

A Video Conference Meeting of the Dormitory Authority of the State of New York (“DASNY”) among DASNY’s Offices in New York City, 28 Liberty Plaza, New York, New York; 515 Broadway, Albany, New York; and 6047 Transit Road, East Amherst, New York was held on Wednesday, July 26, 2023, with proceedings commencing at 9:45 a.m.

**CALL TO ORDER / ROLL CALL**

The Meeting was called to order by Lisa Gomez, Board Chair at 9:45 a.m. and a quorum was declared present.

The following Board Members and Staff were present:

**Board Members Present (NYCO)**

Lisa Gomez – Chair  
Gerard Ronski, Esq. – Vice Chair  
Beryl L. Snyder, Esq. – Secretary  
Alfonso L. Carney, Jr. – Board Member

**Board Members Present (Albany Office)**

Christina Coughlin, Designated Representative of the Commissioner of Education, Board Member (*ex officio*)  
Patrick Ryan, Designated Representative of the Director of Budget, Board Member (*ex officio*)

**Board Members Present (Buffalo Office)**

Janice McKinnie – Board Member

**Board Members Absent**

Wellington Chen—Board Member  
Joan M. Sullivan – Board Member  
Robert Rodriguez – Board Member  
Ken Evans, Designated Representative of the Commissioner of Health, Board Member (*ex officio*)

**Staff Members Present**

Reuben R. McDaniel, III, President and Chief Executive Officer  
Charlie Williams, Vice President  
Stephen Curro, Managing Director, Construction  
Kimberly A. Ellis, Chief Financial Officer (joined late and provided report by phone)  
Nadine Fontaine, Esq., General Counsel  
Portia Lee, Managing Director, Public Finance and Portfolio Monitoring  
Sara Potter Richards, Esq., Managing Director, Executive Direction

Ricardo Salaman, Esq., Deputy General Counsel  
Dan Brown, Director, Intergovernmental Relations  
Jeffrey Gordon, Senior Director, Communications and Marketing  
Dena Amodio, Associate General Counsel  
Geoffrey Arnold, Director, Budget & Operations  
Matt Bergin, Director, Public Finance  
Ann Dodson, Director, Insurance  
Deborah Fasser, Director, Strategic Communications & Business Development  
Jenilee Flinton, Director, Internal Audit  
Chad Pirro, Director, Financial Administration  
Lorna Plunkett, Esq., Director, Human Resources  
Craig Schreivogl, Director, Portfolio Monitoring  
Allison Thomas, Deputy Director, Human Resources  
David Ostrander, Assistant Director, Public Finance & Portfolio Monitoring  
Stephen Kosier, Assistant Director, Public Finance & Portfolio Monitoring  
Alison Hernandez, Senior Human Resource Specialist  
Tamika Dunnaway, Senior Human Resource Specialist  
Danielle Crothers, Senior Benefits Administrator  
Dave Byam, Senior Systems Specialist  
Brittany Stinson, Public Information Officer  
Amanda Nazario, Confidential Legal Assistant  
Lori Huelle, Executive Assistant

**Outside Counsel Present (via Zoom)**

John Renken, Esq., Hawkins Delafield & Wood  
Jeffrey Perlman, Esq., D. Seaton & Associates

**Member of the Public Present**

Matt Potter, Department of Health

**PUBLIC SESSION**

Board Chair Gomez welcomed the Members to the Board Meeting. Upon a motion from Mr. Carney and a second from Mr. Ronski, the minutes of the June 21, 2023, Regular Board Meeting were approved unanimously.

**EXECUTIVE SESSION**

Ms. McKinnie moved that the Members to go into executive session to discuss the financial and credit history of a particular corporation, matters leading to the appointment, employment, promotion, demotion and the discipline, suspension, dismissal, or removal of a particular person or corporation, and proposed, pending or current litigation.

Mr. Carney seconded the motion and the Members went into Executive Session.

### **PUBLIC SESSION**

While in Executive Session, no decisions were made other than that to return to Public Session.

### **Finance Committee Report**

Mr. Ronski stated the Finance Committee met earlier today. After adopting the meeting minutes from the June 21, 2023 Finance Committee meeting, the Committee discussed the proposed financing for the New York and Presbyterian Hospital. Mr. Ronski reported that the Finance Committee unanimously recommended approval of the transaction by the full Board.

### **The New York and Presbyterian Hospital Obligated Group**

President McDaniel introduced Matt Bergin of DASNY, John Renken, Esq., of Hawkins Delafield & Wood and Jeffrey Perlman, Esq., of D. Seaton & Associates, co-Bond Counsel on the transaction.

Mr. Bergin informed the Members that before them for consideration is the issuance of bonds in an amount not to exceed \$400,000,000 on behalf of The New York and Presbyterian Hospital Obligated Group for a term not to exceed 20 years. He further stated that the proceeds of the Bonds will be used to refinance The New York and Presbyterian Hospital's 2013 taxable FHA-Insured Mortgage Loan.

Mr. Bergin stated that the New York and Presbyterian Hospital (NYPH) is the sole member of The New York and Presbyterian Hospital Obligated Group and that The Loan Agreement and the Obligation are general obligations of NYPH and the Obligated Group, respectively. He informed the Members that the expected ratings on the bonds are Aa2/AA.

Mr. Renken further described the transaction and presented the financing documents. He stated that before the Members for their consideration is the adoption of a General Resolution authorizing the issuance of bonds to finance and refinance facilities from time to time for The New York and Presbyterian Hospital Obligated Group, as well as a Series Resolution authorizing, in the aggregate, \$400,000,000 of DASNY's The New York and Presbyterian Hospital Obligated Group Revenue Bonds.

Mr. Renken stated that the proposed DASNY loan to NYPH is for the purpose of refinancing a 2013 taxable FHA insured mortgage loan and paying all or a portion of the costs of issuance of the Bonds. He further stated that DASNY's loan to NYPH will be supported by an Obligation issued pursuant to NYPH's Master Trust Indenture ("MTI"). Mr. Renken explained that the MTI functions as the general borrowing document for NYPH and other members of the Obligated Group. He noted that at the present time, there are no other members. Mr. Renken stated that the MTI serves as an existing, and expandable, inter-creditor agreement for indebtedness issued from

time to time and supported by an MTI Obligation, which is a payment instrument that contractually carries with it the covenants of the MTI.

Mr. Renken informed the Members that the MTI limits the ability of Obligated Group members to issue indebtedness NOT supported by an Obligation and the extent to which property in the form of assets on the balance sheet can be encumbered by security interests or other liens. He stated that an MTI structure enables each Obligated Group member to borrow and enter into related contracts individually, but have repayment secured by joint and several obligations of all members of the Obligated Group.

Mr. Renken stated that Master Indentures are the prevailing corporate or system borrowing construct in nonprofit health care finance in New York State as well as nationally, and they establish the conditions for admission to and withdrawal from the Obligated Group; general corporate status covenants; limitations on the incurrence of additional indebtedness; limitations on security interests or other liens on property of the Obligated Group members; remedies in the event there is a failure to make payment on an Obligation or perform the covenants that the Obligated Group members provide under the MTI; and the means by which Obligations may be paid or defeased or, under certain circumstances, replaced with Obligations issued under a replacement MTI.

Mr. Renken stated that this borrowing will be evidenced by the fifth Obligation issued under the MTI. He informed the Members that Obligations were previously issued in 2015, 2016, 2019 and 2021, which are currently outstanding in the aggregate principal amount of \$2.85 billion.

Mr. Perlman provided additional details regarding the General and Series Resolutions before the Members for their consideration. He explained that the General Resolution is a new Resolution based on DASNY's model resolution and the Authorized Bonds will be the first Bonds issued under it. Mr. Perlman further explained that the General Resolution constitutes the agreement between DASNY and the holders of the bonds issued under it and contains the basic terms of that agreement. He stated that the General Resolution provides for the issuance from time to time of multiple Series of Bonds, each Series separately secured from each other.

Mr. Perlman informed the Members that the Authorized Bonds are "special obligations" of DASNY payable solely out of the Revenues, which consist of the payments made by the Hospital under the applicable Loan Agreement. He stated that payment of the Authorized Bonds is secured by the pledge and assignment made by the General Resolution of the Revenues and the funds and accounts established by the Series Resolutions.

Mr. Perlman stated that the Series Resolution authorizes the issuance of up to \$400 million of Authorized Bonds. He further stated that the Bonds are expected to be issued as tax-exempt, fixed rate bonds, subject to later conversion by the Hospital to other interest rate modes. It is currently expected that the Bonds will be sold by negotiated sale to a syndicate of underwriters led by Goldman Sachs & Co. LLC. He noted that the Series Resolutions contain the standard delegations to various officers of DASNY.

Mr. Perlman stated that DASNY and the Hospital will execute a Loan Agreement in connection with the issuance of the Bonds, which will require the Hospital, as the sole member of the Obligated Group, to make timely payment of debt service. He informed the Members that the Hospital's obligation to make payments under the Loan Agreement will be a general obligation and secured under the Master Indenture. Mr. Perlman stated that in addition to the standard provisions, the Loan Agreement may include additional security provisions based on market conditions and practices. He explained that the Loan Agreement will be an unsecured obligation of the Hospital and that the Hospital will enter into an Agreement to Provide Continuing Disclosure in connection with the issuance of any publicly offered Authorized Bonds.

Mr. Ronski moved the adoption of the following entitled Resolutions:

A RESOLUTION AUTHORIZING THE ISSUANCE BY THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK OF THE NEW YORK AND PRESBYTERIAN HOSPITAL OBLIGATED GROUP REVENUE BONDS; and

SERIES 2023-1 RESOLUTION AUTHORIZING THE ISSUANCE OF A SERIES OF THE NEW YORK AND PRESBYTERIAN HOSPITAL OBLIGATED GROUP REVENUE BONDS

Mr. Carney seconded the motion and the Resolutions were unanimously adopted.

### **President's Report**

President McDaniel reported that the \$200 million Chicago Atlantic loan for the Cannabis fund has closed. He stated that DASNY continues to work to get cannabis dispensaries open. He complimented Steve Curro and his Team for their work on the project.

President McDaniel stated that leases have been entered into for 19 dispensary locations, and negotiations continue for other sites. He announced a showcase event for tomorrow morning at the 144 Bleecker Street location, which is the first fully built out facility. The President informed the Members that the dispensary is expected to open next week, and the showcase event will provide the press and others with the opportunity to see what sets these licensees apart from other facilities in terms of security, safety, and customer experience.

President McDaniel thanked Pat Ryan of DOB for attending the Board meeting today, and for the assistance his Team provided in closing the Chicago Atlantic transaction. He stated that DOB has always been a great partner to DASNY, and expressed his appreciation.

### **Collective Bargaining Agreements**

President McDaniel introduced Geoffrey Arnold, Director, Budget & Operations and Lorna Plunkett, Esq., Director, Human Resources. Mr. Arnold and Ms. Plunkett provided an overview of the negotiation process and summarized certain provisions of the new collective bargaining agreements with the CSEA bargaining units. They explained that there is one CBA for the majority of the employees, and a separate CBA for the Janitorial Services Assistants and

Security Guards. A summary of pay increases, work from home benefits, and the performance evaluation process was provided.

President McDaniel thanked Mr. Arnold, Ms. Plunkett, and the negotiating team for their hard work.

Ms. Snyder moved adoption of the following entitled Resolutions:

A RESOLUTION OF THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK (“DASNY”) RATIFYING A MEMORANDUM OF AGREEMENT AND APPROVING AND AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT

A RESOLUTION OF THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK (“DASNY”) RATIFYING A MEMORANDUM OF AGREEMENT AND APPROVING AND AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT

Mr. Ronski seconded the motion and the Resolutions were unanimously adopted.

### **Hutchings Psychiatric Center**

President McDaniel informed the Members that they are being asked to approve a Project Labor Agreement for work to be undertaken at the Hutchings Psychiatric Center. In response to a question from Mr. Ronski, President McDaniel confirmed that this PLA is substantively similar to the others DASNY has entered into.

Mr. Carney moved adoption of the following entitled Resolution:

A RESOLUTION OF THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK (DASNY) AUTHORIZING DASNY TO INCLUDE COMPLIANCE WITH A PROJECT LABOR AGREEMENT AS A REQUIREMENT IN THE PROJECT BIDDING DOCUMENTS IN CONNECTION WITH THE HUTCHINGS PSYCHIATRIC CENTER

Ms. McKinnie seconded the motion and the Resolution was unanimously adopted.

### **Public Finance Report**

Ms. Lee delivered the Public Finance Report. She reported since the last Board meeting, DASNY priced the IAC pooled transaction. Ms. Lee informed the Members that the total year-to-date long-term new issue supply for 2023 is approximately \$191.8 billion, down 15.1% from last year’s comparable volume. The supply this week is expected to be approximately \$5.8 billion, lighter than recent averages. She stated that tax-exempt bond yields were unchanged on Tuesday with both the 10-year and 30-year AAA MMD holding steady at 2.50% and 3.46%, respectively. Ms. Lee reported that the U.S. government bond yields were higher with the 10-year Treasury yield increasing by 5 basis points to 3.91% and the 30-year Treasury yield increasing by 3 basis points to 3.95%. She stated that municipal bond funds reported inflows for the week ended July 19 after outflows the prior week.

Ms. Lee reported that since the last Board meeting, the one-year MMD rate has decreased by 1 basis point, the 10-year MMD has decreased by 5 basis points, and the 30-year MMD has decreased by 2 basis points. During that same period, the 10-year Treasury yield has increased by 18 basis points and the 30-year Treasury yield has increased by 13 basis points. She stated that the FOMC met yesterday and is meeting again today.

### **Finance Report**

President McDaniel advised the members that Ms. Ellis is providing her report via telephone, as she has just returned to the office after traveling to Philadelphia to represent DASNY at a panel discussion at the National Association of Security Professionals. He thanked Ms. Ellis for her participation and for representing DASNY.

Ms. Ellis reminded the Members that DASNY is procuring a vendor to replace the existing financial management system. She stated that the Microsoft Dynamics Product has been selected, and the parties are working to finalize the terms of the contractual agreement with the vendor and expects to bring it before the Board for approval in September. She thanked Chad Pirro, Director of Financial Administration, for his efforts on this project. Ms. Ellis stated that Mr. Pirro will be spearheading the implementation process once the contract is in place.

Ms. Gomez thanked Ms. Ellis and her team for their work on this important initiative. She asked whether DASNY's IT Team was involved in the procurement process to verify that the system will be secure. Ms. Ellis responded that IT has been an integral part of the process throughout. She stated that she and Mr. Pirro are working with IT to explore the establishment of a data lake, or data warehouse, which DASNY has not utilized in the past. She explained that this will save money, as not all of the historical data will need to be converted. Ms. Ellis further explained that the data would be deposited into a centralized data lake and remain available for reporting purposes.

President McDaniel thanked Ms. Ellis and informed the Members that Mr. Pirro was also instrumental in the creation of the Grant Implementation Program a few years ago that completely transformed the grants process. He noted that Mr. Pirro is able to combine the IT component with the business uses to achieve the desired result.

Chair Gomez thanked Ms. Ellis, Mr. Pirro and the IT team for their efforts.

### **Construction Division Report**

Mr. Curro delivered the Construction Division Report. He stated that 15 new CUNY projects totaling approximately \$220 million were added to the pipeline this month. Mr. Curro reported that DASNY completed one project at City College. He informed the Members that expenditures for the period ending May 2023 were \$109 million, as compared to \$92.5 million for the same time period in 2022, an increase of \$16.5 million.

Mr. Curro reported that the 23 SUNY summer projects are nearing completion and are expected to be completed on time. Mr. Curro stated that the General Contractor has notified DASNY that

the FIT project will not be completed in 2023 as previously anticipated. He further stated that DASNY is working with FIT to address classroom scheduling issues for the Spring 2024 semester. Mr. Curro informed the Members that the substantial completion date for the capital construction project at the SUNY New Paltz project has been pushed from July into September. The college is planning for spring occupancy. Mr. Curro stated that the M/E/P work at the UAlbany Colonial quad project is advancing on schedule. With respect to MacKenzie Hall at SUNY Alfred, certain work will be turned over to the College for the fall of 2023 and the balance of the work will be turned over for the Spring 2024 semester. Mr. Curro stated that the next Quarterly meeting with SUNY is Tuesday, August 8.

Mr. Curro reported that the June 29 meeting with CUNY representatives regarding process improvement strategies with respect to the CUNY workload will be rescheduled. Mr. Curro provided a brief project update for CUNY projects. The \$100 million Lehman School of Nursing project is expected to be completed in August and Spring 2024 occupancy is anticipated. Mr. Curro stated that 15 new CUNY projects were initiated this month, a total of 56 CUNY projects have been assigned to DASNY from the FY 2022 – 23 Capital Plan, with more to come in September for fiscal year 2023-2024. He noted that this is a very heavy workload.

Mr. Curro stated that the volume of OCM projects is increasing. He reported that 16 work orders have been issued to the different design build teams; 30 RFPs have been requested; 53 site assessments have been completed; 13 projects are in construction and several others are awaiting municipal approvals or the completion of design phase.

Mr. Curro updated the Members on the \$1.7 billion DOH Life Sciences Lab project to be located in Albany. He stated that negotiations with the design build team are nearing completion, and he is hopeful that the contract will be finalized by mid-August and it will then be sent to OSC for approval.

Mr. Curro reported that work is well underway at various OMH/OPWDD projects. He stated that since the last Board meeting, he has visited the WNY Children's Psychiatric Center project; Sunmount DDSO; and St Lawrence PC. Mr. Curro further stated that there is a long backlog of projects at these sites which will be completed over the next few years. He noted that this workload is expected to increase. He thanked the members for approving the PLA for the Hutchings PC.

Mr. Curro informed the Members that recruitment efforts continue. He stated that the 8 summer interns are completing their assignments, and that he is hopeful some of them will return to DASNY on a permanent basis upon graduation. Mr. Curro reported that he continues to work with Human Resources to discuss strategies for attracting and retaining construction professionals in a variety of areas.

Mr. Curro stated that Phase I implementation of PMWeb has been completed and the team is working on project closeout and migrating projects from the Contract Management system into PMWeb.



**General Counsel's Report**

Ms. Fontaine thanked Mr. Salaman and the rest of the legal team for their efforts with respect to the Cannabis Program. She stated that they have made a herculean effort in progressing the overall project. Ms. Fontaine stated that staff has devoted a significant amount of time to this important program over the past few months, and the workload will continue in the future.

Chair Gomez expressed her appreciation to Ms. Fontaine and the entire legal team.

Upon a motion from Ms. Snyder and a second from Mr. Ronski, the meeting was adjourned at approximately 10:40 a.m.

Respectfully Submitted,

Sara Richards  
Assistant Secretary