



HUDSON RIVER PARK TRUST
Minutes of a
Meeting of the Board of Directors
at Spector Hall
22 Reade Street, New York, New York
January 25, 2018 4:00 PM

Directors Present:

Diana L. Taylor, Chair
Alicia Glen, Vice Chair
Lawrence Goldberg
Jon Halpern
Rose Harvey, NYS Office of Parks Department and Recreation and Historic Reservation
Mitchell Silver, NYC Parks Department and Recreation
Pamela Frederick
Jeffrey Kaplan
Tom Pegues

Appearances:

For the Hudson River Park Trust:

Madelyn Wils, CEO and President
Daniel Kurtz, CFO and Executive Vice President, Finance & Real Estate
Noreen Doyle, Executive Vice President
Petra Maxwell, General Counsel and Secretary
Nicole Cuttino, Deputy General Counsel and Assistant Secretary
Nicolette Witcher, Vice President of Environment and Education
Carrie Roble, Director of Science & Stewardship
Tina Walsh, Director of Education and Outreach
Kevin Quinn, Senior Vice President of Design and Construction
And other HRPT Staff

Also Present:

Leslie Wright, NYS Office of Parks and Recreation and Historic Preservation
Caitlin Lewis, Deputy Chief of Staff, Office of the Deputy Mayor for Hearing and Economic Development
Connie Fishman, Executive Director, Hudson River Park Friends
Lowell Kern, Chair, Hudson River Park Advisory Council

The Press
The Public

Chair Taylor called the meeting to order at 4:00 p.m. Chair Taylor noted that all the members of the Board of Directors (the “Directors” or the “Board”) of the Hudson River Park Trust (the “Trust”) had received the Board meeting materials in advance, and may ask questions or give comments in reference to the items on the agenda. Chair Taylor instructed the audience that questions would not be entertained.

Chair Taylor directed attention to the first item on the agenda, which was the approval of the minutes of the November 30, 2017 meeting of the Board of Directors.

There being no questions, upon a properly called motion, the following resolution passed unanimously.

HUDSON RIVER PARK TRUST - Approval of Minutes of and Ratification of the Actions Taken at the November 30, 2017 Meeting of the Hudson River Park Trust Board of Directors

RESOLVED, that the Minutes of the Meeting of the Hudson River Park Trust Board of Directors held on November 30, 2017 are hereby approved by the Board of Directors, and all actions taken by the Directors present at such meeting, as set forth in the Minutes, are hereby in all respects, approved and ratified as actions of the Hudson River Park Trust, and a copy of such approved Minutes are hereby ordered filed with the records of Hudson River Park Trust.

Continuing after the resolution of the first item; President Wils summarized procedurally five transactions that the Trust would like the Board to authorize. She stated in all cases that the Trust has been diligent in efforts to follow its procurement guidelines, adhere to state MWBE and SDVOB requirements and to perform all vendor responsibility background checks to ensure that bidders are responsible and responsive to enter into contracts with the Trust.

President Wils explained that in its July 2005 meeting, the Board approved and ratified a long term electric supply contract with New York Power Authority effective through December 31,

2017. The NYPA Board of Trustees has approved a supplemental long-term agreement with the Trust for a period of ten years and has provided the applicable contract to the Trust. Wils noted that NYPA has been providing electric service to downstate governmental entities under long-term contract since 1976. The Trust first entered into a short term contract with NYPA for such services in 2004 under the same terms that are provided to all governmental customers.

However, in 2004 and 2005, NYPA renegotiated the term of its long term electric supply agreements to accommodate market volatility and industry costs with its four principal downstate governmental customers. The City of New York, the MTA, New York City Housing Authority and The Port Authority of New York and New Jersey which combined, accounted for nearly 90 percent of NYPA's revenues in the downstate market. In 2005, the Trust received identical pricing and terms to all NYPA's government customers in New York City.

Wils stated that the supplemental contract will be effective through December 31, 2027, with the right to terminate service at any time upon three years' notice, and under certain limited condition, upon one year's notice provided that NYPA is compensated for any above market costs associated with certain resources used to supply such customer.

The supply rate is fixed for 2018. Thereafter, NYPA will provide documentation detailing both the fixed and the variable energy costs for the services, which will be subject to review, and comment by its governmental customers. In the last three years, the Trust saved approximately 25 percent in electricity in comparison to Con Ed's retail costs.

Wils expressed that through collaboration, it is expected that the Trust will continue to achieve significant savings when compared to alternative suppliers of electricity. In addition, the long-term agreement will allow the Trust to take advantage of energy-efficiency and clean energy technologies funding programs. The Trust requests that the Board approves, and ratifies

the supplemental long-term electric supply contract with New York Power Authority. There were no questions or comments.

HUDSON RIVER PARK TRUST – Approval and Ratification of the Supplemental Long Term Electricity Supply Contract with New York Power Authority

RESOLVED, based on the materials presented to the Board at its meeting on January 25, 2018, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Directors hereby approve and ratify the Supplemental Long Term Electricity Supply Contract with New York Power Authority; and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby authorized to take such actions as the President or his designee(s) may deem necessary or appropriate in order to implement the foregoing resolution.

Continuing after the resolution of the second item, Chair Taylor introduced the next item which was the authorization to contract with Weeks Marine, Inc. for Pier 40 structural repairs, Phase I. President Wils expressed that she is pleased that they are in this position after years of conversing about it. She is going to present the first two contracts for the Pier 40 repair program.

Wils stated that the Trust commissioned an underwater inspection of Pier 40's existing steel pile infrastructure. It was confirmed that the pier was in overall poor structural condition with a combined 57 percent of the steel piles having severe or major damage.

During the May 26, 2016 meeting, the Board approved a contract with CH2M Hill Engineering, PA. for the Pier 40 structural restoration, engineer of record services, for comprehensive marine repair design, phased construction document packages and phased construction administration. CH2M Hill completed the bid construction documents for Phase 1 and Phase 2 of the project and the Trust subsequently issued two separate bids for the phases.

Wils stated that Phase 2 will be presented to the Board after the Phase 1 contract today. The proposed contract for Phase 1 is being procured in the form of a lump sum bid. Construction operations are set to begin in February 2018. Eight bids were submitted and publicly opened on

January 16, 2018. The lowest bid received was from Conway Marine Construction, Inc. at \$6,999,112. The highest bid received was from J.T. Cleary Inc. at \$14,796,000.

Conway Marine Construction Inc., the lowest bidder, withdrew its bid on January 24, 2018. Therefore, the selection committee comprised of the Trust Design and Construction staff, and legal staff evaluated the second lowest bidder, Weeks Marine Inc., with a bid amount of \$8,710,758 for responsiveness and responsibility, as well as meeting MWBE requirements. References and background checks for Weeks Marine were uniformly supportive. Wils explained that there are relatively few MWBE marine contractors and subcontractors, and Weeks Marine is unable to meet the Trust's 30 percent combined MWBE goal for the contract. Execution of the contract will be subject to receipt of a waiver from the Governor's office with respect to this requirement.

Funding for the project will be available through capital maintenance reconstruction funds held by the Trust in connection with the sale of air rights to the developer of St. John's property in 2017. The Board requests authorization to contract with Weeks Marine for the Pier 40 structural restoration Phase I construction work in a Board authorization amount of \$8,710,758, plus a ten percent contingency, for a total Board authorization of up to \$9,581,833.80.

Chair Taylor then opened up the floor for questions or comments. Director Harvey asked what the scope is exactly, and if that's the area. President Wils replied every single pile. Director Harvey asked if that's it for the whole area, to which President Wils responded right. Director Harvey then asked if they're like six phases. President Wils replied that there will be seven phases. Director Harvey asked if one was for the finger pier at the end. President Wils replied that she is not exactly sure of how it will be divided, but it's seven.

Director Harvey asked if it was just the piles up to the deck. President Wils replied that it would be all the piles and deck restoration that needs to be done. Director Harvey asked if it was from underneath. President Wils replied yes. Director Harvey asked if he would have to close down any section of the park and its use. President Wils replied that they have discussed in the past that there

will come a time, since this is the biggest pier ever at 15.4 acres that they would have to make a cut at times, like a hole that a diver can jump down. So there may be a little disruption on the edge of the fields at some point, but not a lot.

President Wils continued that all the ballfield teams know about this, and it has been discussed with them. We'll do as little disruption as possible. However phases over the next couple of years are not going to disrupt anyone. Director Goldberg then asked if they are doing 100 percent of the piles. President Wils replied yes. That's right, approximately 3,500. Chair Taylor added that that is why it's so expensive.

Director Halpern asked what the thought process behind the ten percent contingency was. President Wils replied that they always put ten percent. Director Halpern replied on a contract this large to which President Wils replied no we just generally have a ten percent contingency and that she's not sure they thought about having a smaller contingency. She also stated that they are generally pretty good with their contingencies and doesn't think that they are going to need it so much because it's the same repair on every pile so generally, they have that for field conditions, unless there is a delay of some sort.

Director Halpern replied that's why I'm asking. President Wils replied Yeah. Director Halpern explained that the process seemed pretty predictable. They've done all the studies and he understands if you're going in, you know, you're doing like a restoration or a remediation and you're opening things up. President Wils replied right to which Director Halpern replied I guess we're going to learn off the first two phases. President Wils responded right, I think we'll take that into consideration.

Director Halpern then added when they get to the next phases and there is more certainty, you know. President Wils replied that it's a good thought, to which Director Halpern responded perhaps on the first, you know it makes sense on the first phase or two. Chair Taylor agreed that was a good

point. There being no further comments, upon a properly called motion, the following resolution passed unanimously.

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Contract with Weeks Marine, Inc. for the Pier 40 Structural Restoration Phase 1 Construction Work in a Board Authorization Amount of \$8,710,758, plus a 10% contingency, for a Total Board Authorization Amount of up to \$9,581,833.80.

RESOLVED, based upon the materials presented to the Board at its meeting on January 25, 2018, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to contract with Weeks Marine, Inc. for the Pier 40 Structural Restoration Phase 1 Construction Work in a Board authorization amount of \$8,710,758, plus a 10% contingency, for a Total Board Authorization Amount of up to \$9,581,833.80, and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby authorized to take such actions as the President or her designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

Chair Taylor introduced that the next item for Board approval was the request for authorization to contract with Trevcon Construction Company, Inc. for Pier 40 structural repairs, Phase II. President Wils stated that CH2M Hill completed the bid documents for Phase II and the Trust subsequently issued two separate bids for the phases. A total of 20 firms replied to the advertisement for the project. A pre-bidding meeting was held on January 5, 2018. Seven bids were submitted and publicly opened. The lowest for total repair cost was \$6,508,733 and \$12,448,800 was the highest.

A post bid meeting was held with the apparent low bidder, Trevcon Construction Company on January 19, 2018. Trust staff evaluated the bid for responsiveness, legal responsibility, and ability to meet MWBE requirements. References and background checks for Trevcon were uniformly supportive. Trevcon successfully provided similar and satisfactory site construction work for the Trust for the Bloomfield to West 14th Street waterfront structures project.

Trevcon is unable to meet the 30 percent combined MWBE goal for this contract. Consequently, execution of the contract will be subject to a waiver from the Governor's office with respect to this

requirement. Based on the foregoing, Trust staff determined that Trevcon was the lowest and responsible bid for the proposed work, and seeks authorization to contract with Trevcon for the Pier 40 structural restoration, Phase II construction work. Funding will be available through capital maintenance reconstruction funds held by the Trust in connection with the sale of air rights to the developer of the St. Johns property in 2017. Trust requests Board authorization to contract with Trevcon for the Pier 40 structural restoration phase II construction work as a base amount of \$6,508,733, plus a ten percent contingency for a total of \$7,159,606.30.

Chair Taylor opened the floor for questions and comments. Director Halpern stated now you can look at contingency. President Wils replied yes. They'll definitely make a note of that for next time. Director Kaplan asked if they go at the same time, just in different areas. President Wils replied yes. That's why they're not going to have people bumping into each other. Director Kaplan replied yeah. President Wils added that this was thoughtfully laid out by the Trust's in-house marine engineer.

Director Kaplan asked if there were no benefits to having the same company do both phases. President Wils replied no. If they want to get it done faster, they have to hire more companies. Director Goldberg asked if more than one company will have the expertise in what they're doing and that it will give more alternatives going forward. Director Kaplan stated it also works. Director Goldberg replied yes, it also give us an education. There being no further comments, upon a properly called motion, the following resolution passed unanimously.

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Contract with Trevcon Construction Company, Inc. for the Pier 40 Structural Restoration Phase 2 Construction Work in a Base Contract Amount of \$6,508,733.00 plus a 10% Contingency, for a Total Board Authorization Amount of up to \$7,159,606.30

RESOLVED, based upon the materials presented to the Board at its meeting on January 25, 2018, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to contract with Trevcon Construction Company, Inc. for the Pier 40 Structural Restoration Phase 2 Construction Work in a Base Contract Amount of \$6,508,733.00 plus a 10% contingency, for a Total Board Authorization Amount of up to \$7,159,606.30, and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby authorized to take such actions as the President or her designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

President Wils thanked Steve Ferker for all of his work. She explained that he is the in-house marine engineer and has worked hard on both the engineering and planning for this project.

The next item before the Board is the request for authorization to contract with the lowest responsive and responsible bidder for the LGBT Memorial site work. Rose Harvey, from NYS Office of Parks Department and Recreation and Historic Reservation, recused herself from the meeting for the discussion and vote on this matter. At the November 30, 2017 meeting, the Board authorized the Trust to enter into a \$465,000 contract with Workshop Art Fabrication LLC for the fabrication of an LGBT Memorial to be located in Greenwich Village section of the park between Bethune and West 12th streets.

Funding for this contract is being provided through a dedicated New York State allocation. The design was selected by a commission and established by Governor Cuomo at a location and with a design vetted technically by the Trust, will consist of nine stones that will be cast in bronze and set into a long panel near Bethune Street in Greenwich Village. The memorial is to be completed in time for the Heritage of Pride celebrations in June 2018.

The Trust has been working closely with New York State Parks Recreation and Historic Preservation with respect to planning and coordinating this memorial. To meet the deadline, State Parks and the Trust are each holding several contracts associated with funding through separate allowances. The Trust now seeks approval from the Board for the final contract related to the LGBT Memorial. The contract will be for the site work and landscaping.

President Wils added that the Trust is currently seeking proposals for qualified site contracting firms interested in performing site construction for the LGBT Memorial within the park. The scope

of work includes protections of existing structures, demolition, field survey and layout, excavation, site soil preparation and furnishings, and installation of new ground covers and sod, maintenance of landscape materials, and installation of art sculptures.

Because of the need to finish this Memorial before June 2018, there is a need to expedite the bidding and construction timetable. The Trust seeks to proceed with LGBT Memorial site work with a “to-be-determined” lowest responsive and responsible bidder as soon as a contractor is selected in February. The full Board authorization with the named contractor would then be ratified in March. Bids will be publicly opened on January 30, 2018 and reviewed promptly thereafter. The Trust proposes to award a contract in a lump sum basis to the lowest responsive and responsible bidder.

The Trust will limit expenditures under this contract to \$200,000 which the Trusts estimates should be sufficient to cover the initial cost of site mobilization, pre-construction, construction, maintenance, and protection of traffic measures. The Trust will submit a follow up item to the Board for review and approval at its March 2018 meeting, detailing the completed procurement process, the selected contractor, and the final contract amount. Funding will come from the State of New York and Speaker of the City Council, Corey Johnson.

The Trust will receive assistance from State Parks in the administration and supervision of the contract, and in coordinating the efforts of the contract confirmed with the fabricator of the LGBT Memorial workshop, as well as the artist and design consultant.

Chair Taylor opened up the floor for questions. Director Harvey asked is the up to \$200,000, was it part of the Governor’s [–] just for this budget? Is the money in the budget?

President Wils replied that we have the money already in the budget. Director Harvey then asked if it was in last year’s, and it rolled. President Wils replied yes that’s right. Director Goldberg asked does the \$200,000 include a ten percent contingency. President Wils replied yeah it will in March, but that’s only 40,000. Director Frederick commented throw that in the streets.

HUDSON RIVER PARK TRUST - Authorization for the Hudson River Park Trust to Contract with the Lowest Responsive and Responsible Bidder for the LGBT Memorial Site Work in an Initial Amount of up to \$200,000

RESOLVED, based upon the materials presented to the Board at its meeting on January 25, 2018, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to contract with the lowest responsive and responsible bidder for the LGBT Memorial Site Work in an initial amount of up to \$200,000; and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby authorized to take such actions as the President or her designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

Chair Taylor introduced the next item on the agenda which was the request for authorization to amend the contract with Deborah Bradley Construction & Management Services Inc. for Chelsea Waterside Park Playground landscaping. President Wils stated that in September 2017, the Board authorized the Trust to contract with Deborah Bradley Construction to restore the Chelsea Waterside Park Playground for the base contract amount of \$2,248,469, plus a ten percent contingency for a total Board authorization of up to \$2,473,316.

Construction work under this contract commenced shortly thereafter and is now approximately 20 percent complete. The original plan for the playground restoration prepared by Michael Van Valkenburgh Associates included a landscape and irrigation component that was not part of this contract. The proposed amendment incorporates this scope, including the planting/installation of nearly 50 deciduous trees, over 100 shrubs, and 3 different ground cover mixes, plus mulch around and within the playground and around the playground.

This selection will provide shade and natural beauty, which changes with the seasons. The irrigation component includes final irrigation design, distribution infrastructure, including electrical and plumbing work, installation of an irrigation system for the plantings. The purchase of plant materials will take place through a separate agreement between Hudson River Park Friends and the selected Deborah Bradley subcontractor, Alpine Construction & Landscaping Corporation.

Subgrade irrigation work, the source of plant materials from nurseries and contract for plant installation must happen at this time to not delay the current construction schedule and thus reopening of the playground in the early summer of 2018. Amending this contract includes this work as an extension of Deborah Bradley's Construction contract. It's the same type of work, earth work, plumbing, and site grading and soil scope and supports the schedule for overall project completion. Bidding and awarding this work separately would delay the completion of this project by approximately two or three months.

The final cost of the additional scope items for work exceeds the contract amount authorized by the Board in September 2017 and therefore additional Board authorization is required. The complete project cost is not different. Competitive pricing from three different landscaping irrigation specialty subcontractors were obtained under the supervision of the Trust in preparation of the proposed amendment amount.

Alpine Construction & Landscaping Corporation, Aspen Landscaping Contracting Inc, and the Todd Group are the three subcontractors. By using the competitive process, the Trust was able to assure that the cost for installation of plant material and irrigation was reasonable. The lowest price provided was by Alpine at \$238,574 and was used as the basis for the proposed contract amount.

The Trust requests Board authorization to increase the \$2,248,469 base contract with Deborah Bradley for the Chelsea Waterside Playground construction work by \$238,300,574, such that the amended contract will be \$2,487,043, plus a ten percent contingency, \$24,000 for a total Board amendment of up to \$2,735,747.40. President Wils added that the importance of finishing up this project is because New York City Parks Department is going to then close two of its parks and we don't want all three parks closed at the same time.

Director Harvey asked if they're closing them to upgrade them. President Wils and Chair Taylor replied yes. President Wils stated that funds for this amended contract are available to the

Trust through a combination of New York State funds, including Assemblyman Dick Gottfried; Speaker of the City Council Corey Johnson, and Hudson River Park Friends funds. Chair Taylor replied thank you, and opened up the floor for questions or comments from the Board.

Director Goldberg stated I'm a little confused. He then asked why we didn't bid the irrigation component at the same time we bid the major contract. President Wils replied because there was a thought by our last head of design and construction that perhaps it was work that might be included for Friends. When we actually dug into it, no metaphor intended, we determined that because it was of the insurance requirements and bonding, it was not probably a good idea to have Friends have to hold a contract for installation, that that would be much more complicated and that we should be doing that work. So Friends is now buying the material and we're going to be doing the installation of that material.

Director Frederick asked is this the whole price for the whole thing or just the irrigation. President Wils replied yes this is the entire Trust contract. Director Frederick asked if it would cover the entire playground. President Wils replied right. President Wils stated that it costs more. There's more money coming from Hudson River Park Friends, but this is the contract that we're holding. Director Frederick asked how much is coming from those guys. President Wils replied that there's about another half a million dollars. Director Frederick replied that's what I thought.

President Wils replied yeah. Director Frederick stated it's a good price. Then asked it's a good price right, commissioner? Director Silver replied it is. Director Frederick stated I mean it costs me a million, not me; it costs us a million bucks to do one bathroom in Washington Square Park. President Wils replied it's about \$3.2 if my memory holds right. Director Harvey asked \$3.2? President Wils replied yes, about that. Director Goldberg asked if the other bids were too low to include in the contract. President Wils replied that it's the lowest bidder. Director

Frederick replied she was. President Wils replied yes. Alpine was the lowest bidder and a very good contractor. Chair Taylor asked if anyone else had a question. Upon no further questions, the matter was approved by the Board.

HUDSON RIVER PARK TRUST - Authorization for the Hudson River Park Trust to Amend the Contract with Deborah Bradley Construction & Management Services Inc. for the Chelsea Waterside Park Playground Landscaping Construction Work in an Amendment Amount of \$2,487,043, plus a 10% contingency, for a Total Board Amendment Authorization Amount of up to \$2,735,747.40.

RESOLVED, based upon the materials presented to the Board at its meeting on January 25, 2018, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to amend the contract with Deborah Bradley Construction & Management Services Inc. for the Chelsea Waterside Park Playground Landscaping Construction Work an Amendment Amount of \$2,487,043, plus a 10% contingency, for a Total Board Amendment Authorization Amount of up to \$2,735,747.40; and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby authorized to take such actions as the President or her designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

Chair Taylor stated that concludes the Board action items for approval today. She then asked President Wils to give the President's report. President Wils began by acknowledging Karen Mintzer. She was not in attendance, but for her devoted work as the representative for DEC commissioner Basil Seggos. Karen is now moving to State Parks as general counsel, and I know you'll join me in thanking her. Chair Taylor stated how she came when she had the flu once to make sure they had a quorum. We're thankful for everything she's done for us and her work at DEC, which has been very close on many issues with the Trust. She stated that Rose can give her the message.

President Wils stated that the third quarter financials as of December 31, 2017 was included in the packet. She stated that operating expenses were 68 percent of the budget, or \$14.5 million and operating revenue was 84 percent of the budget or \$23.2 million, which is quite good. Consequently, our operating surplus is currently greater than anticipated. Capital and maintenances costs are running below budget as well only because of capacity.

There are a few large projects also like the Morton Street bulkheads have experienced delays. These delays, in case you're interested, are because we've had a difficult time getting the piles down to the riverbed and it's been a delicate process making sure that we are not disturbing the bulkhead. So we're delayed and we're going to have some change orders on that. Some of the projects, such as the playground resurfacing have been deferred to next fall while we package them with some other projects to get some better bids.

She stated that they anticipate a pickup in expenses in the final quarter as our Facilities Department gets ready for the spring season. We'll be buying lots of new equipment our current net reserve position representing the amount available for future capital maintenance, and emergencies, like hurricanes is \$22.7 million. President Wils then stated if anyone had questions or comments, feel free to interrupt. President Wils stated that we would like to give an update also on the status of our comprehensive general liability policy with Starr Indemnity and Liability. Our CGL policy with Star Indemnity is scheduled for termination on February 28, 2018. We have submitted our request to renew the policy with the Office of General Services, but we were recently issued a reservation of non-renewal by Starr.

President Wils stated that our broker, Paul Hennessey is cautiously optimistic that Starr will renew the policy, at a higher rate. It'll be much higher rate likely. Paul is also shopping the policy around to other carriers and we should have a final determination in the next week or so. So a reminder that we are the only park around that has to carry its own insurance. So we are really difficult for an insurance company to insure because they don't have anything like us, and now we have a terrorist attack so it makes it more complicated.

President Wils stated on a somewhat related note, we were recently served with a second notice of claim related to the October 31st terrorist attack. The claimant is Marie Rose Charles, a passenger in a yellow school bus parked on Chambers Street that was struck by a U-Haul truck, not with the Home Depot truck, not on or adjacent to the Trust property. Upon receipt of the second Notice of claim, and

with the encouragement and assistance of Board member, Tom Pegues, we made the decision to retain outside counsel who specializes in the defense of terrorist and high profile personal injury actions.

We interviewed several qualified attorneys recommended by Tom and Starr Indemnity and finally selected Jim Connors at Marshall Dennehey Warner Coleman and Goggin. Jim's bio is attached. Jim has extensive premises liability experience and is co-lead defense counsel in some of the 9/11 litigation. He has also served as defense counsel in numerous other catastrophic personal injury cases. We want to thank Tom, although he is not here, for assisting us in the attorney interviews.

President Wils stated that we came to a unanimous decision that Jim Connors was the right person to represent the Trust's best interests as the claims related to the incident unfold. We also agreed, and Starr Indemnity has approved our decision, to allow Amy Weismann of Marshall Conway to assist Jim as co-counsel in this matter for as long as he determines it is beneficial. The defense of these claims will be paid and managed by Starr. President Wils asked if there are any questions.

President Wils stated that at the last meeting, the need for additional bollards in the park at vulnerable intersections was discussed. It will not be addressed by the State Department of Transportation's new permanent bollard system on the bikeway. Director Goldberg requested that we hire a design consultant to make sure that any bollards placed in the park fits in with the landscape. To that end, we are in the process of bringing on a consultant to assist with our review of the bikeway bollard system and recommendations within the Park. We also identified architects who specialize in this area and will move forward with the procurement later this year.

The Trust's significant action process will commence in February on Block 675, Chelsea, in connection with the sale of the development rights to both the Douglaston and Lalezarian sites. A public hearing will be held together with the City Planning Commission's public hearing in late March. The Trust Board will not vote on these transactions until after the completion of ULURP,

which is expected at the end of June 2018. The proposed sale price for these transactions is \$46,570,000. Twenty percent is intended to go towards future capital maintenance projects and approximately \$37 million is intended to be used for capital projects all in Community Board 4.

The Trust has been working with the Waterfront, Parks and Environment Committee of CB4 and they have submitted a list of capital projects to the Trust, in priority order. With the monies that maybe provided by these sales, along with the State capital funds, much of the Community Board 4's waterfront should be realized within a few years. Funds that may be provided by the transfer of development rights will include the renovation of Chelsea Waterside Park's dog run and picnic areas, the esplanade platform between 98 and 99, and the connection to Riverside South. Several other projects as well.

And speaking of capital funds, the Governor has provided the Trust with \$50 million to be used over the next few years to help build out the Park. President Wils thanked Rose. She continued that we intend to move forward with the design of Pier 97, its adjacent esplanade and the bathroom, utility, maintenance building as soon as possible. Funds from the State will also be used on the other projects including the emergency repair of the Pier 66A float bridge. The Trust intends to work closely with the community and our design committee in updating the program and design for Pier 97.

President Wils stated that the Pier 55 lease has been reinstated and current work on the project includes a limited permit for the repair of 46 piles located on the north and south accessways of the project, which were installed in Fall 2016. They require repair to address cracks and squalls. Although cracks have been repaired, the Trust requires that the piles be jacketed to prevent further degradation, to preserve their structural capacity and to ensure that the

piles will have a 50 plus year life span. The Trust is still in the process of reinstating the Army Corps permit necessary to continue all the other work in connection with the project.

The DEC permit has already been reissued and this will cost no funds for the Trust. President Wils introduced Kevin Quinn. She stated that he comes from 12 years at New York City Parks Department and Recreation, most recently as Chief of Architecture and Engineering and we want to welcome Kevin, and he got lots to do. Director Silver asked if on the security measures, is that to evaluate a design or to install? President Wils replied no, to evaluate first, and then we'll do a procurement design. She added that they are also reviewing State DOT's plan on Route 9A, which is very substantial.

President Wils stated that they want to minimize as much as they can but we also want to make sure that State DOT does not block off our access ways so we may strategically put a bollard inside the Park that may prevent a lot of Bollards on the crosswalk that would inhibit vehicles and maintenance and emergency vehicles which we have quite a few of, enter into the Park. Director Harvey asked if it'd good that we are doing it with our own consultants. President Wils replied yes. Director Harvey asked and making sure that it's not too much or too little. President Wils replied yeah, we've had a wonderful relationship with State DOT and NYPD Counterterrorism has been great. She added that it's all been working well.

Director Silver added because of our Park Enforcement Patrol, and their patrol vehicles as well for emergencies. President Wils replied yes, right. Director Silver asked to what extent we could be included, because the city is also looking at this citywide. President Wils replied right. Director Silver stated that he thinks it would be beneficial for both in light of these, NYPD as well as Parks enforcement. President Wils stated Okay. That's great. Director Silver stated as

long as we collaborate because I know we have Parks Enforcement Patrol. President Wils replied yes of course we do. Yes.

President Wils continued that we're in the process of buying new vehicles because we cannot use a lot of our current vehicles. So we are in the process of spending quite a sum of money on buying new PEP vehicles. President Wils asked Dan what are the little ones called that can fit through. Mr. Kurtz replied that we have the interceptors we're basically modifying the Toros to PEP Vehicles. Director Silver asked was this before the evaluation or you're waiting for the evaluation to determine if you're going to use the same. Mr. Kurtz replied that we already know that we need narrower vehicle to navigate and get through these barriers. President Wils replied yes. Director Silver asked whether or not the barriers or gates would be moveable.

President Wils replied no but what State DOT is doing now is modeling potential crashes at each intersection. Then that's going to determine how heavy the bollard system needs to be at that particular area. There are generally three bollards that go across the bikeway, and we're trying to determine whether or not one of them at least can be movable in the event of emergency vehicles. We have not gotten those results yet from State DOT. City DOT and NYPD Counterterrorism have been in some of those meetings. However, that information cannot be shared. It's complicated because of the crash ratings that NYPD insists that it has to be.

Director Harvey asked if we need a buyer for the vehicles that no longer usable. Director Frederick replied yeah it's going to cost you. President Wils replied yeah I don't know. Talk to my CFO over here. Director Goldberg then asked can we defer the purchase of new vehicles until we have our design. President Wils replied no. Director Goldberg asked why not. President Wils replied because we can't get through the barricades right now, and we have to maintain the

park. The barricades are up. Director Goldberg stated he's convinced. President Wils then asked if there were any other questions.

President Wils continued that we have been able to negotiate a 60 inch opening between the bollards, which is a few inches smaller than the smallest car on the market. Director Frederick added a few inches bigger. President Wils stated a few inches, 60 inches is a few inches smaller than the largest car. Director Frederick added oh than a regular car. President Wils stated on the market. Director Frederick replied Right, got you. President Wils stated that all equipment that has to be reordered has to be smaller than 60 inches.

Director Silver asked if that applies to maintenance end cap or just maintenance. President Wils answered both. Director Halpern commented that it is really unfortunate that electrical vehicles couldn't be done. President Wils asked couldn't do what? I'm sorry. Director Halpern replied could not find an electrical vehicle for the park. Particularly in our park where there is so many, you know, just given the range and the opportunities to charge.

President Wils responded believe me, you know, we're very much electric vehicle oriented. Director Halpern commented it's too bad. President Wils replied that it's unfortunate that they have to be gas. We were unable to find any. Director Silver asked just so I'm clear, so those cases where an ambulance has to get in, what is the remedy then because, you know, unfortunately we're by the river and we know what happens inside the river. President Wils replied yes.

Director Silver added that often we do have to transport someone by ambulance if someone jumps into the water. President Wils responded that FDNY has been a part of the conversations. We are hopefully going to make some of those intersections less cumbersome than they currently are, but you know there are cases where they literally have to park on the West Side highway

now and run in. So it's not a great scenario. So hopefully during the permanent system discussion, we can remedy that. But I don't know the answer to that one yet because we haven't seen their plan. Director Silver replied okay. President Wils added that they know and those issues need to be addressed.

Director Halpern stated but anyone, and they do have the electric vehicle, then, Rose, we can sell the gas vehicles. President Wils replied that it's complicated. Director Silver stated because he knows unfortunately people jump into the water. President Wils replied yes. Director Silver added that they need to be resuscitated. President Wils replied yes. Director Silver added that time is a factor. So I understand there is a tradeoff.

President Wils you know, I'm actually glad you're bringing this up. This has been a debate between us and the others at DOT and Counterterrorism. You know we have several emergencies in the Park and it's on a regular basis. Director Silver replied right. President Wils continued and you know it could be a time that because of the time it takes for people to run out onto the Pier, instead of drive out. Director Silver stated that's his concern. President Wils stated that this can become a serious issue. But at this moment, they feel that it is more important to deal with this other issue of terrorism, but it is a discussion.

Director Silver asked if the consultants, as they evaluate, have free reign to advise that, you know, on one hand you can prevent a terrorist attack but on the other hand we do have a lot of submergence in the river, as you know. President Wils replied right. Director Silver stated that could end up losing many lives because of the time to get from the West Side Highway to the pier, and some of those piers are quite long. President Wils replied that the consultant will be involved in those conversations. We've started those conversations at the very beginning and tried to have fewer barriers put down based on these discussions. We did not succeed and we're

hoping that for the permanent bollard solution that we can make an impact with these discussions.

President Wils stated that is also a discussion to have with NYPD because they feel very strongly that access has to be limited. Director Silver replied we agree. I'm not disagreeing with them. You're saying that we have the records of all the incidents that happen in the river. President Wils replied yes that is correct. Director Silver replied that we can just show them how important it is. President Wils replied yes. Director Silver stated he's sure there is a way to balance this out. President Wils replied yes. Director Silver added without solving one problem and then creating a new one.

President Wils replied yes and we've had some ever since the barricades and we were lucky. So we were lucky. Director Goldberg asked who is coordinating it since it seems to have several moving parts. President Wils asked coordinating what? Director Goldberg replied the various plans to do this. Director Silver asked who has the final word. Because if you're saying we decide to prevent a vehicle but unfortunately it may jeopardize somebody who falls in the water, I mean who makes the final call in terms of what is the appropriate plan and approach?

President Wils replied well, State DOT owns the bikeway. So they have the final word on the bikeway. We're hopeful that we can make a difference in these conversations. They have been listening to us. But on the bikeway, they have the final decision. Director Harvey asked are you going to get your consultant reporting soon so they... President Wils replied we are going to have them review the plans, yes. Director Silver asked if they will share the fact of NYPD records of emergency calls within the park that need ambulance service so they can see whether over the last couple of years how often the first responders need to get in quickly.

President Wils stated that it's a good idea to share year's reports on that and that she notified them a couple of times in the last few months when we did have that happen recently so that they understand that this is an issue, but it's probably better to get them the year's report. That's a good idea.

President Wils stated that everyone heard her talk about the expansion and the great success of the last few years of our Environmental Education Department. Next, Nicolette Witcher gives the education department Presentation. Firstly, Nicolette introduced herself as Vice President of Education and Environment, and that she has held the position for 6 years. She expressed that they've been working hard to deliver high quality environmental education programming experiences for the public and for New York City's youth and they are very proud, and have been making great strides. She stated that they were able to take some great and innovative steps like at our Marine Science Festival where there is only one New York City Marine Science Festival and it's at Hudson River Park, and we have groups from far and wide coming and presenting to New Yorkers about all the great work they do.

She stated that as a result, she is proud to say, emerged as leaders in this field and we're going to be launching, New York/New Jersey harbor and Estuary Program just invited us to lead the forum, a quarterly forum for New York and New Jersey Harbor, and estuary educators to be able to share the best practices and just be a little more collaborative with everyone. She stated Tina Walsh will be introducing some of the highlights on that shortly. She continued that over the last few years, that have been advancing and another prong within the department, and that's focusing on using the river as an amazing living laboratory for science and research. They have

been trying to find their own way to contribute to the conversation and all of the great work that has been done.

She stated that we are a public park, not a major research organization. However, they feel they can have a meaningful contribution in this field. Many times, Science Director Carrie Roble will highlight that it involves trying to incorporate the public where we can. There are a lot of opportunities for things like citizens science that can have a real meaningful impact. She then introduced Carrie Roble and Tina Walsh. Tina gave a brief highlight of some of the accomplishments. Tina stated that the goal of the educational programs is to connect New Yorkers to the estuary and teach them how to love it. The way that we foster this awareness and really sense of understanding is through a wide range of free and low cost educational programs.

She stated that all programs are rooted in hands on STEM concepts and they're using the river as a classroom. She explained how they find this really allows for students to have a deeper connection and really understand the impact they have on their environment, and river system. Each year we have a pretty large impact on people that we serve. Last year, we served 27,000 New Yorkers through about 400 educational programs. She then shared a pie chart. She continued to explain how they are working with everyone from students to the general public to volunteers coming and helping with citizen science efforts.

Continued with discussing the Marine Science Festival where 6,000 people were in attendance on Pier 26. They learned about science and connected with 40 different research institutions that focused on estuary. She explained diversity of crowds has a great impact. She then highlighted two educational programs Community Partnership Education, and the new program Roving River from the summer. She continued that they're serving groups with field trips in all five boroughs. Half comes from the outer boroughs. Most schools are also Title 1. She

expressed that they really wanted to hit the community members that weren't taking advantage of the parks. Big communities that they've created robust programming with are the NYCHA housing of Chelsea, Elliot, and Fulton.

The students on the left are taking part in the HR Maker Program, which is a Marine Science engineering focused program, where students tinker, test and learn about circuits and how to apply that to the water. She explained that it's been a wonderful program and a way for them to connect with that community over the past few years. She then directed attention to the center photo of the Roving River Program, which was a big highlight in the park this summer. She pointed out the mobile aquarium, and wildlife on wheels that they take and bike up and down the park with life Hudson River fish and other animals that they're finding.

She stated that there are many animals from seahorses, to striped bass. Anything that they are catching during their fishing programs, in their oyster cages and traps. She pointed out that to take it to the next level; they've invited students and community members to participate with them on hands on science. Tina then introduces Carrie. She introduced herself as the Director of Science and Stewardship. She expressed how it was a pleasure to speak to the Board. Carrie stated that she is going to focus on two science projects. As you know Hudson River Park has a long history to protect the health of the park. This past year, they obtained the permitting to implement a very robust oyster project.

She stated that they created a design where they're able to wrap oysters around the pilings of an old pier to study the effectiveness of this actual design, in restoring oysters to the site. Within the Pier 32 pile field. They restored over 2,400 oysters just within this project. She also pointed out that since the oysters are filter feeders and improve the water quality. They're filtering over 30,000 gallons of water every six hours. So it's having a huge impact. She stated how it has the

potential to restore oysters within the Park and within the city. They are excited about the projects primary goal to involve the community, so they are working with corporate volunteers. They are working with students, and the general public through programs like Shellabrate Oysters and Eco Paddle to teach basic field biology skills and to get them to understand the role as stewards in supporting the health of the Hudson River sanctuary.

Carrie introduced the next project, which is the microplastics project. Microplastics are plastics that are smaller than five millimeters. She stated that they may have been heard of in context to cosmetics, and micro beads. They are unnecessarily engineered into a lot of products that we use such as face scrubs, and toothpaste, but there are also plastics that degrade from larger plastics, or plastics that come from our clothes. She stated that these are not filtered out by wastewater treatment plants, and they are entering the waterways at a high rate. In NYC, we didn't have a good understanding of the abundance of concentration of microplastics in our waterways. We wanted to implement a project to understand the impact it has on our sanctuary.

They've participated in EPA's trash free waters initiative and they've found a partner group from Brooklyn College to support them with three samples. On a monthly basis they are going out into the field and using one meter wide trawl to collect a one liter water sample that then distilled to these synthetic materials, which is the plastic that they categorize and count. In the sanctuary alone this year, they've counted 100,000 pieces of microplastics per kilometer squared, which is on par with similar tests being conducted in the region by partner groups.

She stated that the oyster project has two more years where they're permitted to do so, and they have plans to continue the microplastics project as well. She expressed how they plan to continue to improve their scientific knowledge and look forward to growing their portfolio of research and grow as a scientific contributor to the Hudson River. Chair Taylor replied thank

you. That's great. Director Goldberg asked if they partner with any universities. Carrie replied yes, we partner with a number of universities. One of our oldest partners is Columbia University, Lamont-Doherty Earth Observatory. They've also partnered with Cornell, NYU, and Brooklyn College. Director Goldberg asked what we do with some of those partnerships. Carrie responded the biggest concerns are climate microplastics projects that were with the CUNY Brooklyn College partner, Cornell partners. They have conducted the baseline research in 2006, looking at the biological and physical conditions of the Hudson.

She added that Lamont-Doherty has been conducting a wide range of work looking at everything from general water quality conditions to much larger projects on benthic issues. Tina added that Lamont-Doherty also assisted with setting up. They have 2 real time data water quality monitoring stations in the Park. So we have equipment at the southern end at Pier 26 and on the northern end at Pier 84, where we have a sound, which is a piece of equipment that just lives in the river and is constantly transmitting just the turbidity, the salinity, and the temperature. Initially, we worked with Lamont to set up that station. She pointed out that it is a larger initiative with the Department of Environmental Conservation.

She stated that they played a role in it and other member organizations. She stated that they see themselves as very collaborative and not as a research entity in and of themselves. While we look to contribute, we often look for key partners, and academic partners. Director Halpern asked how is the health of the river been trending. Carrie replied that it's getting better every day. Carrie added that water quality indicators are improving since the Clean Water Act and since more intentional efforts to decrease runoff into the river. There is still a historical pollutant to these legacy chemicals, such as PCBs that's influencing our inability for everyone to eat fish.

Another problem that they are still facing is bacteria entering the river due to just the mechanics of the sewage systems.

She stated that they are seeing improvement. They are seeing fish return to the river such as the skillet fish. They are working on improving the habitat and build out oyster reefs, but there are still challenges. Director Halpern replied what's actually even more curious like the short term trends. I know the long term trends are good, but just the last year or two to improve? Carrie replies yes. For instance, in summer 2016, they've actually saw very low dissolved oxygen over the summer. Dissolved oxygen is a very strong indicator of the health of the river. In 2017, we saw an increase. There are so many variables that influence these changes including the direct correlation with temperature, and how much rain we receive. Year to year we see variations, but with the upward trend going towards improvement. Director Harvey asked if there is any particular aspect getting worse. Carrie replies that the biggest concerns are climate change impacts. So we are seeing warmer waters influence the migration of fish through our system.

Director Harvey asked if they're seeing a real warming of... Carrie replied we are not seeing an incremental warming as the models have predicted. It hasn't been anything drastic but the scale of it is having impact. We are not seeing certain fish like the Atlantic Tom Cat migrating through our waters at the abundance that it used to. Director Harvey asked if this is the normal concentration for a river that is this big in regards to microplastic. Carrie replied yes and it was the only group that has monitored microplastics extensively in the Hudson River. In comparison to New Jersey, they also have done trawling, and they have had similar findings. It doesn't seem like it's heightened although we do have more combined sewer outflow impacts. We think that they're coming from filtered water from our waste treatment that isn't able to get them out of the water.

Director Harvey asked if there is any way to get them out of the water. Carrie replied that groups are trying to design big filtration to be at wastewater treatment plants. So far, there has not been any on the market or that we know of. Instead, there's been consumer base. So for instance, sticking a device in your washing machine, but that obviously wouldn't have the impact that we need. Carrie stated that some labs are able to figure out exactly where the piece of plastic came from, what corporation, and consumer pressure to influence us not putting these into our products, but we still have our clothes in it. Director Halpern stated that he is sure a certain portion is coming in with the tide from the sea. Carrie replied yes a tidal influence has been interesting, and that's why people didn't really do these studies in rivers, and oceans because there are all of these tidal variables where it's harder to discern the contributing factor.

Director Goldberg asked if we take any measures of the impact of the river on the larger estuary. Carrie replied that we're a part of this larger network of research stations called RICOS. We do work comprehensively at how the health in a certain area influences the health of the greater system. That's probably the most comprehensive effort that we have currently. President Wils stated that concluded her president's report.

Next, she introduced Lowell Kern the chair of the Advisory Council. Lowell introduced himself the chair of the Advisory Council as well as the chair of the Waterfront, Parks and Environment Committee of Community Board 4.

Lowell stated that they've had a meeting Monday night with the Advisory Council, and there were a few issues that came up. He stated despite all of the efforts that we have put through, that the Park Enforcement Patrol has put through, there is still a concern about thefts at Pier 40. Even though there are lockers and signs that say don't leave your cell phone on the field while you're playing, people are still doing it and there is still a rash of thefts. We've talked to the Parks

Enforcement Police about this. They're going to try and increase visibility, increase signage, and work with the 6th precinct to try and do something about this. However, unless people using the fields get smarter, there's probably little we can do about it. The environment people that you were listening to are going to love this next one.

Bob Townley, who is the Community Board 1 Rep to the Advisory Council, is going to be chairing a subcommittee for reducing waste in the river. Bob runs the Manhattan Youth Community Center and he gives out tens of thousands of bottles of water to the kids who come to his center. Too many of these bottles are ending up in the river. So Bob wants to chair a subcommittee about ways to do this. I'm sure he'll be in touch with you guys. Director Frederick asked how about he stops giving out bottled water. Maybe he's part of the problem. Mr. Kern replied he might be, but he's aware of it. He's aware and looking to do something about it.

Director Halpern asked if we have a water refill station. President Wils replied I'm sorry? Director Halpern asked do we have a refill station on Pier 40. President Wils replied that we actually don't, but we're looking at that as we're building our park. Not doing drinking fountains as much. Mr. Kerns stated that he suggested to Bob that he get logo water bottles and give those out to everyone. At least he is trying to do something about it so let's give Bob credit for that.

Mr. Kern stated that the remainder of the Advisory Council Board meeting discussed the items that Madelyn addressed ongoing development in the park. He stated they discussed the report that came out of the Community Board 2 for the future of Pier 40 working group and what the community wants to see at Pier 40. They discussed the Chelsea Waterside Playground, the Morton Street Park Pier 25. He stated that on behalf of the Community Board 4, he went over everything that Madelyn discussed, all of the priorities that our committee has targeted for the air rights money and for the Governor's money. He then thanked Commissioner Harvey. He stated

that we can finally finish the park in Community Board 4. He stated that's all he has to tell, and that everyone seems ready for the summer.

Chair Taylor thanked him, and asked if there was any further business. President Wils introduced Connie Fishman. Ms. Fishman stated that Friends Staff is in the process with meeting all of the parks local elected officials, primarily City Council at this point, to discuss operational fund requests for the fiscal year 2019 coming up on the City cycle. Our target, as it was last year, is for the education environmental programs, which you just saw a great presentation of, to be the primary recipient of the funds that come through the Council members. She stated that last year, \$50,000 was received. This year, we are hopeful for more because the new speaker, who is a West Side Councilman, is very keen on both the program and capital elements of the park.

Ms. Fisher stated that they've been meeting with his office, with Councilwoman Chin's office, and then later, I think next week, there's a meeting with Helen Rosenthal's office. She expressed that she is hopeful to try and increase both on the operating side and support of the capital request that the Trust puts in. Tomorrow is the playground committee luncheon. It's a sold out event and we're hopeful that it will raise approximately \$250,000. She continued that in 2017 they finally counted the volunteer programs that they run for the park. They had approximately 2,000 Park volunteers. I would say about 80% is corporate volunteers and the rest are citizen volunteers. They primarily work with the Park's horticultural staff doing volunteer gardening.

She stated the amount of hours that they participated last year should add up to something worth roughly \$128,000 worth of additional horticultural help to the staff for the year. She expressed that it is one of the activities that is more enjoyable, especially for the common corporate side. It's clearly a departure from what they're doing every day in the office and they

really seem to enjoy it. She continued that they finally had their joint Trust staff, post-holiday party last night. If they ever decide to leave the Trust, Madelyn Wils, Carrie Roble, and Jennifer Sosa, who is not here, should start a girl band. Chair Taylor thanked Ms. Fishman. Seeing that there was no further business to discuss, Chair Taylor entertained a motion to go into an executive session for the discussion on the proposed lease of real property, as permitted by the Open Meetings Law.

At 5:25 p.m., the Hudson River Park Trust conducted an executive session. At 5:45p.m., the Executive Session was adjourned and the public meeting reconvened. As there was no further business, the meeting was adjourned at 5:45p.m.