



CITY OF BOSTON IN CITY COUNCIL

IN THE YEAR TWO THOUSAND TWENTY-THREE

ORDER OF COUNCILOR GABRIELA COLETTA

ORDERED: That under the provisions of section 17F of Chapter 452 of the Acts of 1948, as amended, and any other applicable provision of law, Her Honor, the Mayor, be, and hereby is, requested to obtain and deliver to the City Council, within two weeks of the receipt hereof, the following information:

Overview — Understanding the revenues being collected by the Boston Planning and Development Agency (BPDA) from within Charlestown Navy Yard (CNY), specifically around the Constitution Inn, can help ensure a commensurate level of maintenance and investment is going back to this area, and adequate mitigation investments from developers. Transparency around this information will help the Charlestown community and the City of Boston best navigate through development in this area of the neighborhood. Please include documentation that corroborates responses to this information request.

1. Constitution Inn/YMCA

- a. Is the lessee current in connection with the lease of the property? If not,
 - i. What is the date that the lessee first failed to pay rent currently?
 - ii. What is the amount of the past due rent as of November 1, 2022 through November 2023? Include real estate taxes for this time period.
 - iii. Has the lessee defaulted or failed to perform any other covenants under the lease? If so, what was the nature of the breached covenant and the date of the same?
 - iv. For each such act of default/breach of the lease, as listed in questions 1-3 above, did the BPDA provide any notice of default to the lessee for the same? If so, which event of default and what was the date of each such notice?
 - v. If the BPDA did not default the lessee of the premises for breach of the lease, on each such occasion of default, please explain why no such default notice was sent?
 - vi. Has the BPDA reached any type of forbearance agreement with the lessee? If so, what is the date of such agreement and provide a copy of the same.
 - vii. Has the BPDA demanded, received or otherwise arranged for any type of forbearance payment from the lessee who is in default? If so, what is the

- amount, nature and date of the payment or the anticipated payment?
- viii. Has the BPDA provided notice of termination of the lease since the time the lease was placed in default? If so, provide a copy of the termination letter?
 - ix. Did the BPDA receive a copy of any Letter of Intent by the lessee to transfer the lease obligation to any other person or entity or joint venture? Please provide a copy of such letter of intent and explain what consideration of payment of any type or nature which the BPDA will receive in connection with such lease assignment or transfer from the lessee or the proposed new lessee if such assignment or transfer of lease proceeds.
- b. Is there a leasehold mortgage on the property? For any leasehold mortgage, please indicate the dates and the amounts of any such mortgage and any dates of transfer and refinance including any and all documents provided to or executed by the BPDA related to such mortgage, the outstanding balance on these dates if known, any consideration received or paid by either the lessee or the mortgagee related to such assignment or transfer or transaction to the BPDA including legal fees or transactional fees or charges.
 - c. Has the Boston Archdiocese or the POUA or any entity associated with either ('Archdiocese'), communicated with the BPDA relative to the Constitution Inn and offered to compensate the BPDA or any city agency or department related to the proposed conversion of the Constitution Inn to housing for the homeless or any other proposed use? please provide the dates and nature of the communications between the BPDA and the Archdiocese and provide a copy of same and if there have been any moneys offered by the Archdiocese for any reason associated with the Constitution Inn to the BPDA, the City or any of its agencies or any City endorsed organization or effort to house the homeless, then provide the amounts, dates and entity to which moneys were offered and whether same were accepted.
 - d. Has the BPDA authorized or participated in any effort to finance the bond issue referenced by the POUA which is intended to finance the Constitution Inn project? Please explain the amount of such financing, the source, the approval process, whether the BPDA has authorized such financing and the nature of the financing and any security being provided by the BPDA for such financing and entities whether public or private providing any portion of the financing for such a project.
 - e. Has any mortgagee or assignee of any mortgagee (including RBS Citizens Bank) provided written notice of any intention to perform the lessee's obligations under the lease at any time? Unless your answer is an unequivocal no, please provide the date(s) of such notice, the nature and content of such notice and whether the mortgagee bank is performing the lease covenants of the lessee/tenant?

2. Flood Mitigation/Climate Resilience

- a. Has the BPDA budgeted any monies in any year for the study or or flood mitigation or climate resilience of the Navy Yard? If your answer is yes, please list each year in which monies have been budgeted, the amount, and the nature of the budgeted funds and whether such budgeted funds resulted in an RFP for the study of same and the year in which such contract was

awarded and the results of such study or work?

- b. If the BPDA has not budgeted or expended any monies on flood mitigation or climate resilience or the study of the same, please explain why there has been no effort made to either study or provide for flood mitigation or climate resiliency in the Navy Yard?

3. Developer Payments

- a. Did the BPDA generate any revenues from developers in Charlestown and/or CNY projects were designated for use outside of Charlestown and/or the CNY? Unless your answer is an unequivocal no, please provide a list of all moneys generated on projects in Charlestown or the CNY on which the BPDA used, expended, allocated or spent on projects outside of Charlestown or the CNY and the location and nature of the project, the amount expended, budgeted, expended, spent and the year(s) the money was collected and from whom and the amount and the year(s) the money collected was budgeted, allocated, expended or spent the name, location of the project, the developer, the amount and the year(s) and the purpose.
- b. Provide a list of proposed developments for which the BPDA has budgeted moneys for FY2024, including the amount, the location, the developer or the parcel, the purpose of the budgeted amount, how much has been spent to date and if not spent whether the money has been allocated to said project and has an RFP issued for said expenditure, if not why not and if so a copy of the RFP and all responses or response date.
- c. Does the BPDA have any proposed long term capital projects which are not budgeted but are in the planning stage or which will be budgeted in FY2025 in Charlestown or the CNY? Please identify all capital expenditures or capital projects identified for 2024 or on which the BPDA currently intends to budget or allocate funds of the BPDA fees and revenues projected and the nature of the project, the location of the project, the description of the project, the amount which will be budgeted or allocated for same and the planned issue month of the RFP.
- d. For fiscal years 2020-2024, provide all actual and projected revenue and expenses for the BPDA and then specifically the breakdown of the projected revenue and expenses by location for each of these fiscal years whether actual or projected.
- e. For fiscal years 2020-2024, provide all actual and projected revenue from the CNY and expenses for the CNY and then specifically the breakdown of the projected revenue and expenses by location for each of these fiscal years whether actual or projected.
- f. Provide salaries of BPDA employees and leadership from FY2019 to FY2024 with job description.
- g. Has the BPDA been audited by the Federal Government? If so, please provide documentation of the latest audit.

Requesting that the Boston Planning and Development Agency, through the Mayor, provide any and all information that is available regarding this matter.

Filed on: November 29, 2023