. He also spoke about changes to the ESD Incident Log and tracking complaints posted on various platforms. Mr. Ettlinger then asked who supplies the incidents of non-compliance, and if HDR includes 311 and Atlantic Yards Watch complaints or Instagram postings in its observations. Mr. Phillips noted that the public comment period was not a Q&A Session, but that responses would be circulated after the meeting.

Peter Krashes spoke about the community letter sent to the Board, HDR's presentation, and a request for a project manager who is on site at all times. He mentioned concerns with Project oversight, documenting complaints and responses,

creating direct and timely transparency, addressing violations of City regulations, and having security at the Project site.

Gib Veconi representing the Prospect Heights Neighborhood Development Council noted that there was no update provided on the proposed project change to Site B4. He stressed the importance of addressing the production timeline for the affordable housing units and maintaining the 35% affordable threshold established by the State with the Developer in 2014.

Mr. Phillips noted that the Developer has not submitted any formal proposal for Site B4 modification, and that the June 2014 commitment made with the Developer about the 35% affordable housing threshold would be maintained regardless of the proposed changes. He advised the time frames for the delivery of the affordable housing units would remain the same as well. Mr. Phillips also mentioned the Construction Worker ID system; all sites and workers have been tagged and as new employees come to the site they will be given stickers and badges.

Director Austin then asked about the timeline for responses to questions raised during the meeting, including security. Mr. Phillips noted that responses will be circulated as expeditiously as possible.

The discussion then turned to the public announcements and security protocols during events at the Barclays Center. Mr. Kelly explained when and how the

announcements are made; and stated that all arena events have a code of conduct video and also other announcement outside and inside the arena.

Ms. Cotton spoke on security announcements and protocols. She explained that Barclays Center security is on the plaza and in the building, and that there is coordination with the local precinct and private security force to address any public safety issues beyond the plaza and the building. Director Williams asked for a presentation on the security protocol for the arena and the Project site at the next AYCDC meeting.

Director Chan asked for clarification on the construction worker ID program. Ms. Cotton in response noted that every worker on site has an ID with their name and picture that is color-coded by contractor; the workers also have a matching color-coded sticker on their helmets and workers are given ID tags and helmet stickers as they come on to the Project.

Ms. Cotton stressed that members of the community can contact her directly with any concerns but if there is a case of harassment or assault, the police should be contacted immediately.

Director Stein asked whether the new construction workers to come on the site will be given information on the reason for the ID tags and helmet stickers. Ms. Cotton explained the standard of behavior and code of conduct that is expected of the workers and the requirement to abide by the law.

Director Kummer asked whether the construction workers are required to wear the helmets when off premises. In response, Ms. Cotton noted that typical behavior is for the workers to keep their helmets and vests on during their lunch breaks.

Chairman Zemsky asked if the Directors had any additional questions or comments, hearing none, the meeting was adjourned at 4:43 p.m.

Respectfully submitted,

Debbie Royce
Corporate Secretary