Minutes of the Meeting of the Board of Trustees
Wednesday, June 27, 2018, at 9:30 a.m.
205 East 42nd Street, Room 0725
New York, New York 10017

Trustees Present:
Hon. Philip Berry, Acting Chairman
Hon. Michael Walsh
Hon. Victor Pichardo

Edward Moore, Section Head, Division of Budget Higher Education Unit*

In Attendance:
Judith Bergtraum, Executive Director, CUCF
Robert Lemieux, Executive Director, Department of Design, Construction & Management, CUNY
John Antonelli, Deputy Executive Director, CUCF
Lisa Bova-Hiatt, General Counsel, City University Construction Fund
Gwen Perlman, Director, Capital Budget, CUNY
Vincent Green, Director, Vendor Integrity and Investigations
Sharon Russell, Director, Contracts
Meghan Moore-Wilk, Director, Space Planning
Daniel Rothbaum, Controller, CUCF
Michael Stabulas, Managing Director, Managing Director, Downstate Operations, DASNY
Nancy Nichols, Special Assistant to the Fund

* Designee for Robert F. Mujica, Jr., Executive Director of NYS Division of the Budget in Albany, attending via videoconference.

At 9:30 a.m., Acting Chairman Berry called the meeting to order, noting there was a quorum and thanking the attendees for their participation. He suggested the attendees identify themselves and their role for the record. He thanked Executive Director Judy Bergtraum for the detailed Agenda binder, with its enclosures explaining the capital budget, and requested the Trustees consult it for its information.

Action Items

1. Approval of the Minutes of the April 25, 2018 Meeting of the Fund (No. 2268).

Acting Chairman Berry asked if there were any discussion or amendments to the minutes. There being none, Mr. Berry entertained a motion that this item be approved. On motion duly made and seconded, the minutes were approved.
2. **Resolution of City University Construction Fund Authorizing Upgrades for the HVAC System Within the North Academic Center at City College of New York (No. 2269).**

Acting Chairman Berry called upon Executive Director Judith Bergtraum to explain the item. Ms. Bergtraum began a slide presentation, saying that the NAC, one of the two largest buildings in the CUNY system at 885,000 square feet, is at 135th to 138th Streets between Amsterdam and Convent Avenues. It contains the library, cafeterias, student clubs and many academic departments. Mr. Lemieux said it also contains the Central Plant, with chilled and hot water provided to the campus.

Acting Chairman Berry asked whether NYPA would be involved in other projects like this. Mr. Lemieux replied that they have rebuilt the power plants at NYC College of Technology, and the HVAC at the 6-S Building for the College of Staten Island. DASNY is used for most of CUNY’s projects, but there are agreements with NYPA, who has a similar program in that it does construction management, holding construction contracts while working for CUNY as the owner in the same way that DASNY does. The Central Plant in the NAC building has all of the controls – chilled water and hot water for the campus. Boiler Plant replacement work is planned for Queens College and City College, and these projects are under discussion with both DASNY and with NYPA, to discern which entity is best to use.

While displaying images of the building, Ms. Bergtraum credited Meghan Moore-Wilk with uncovering an interesting quote from Gretchen Johnson, associate dean of CCNY’s School of Education: “It’s a complex building viewed from the outside. From the street above and below it’s possible to spot the inspiring idea on which the design was based. CCNY has always been a college that educated children of working families and immigrants. In the past most immigrants arrived in NYC by ship. If you view the NAC building from Amsterdam Ave and 134th Street, you can see the bow of a ship and a smokestack. If you view it from above, from Amsterdam Ave. and 138th Street, you can see another ship’s bow. If you could view it from a helicopter, you would see that NAC is CCNY’s ship, positioned so that Shepard Hall with its two curved wings form an anchor just to the east of the building.”

The NAC building was not one of the flagship buildings on the old City College campus. It was built around 1979, approximately the same time as York College. City College is in three phases – the old, the new with the School of Architecture and new science buildings, and this building in between.

Mr. Berry explained that Ms. Bergtraum will be showing images of the buildings covered in resolutions at future Board meetings in an effort to give more life to the projects being discussed.

Acting Chairman Berry asked if there were further questions or remarks. There being none, Mr. Berry entertained a motion that this item be approved. On motion duly made and seconded, the resolution was approved.
3. **Resolution of the City University Construction Fund Approving the Annual Report on Procurement Contracts and the Guidelines for Procurement Contracts (No. 2270).**

Acting Chairman Berry explained that the Governance Committee of the CUCF met at 9:00 a.m. to approve this resolution, and called upon Michael Walsh, Chair of the Committee for his report.

Mr. Walsh read the resolution and requested approval of the calendar item. The motion was subsequently made. Acting Chairman Berry asked if there were questions. There being none, Mr. Berry called for approval, and the resolution was approved. He thanked the Chair and the members of the Governance Committee for their participation.

Acting Chairman Berry said that in future a number of items to be discussed by the Governance Committee, such as a review of the CUCF Bylaws, will also be brought to the CUCF Board.

4. **Resolution of the City University Construction Fund Authorizing the Architect of Record for Construction Administration Services for the Student Union at Thomas Hunter Hall, Hunter College (No. 2271).**

Acting Chairman Berry read the resolution and called upon Executive Director Bergtraum.

Ms. Bergtraum said that Thomas Hunter Hall is probably the college’s oldest building. The design of the project was paid for by the Hunter College Foundation; construction will be completed by CUNY, or by DASNY. In order to do this construction the architect of record needs to be on site. A contract must be issued, and it is a single source. Going forward there will be instances in which a college’s foundation may pay for part of a project and the money will be transferred to CUCF, who pay the bills. This has occurred in two or three other projects at Hunter. The skyway between the West Building and their new building is another project that will be partially covered by the Foundation.

Acting Chairman Berry stated that the Board has approved contracts that have come before them with an original estimate for design that has turned out to be insufficient, requiring additional allocations of funds. He asked where additional money would come from, if the $250,000 not-to-exceed amount is insufficient. Ms. Bergtraum said that either the Foundation could be approached, or critical maintenance funds could be used. She said when she presented the budget to the Board she would explain it further.

Mr. Lemieux stated that the CUCF will hold the contract for the construction and administration services, with the architect of record who was hired by the Hunter College Foundation. The project hasn’t been bid yet, but Mr. Lemieux said he expects there to be enough money to cover construction administration services.
Ms. Bergtraum stated that those resolutions brought to the last meeting involved the length of time needed to accumulate money to build a new building. With a building being designed 3 or 4 years prior to the start of construction, that can happen.

Acting Chairman Berry asked if Calvert Wright Architecture was retained by the college foundation. Ms. Bergtraum said it was. He asked if, from a procurement standpoint, the CUCF had input in such areas as decision making, conforming to standards, and MWBE requirements. Ms. Bergtraum stated that no campus can make structural changes to any building without the approval of CUNY. MWBE requirements were not included in this case. Going forward, tighter procedures will be included. And changes to any property owned by the state will include those requirements. The Foundation used their own process in hiring the architects for this solicitation, as it happened quite a few years ago. Going forward there will be a process FPCM is involved in. Mr. Berry suggested that a statement go out to college foundations indicating this process would have to be followed in future. Ms. Bergtraum thanked him for his request, and stated that a procedure has been created to deal with this issue.

Mr. Stabulas stated that the DASNY requirements specify that regardless of where the money comes from there are procurement guidelines that have to be observed. Trustee Pichardo asked when Calvert Wright was approved. Ms. Bergtraum said 3-4 years ago. The construction piece, for the Student Union, is being done by the CUCF, following the regular procedures.

Trustee Walsh asked if the infusion of money from the Hunter Foundation was unique to Hunter. Ms. Bergtraum said that campuses often receive money from their donors. There have been instances where the college did the design and the CUCF or DASNY did the construction. She concluded that CUNY has examined its relationship with the Foundation, and they have issued new procedures on how to deal with these issues going forward.

Acting Chairman Berry asked if there were further questions or remarks. There being none, Mr. Berry entertained a motion that this item be approved. On motion duly made and seconded, the resolution was approved.

5. Resolution of the City University Construction Fund Appointing Lisa Bova-Hiatt as General Counsel to the Fund (No. 2272).

Acting Chairman Berry read the resolution and called upon Executive Director Bergtraum. Ms. Bergtraum said that for the last 12 years the General Counsel for CUNY also served as General Counsel for the CUCF. Prior to that, the Fund had its own General Counsel. For those 12-15 years, the Counsel had quite a bit of experience with contracts and construction. The General Counsel's office had at least two lawyers involved in construction. CUNY’s new General Counsel has extensive experience in higher education. The Fund needed additional expertise in construction and procurement, so it was decided to hire a General Counsel for the CUCF. Ms. Bergtraum introduced Lisa Bova-Hiatt, who she stated has experience in a range of
activities, spending many years at the NYC Law Department, and at the Governor’s Office of Storm Recovery, serving as its General Counsel, COO, and its Executive Director. Her legal and management experience is impressive, and she has shown good judgment legally and politically.

Ms. Bova-Hiatt said that after nearly 20 years at the NYC Law Department, with a focus on Eminent Domain and real estate titles, she is excited to be at CUNY. She stated she has many years’ experience in real estate and construction, and with legislative affairs at the end of the Bloomberg administration. Her time at the Governor’s Office of Storm Recovery meant she shepherded the resilient rebuilding of thousands of homes, as well as infrastructure projects from start to near-completion. A lifelong New Yorker, she considers CUNY a part of her life and looks forward to working with Ms. Bergtraum, the Board and the members of FPCM.

Mr. Berry welcomed her to the Board and entertained a motion that the appointment be approved. On motion duly made and seconded, the resolution was approved.

**Acting Chairman’s Report**

Mr. Berry said that the list of potential dates for the CUCF Board that were circulated need to be changed. He said that new dates would be circulated shortly. He called on Executive Director Bergtraum for her report.

**Executive Director’s Report**

Ms. Bergtraum stated that she and Mr. Berry have discussed information presented to the Board. As a result, every meeting will contain either a presentation on one of the Colleges, or a project, to bring an understanding of the facilities to the Board and its members. Today’s presentation, given by Robert Lemieux and Michael Stabulas, will cover the infrastructure project at Bronx Community College.

The second part of the presentation will cover the budget that was presented to the CUNY Board of Trustees on June 25th, and is contained in the book at each Trustee’s place, in Tabs 1-5.

Mr. Lemieux and Mr. Stabulas proceeded with their presentation on the infrastructure project at Bronx Community College, a six-phase project, three of which have been completed.

Acting Chairman Berry thanked Mr. Lemieux and Mr. Stabulas for their report and presentation.

**Report of the Dormitory Authority**

Mr. Stabulas said he had nothing additional to report to the Board at this time.
On motion duly made and seconded, the meeting of the Board of Trustees was adjourned at 10:43 a.m.