



HUDSON RIVER PARK TRUST
Minutes of a
Meeting of the Board of Directors
at Spector Hall
22 Reade Street, New York, New York
September 28, 2017 4:10 PM

Directors Present:

Diana L. Taylor, Chair

Lawrence Goldberg

Michael Kuh

Jon Halpern

Karen Mintzer, New York State Department of Environmental Conservation

Leslie Wright, New York State Office of Parks, Recreation and Historic Preservation

Alyssa Cobb-Konan, NYC Parks Department

Pamela Frederick

Jeffrey Kaplan

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

And other HRPT Staff

Also Present:

Connie Fishman, Executive Director, Hudson River Park Friends

Lowell Kern, Hudson River Park Advisory Council

The Press

The Public

Chair Taylor called the meeting to order at 4:10 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. Chair Taylor instructed the audience that questions would not be entertained.

Chair Taylor introduced the first item on the agenda, a resolution to approve the minutes of the July 27, 2017 meeting of the Board of Directors.

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 July 27, 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 July 27, 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, Chair Taylor introduced the next item; Authorization to Contract with Deborah Bradley Construction and Management Services, Inc. for the Chelsea Waterside Park playground construction work.

President Wils stated that at the July 2017 meeting, the Board authorized initial funding for the lowest responsive and responsible bidder in connection with the Chelsea Waterside Park Playground Construction Work.

President Wils reminded the Board of the condition of the Chelsea Waterside Park Playground, which had fallen into a state of disrepair. She stated that several pieces of the play equipment had worn out, and some items were marked “off-limits” to the public. The safety surfacing was in need of replacement and many of the original water features were in dire need

of repair. During the past year, an effort had been organized with the assistance of Hudson River Park Friends, working with the Trust, to restore and reimagine the CWP Playground.

The redesign of the CWP Playground had been prepared by Michael Van Valkenburgh Associates, the landscape architect for the Chelsea Cove area of the Hudson River Park. MVVA had been working in coordination with Trust but under a direct contract with Friends. The MVVA redesign recently advanced to the construction document phase and had been released for public bid.

At the July Board meeting, the Trust estimated that the total project budget was approximately \$2.31 million based upon the engineering estimates and information available at that time. President Wils advised the Board that the total project costs have increased and the Trust now needed authorization to complete the project based upon the revised total project budget now estimated at \$3.4 million. The Trust had consulted with a number of agencies who are also experiencing major escalations in construction costs. The Trust looked for ways to value engineer the project but determined that it was not practical and would require an entire redesign, which is not desirable for a number of reasons, including coordinating re-building the playground in coordination with two other public parks in the area.

Pursuant to the Trust's Procurement Guidelines, an advertisement for the CWP Playground work was published and advertisements were transmitted to M/WBE contractors certified to perform such work. A total of seventeen (17) firms responded to the advertisement and picked up bid packages, three (3) bids were submitted from the following firms:

- (1) Deborah Bradley Construction & Management Services Inc. (\$2,248,469);
- (2) Prima Paving Corp. (\$3,645,800); and
- (3) Kelco Construction, Inc. (\$5,229,304).

A selection committee comprised of the Trust's design and construction staff, together with the Trust's construction manager, Gilbane Building Co., evaluated the bid for responsiveness which, among other things, included the contractor's relevant experience on similar projects and a preliminary M/WBE plan.

Deborah Bradley's bid satisfied these evaluative criteria and was determined to be responsive. Thereafter, the Trust performed a responsibility determination for Deborah Bradley including an evaluation of financial capacity, legal authority, integrity, and past performance. The reference and background checks for Deborah Bradley were uniformly supportive. Deborah Bradley successfully provided similar and satisfactory site construction work for the Trust for the new bikeway/layby and esplanade components of the CMAQ project and at the Leroy Street Dog Run. Trust staff determined that Deborah Bradley was the lowest responsive and responsible bidder for the proposed work and thus seeks Board authorization to contract with Deborah Bradley for the CWP Playground work.

President Wils continued that the CWP Playground restoration project will include the construction project currently before the Board, design, signage, play equipment and landscape contracts to be held by Friends, and construction management services to be performed by the Trust under a contract previously approved by the Board. She stated that the total project budget currently, inclusive of the Deborah Bradley contract, play equipment, design services, and construction management was estimated at \$3.4 million.

It is anticipated that the Deborah Bradley contract will be supported with approximately \$1.02 million of City Council funds allocated through Council Member Corey Johnson, and approximately \$1.55 million from NYS sources, including pledged amounts from State Senator Richard Gottfried. Other project elements are being funded largely with monies

raised through FOHRP, as either direct contracts held by FOHRP or reimbursements to the Trust. President Wils conceded that there is a possibility that the Trust will be called upon to cover some portion of the costs from its capital maintenance budget once all contract amounts are known.

The Trust requested Board authorization to contract Deborah Bradley Construction & Management Services Inc. for the Chelsea Waterside Park Construction Work in a Base Contract Amount of \$2,248,469 plus a 10% contingency, for a Total Board Authorization Amount of up to \$2,473,316.

Director Halpern asked President Wils for details about the landscaping budget. President Wils clarified that should the landscaping come in over budget, the project would be fully capitalized by money from both the Hudson River Park Friends and the State. Director Goldberg asked President Wils whether the Trust was satisfied with the design of the Chelsea Waterpark Playground as it is. She confirmed that the design is great and the vetting for the design was approved by the community process. President Wils continued that the budget was based on the design that was previously agreed upon.

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 Deborah Bradley Construction & Management Services Inc. for the Chelsea Waterside Park Playground Construction Work in Base Contract Amount of \$2,248,469 plus a 10% Contingency, for a Total Board Authorization Amount of up to \$2,473,316.

RESOLVED, based upon the materials presented to the Board at its meeting on September 28, 2017, 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 Deborah Bradley Construction & Management Services Inc. for the Chelsea Waterside Park Construction Work in Base Contract Amount of \$2,248,469 plus a 10% contingency, for a Total Board Authorization Amount of up to \$2,473,316, 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.

With the previous item approved, President Wils introduced the next item which was an authorization to amend the Contract with the New York City Parks Department for security services. Director Alyssa Cobb-Konan recused herself from discussion and vote on this Board item.

At the May 28, 2015 board meeting, the Board authorized an amendment to the Trust's contract with the New York City Department of Parks & Recreation in an amount of up to \$8,549,767.60 for a three year term ending June 30, 2018. Parks Enforcement Patrol provides 24/7 security services for the Park.

President Wils stated that PEP has provided 24/7 security services to Hudson River Park since 2004 through an original contract and several amendments. Security represents the Trust's single largest operating expense. The sole source justification for the amendment remained the same as the sole source justification for the Trust's original contract; PEP continues to be the only entity available to the Trust capable of providing security and law enforcement services for the Park.

The Trust needed additional funding for the final year of the contract (July 1, 2017 through June 30, 2018) to cover additional costs of \$263,397.00 related to: (a) an increase of the fringe benefit rate for PEP staff from 48.1% to 50.11%; (b) the staffing of an additional PEP officer for the Pier 81-83 area; and (c) collective bargaining increases that resulted in a new 40 hour work week for the PEP officers (up from 35 hours per week). Thus, the primary reason for the cost increase was additional hours of services from PEP. It should be noted also that the

portion of the additional services associated with Pier 81-83 was reimbursed by the Trust's tenant at that location, Circle Line. Funding for this amendment was available through the Trust's operating budget.

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

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Amend the Contract with the City of New York Department of Parks & Recreation for Park Security Services in an Amendment Amount of \$263,397.00, for a Total Board Authorization Amount of up to \$8,813,164.60

RESOLVED, based upon the materials presented to the Board at its meeting on September 28, 2017, 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 the City of New York Department of Parks & Recreation for Park Security Services in an amendment amount of \$263,397.00, for a total Board authorization amount of up to \$8,813,164.60; 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 foregoing resolution.

The next item before the board was the request for the authorization to amend the contract with Alternative Power Solutions, Inc. for the Pier 40 emergency generator and maintenance repair services.

President Wils stated that in January 2015, the Trust issued a Request for Proposals for emergency generator and repair services for the Pier 40 emergency generator. The Trust received two proposals in response to the RFP. Under the Trust's Procurement Guidelines, the receipt of two proposals constitutes a failed RFP; however, the Trust may evaluate the remaining qualified proposals and make a sole or single source award if the Trust concludes that it is in the Trust's best interests to proceed. The Trust determined that Alternate Power Solutions, Inc. had the

requisite experience and offered the lower pricing for the services, which pricing was deemed fair and reasonable by the Trust.

In November 2015, the Trust entered into a one year single source contract (with an option for two one-year renewals) with Alternate Power for the Services. The maximum contract amount for one year of the Service was \$14,000.00, which included \$9,000.00 for scheduled maintenance plus an additional \$5,000.00 to cover repair parts and additional repair services as needed.

Alternate Power had provided excellent Services to the Trust during the first year of the contract. The Trust had exercised the Year 2 term option and wished to exercise the Year 3 term option for this contract. Under the Trust's Procurement Guidelines, all multi-year contracts require authorization from the Board of Directors ("Board") regardless of the dollar amount of the contract. The Trust estimated that the amount required for the two option terms is \$28,000.00.

Funding for this amendment was available through the Trust's approved operating budget. The Trust requested Board ratification and authorization to amend the contract with Alternate Power Solutions, Inc. for the Pier 40 Emergency Generator Maintenance and Repair Services, and for additional funding for the option years of the contract in the amendment amount of \$28,000.00, for a total Board authorization amount of up to \$42,000.00.

Director Mintzer asked President Wils; whether it was required for the Board to authorize every multi-year contract regardless of their monetary value. To which President Wils replied in the affirmative.

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

HUDSON RIVER PARK TRUST – Ratification and Authorization for Hudson River Park Trust to Enter into a Multi-Year Contract with Alternate Power Solutions, Inc. for the Pier 40 Emergency Generator Maintenance and Repair Services, and for Additional Funding for the Option Years of the Contract in the Amendment Amount of \$28,000.00, for a Total Board Authorization Amount of up to \$42,000.00.

RESOLVED, based upon the materials presented to the Board at its meeting on September 28, 2017, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby ratifies and authorizes the Hudson River Park Trust to enter into a multi-year contract with Alternate Power Solutions, Inc. for the Pier 40 Emergency Generator Maintenance and Repair Services, and for additional funding for the option years of the contract in the amendment amount of \$28,000.00, for a total Board authorization amount of up to \$42,000.00; 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 foregoing resolution.

The next item introduced was a request for the authorization to contract with New York State Industries for the Disabled, Inc. for Parkwide Interior Cleaning Services.

President Wils continued that in June 2014, the Trust entered into a contract with New York State Industries for the Disabled, Inc. for parkwide interior cleaning services which were provided through NYSID's partner agency, FedCap Rehabilitation Services. The contract expired in June 2017.

At the expiration of the term, the Trust elected to extend the contract on a month-to-month basis utilizing unspent Board-approved funds, and evaluate alternative scenarios for the delivery of cleaning services. While the Trust had assessed FedCap's performance as satisfactory, it had not completed its evaluation of alternative service delivery scenarios.

Accordingly, the Trust requested Board authorization to enter into a one-year contract with NYSID beginning on October 1, 2017 through September 30, 2018. This would provide sufficient time to more fully evaluate alternatives.

NYSID is a New York State Preferred Source contractor that has offered pricing that is within 15% of the prevailing market rate. Specifically, NYSID has offered a cost proposal of \$40,150.63 per month (\$481,808.00 per year) based upon current prevailing wage rates.

Throughout the term of the proposed contract, wages are expected to increase in line with the requirements of New York State Department of Labor prevailing wage rates. In addition, the Trust will require FedCap to provide additional cleaning projects for events and special projects.

Accordingly, staff requested Board authorization for a 10% allowance above the Base Contract amount, for a total Board authorization amount of up to \$529,988.80 in order to address contingencies. Funding for this amendment was available through the Trust's approved operating budget.

The Trust requested Board authorization to enter into a one year contract with New York State Industries for the Disabled, Inc. for Parkwide Interior Cleaning Services in a base contract amount of \$481,808.00 plus a 10% allowance, for a total Board authorization amount of up to \$529,988.80.

Director Goldberg asked whether the trust could authorize the money for up to a year and continue to contract with the New York State Industries for the Disabled on a month to month basis, dependent on the completion of an evaluation of alternative scenarios for the delivery of cleaning services. Vice President Dan Kurtz explained that this was an option available and the Trust was currently operating under that recommendation.

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 Enter into a Three Year Contract with New York State Industries for the Disabled, Inc. for Parkwide Interior Cleaning Services in a Base Contract Amount of \$481,808.00 plus a 10% Allowance, for a Total Board Authorization Amount of up to \$529,988.80.

RESOLVED, based upon the materials presented to the Board at its meeting on September 28, 2017, 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 enter into a one year contract with New York State Industries for the Disabled, Inc. for Parkwide Interior Cleaning Services in a Base Amount of \$481,808.00 plus a 10% allowance, for a total Board authorization amount of up to \$529,988.80; 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 foregoing resolution.

After the approval of the previous item, President Wils asked the Board for authorization to amend the Aldona Fire Protection, Inc. contract for parkwide monitoring, inspection, maintenance and repair services of fire alarm systems.

At the May 22, 2015 meeting, the Board authorized the Trust to enter into a contract with Aldona Fire Protection Inc. for Parkwide Monitoring, Inspection, Maintenance and Repair of Fire Alarm Systems for up to three years in a total contract amount of up to \$158,685.00. The contract was procured under a single source justification as Aldona was the only qualified respondent to an RFP limited to businesses certified pursuant to Article 15-A of the New York State Executive Law (Minority or Women Business Enterprises (M/WBE)), and for New York State small businesses. The third and final contract year of the Aldona contract had just begun. The costs associated with this contract excluded Pier 40 services for the first year, as the warrantee for the newly renovated Pier 40 fire alarm system covered maintenance and service for this period of time. At date of the initial approval, staff advised the Board that it would seek an authorization for additional funds to include Pier 40 if Aldona's performance under the contract

was satisfactory. Aldona continued to perform its services in a competent and satisfactory manner and, under a separate subcontract for FEMA related work, was currently completing work to connect the Fire Sprinkler and Standpipe Systems to the existing Fire Alarm System at Pier 40. Accordingly, the proposed amendment amount of \$32,000 was necessary to provide funding for the remaining term of the contract for the Pier 40 and other parkwide fire alarm services.

Funding for this amendment was available through the Trust's approved operating budget. The contract expiration date of September 2018 was not affected by this amendment. The Trust requested Board authorization to amend the contract with Aldona Fire Protection, Inc. for Parkwide Monitoring, Inspection, Maintenance and Repair Services of Fire Alarm Systems to include the Pier 40 services in an amendment amount of \$32,000, for a total Board authorization amount of up to \$190,685.

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

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Amend the Contract with Aldona Fire Protection, Inc. for Parkwide Monitoring, Inspection, Maintenance and Repair Services of Fire Alarm Systems to include the Pier 40 Services in an Amendment Amount of \$32,000, for a Total Board Authorization Amount of up to \$190,685

RESOLVED, based upon the materials presented to the Board at its meeting on September 28, 2017, 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 Aldona Fire Protection, Inc. for Parkwide Monitoring, Inspection, Maintenance and Repair Services of Fire Alarm Systems to include the Pier 40 services in an amendment amount of \$32,000, for a total Board authorization amount of up to \$190,685; 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 foregoing resolution.

President Wils continued the meeting with asking for Board for authorization to amend the contract with Adjusters International Inc., for FEMA project closeout and consulting services.

At the June 8, 2017 meeting, the Board of the Trust authorized an increase in the Trust's sole source contract with Adjusters International, Inc. to up to \$325,000.00. Adjusters continued to work with the Trust by providing technical assistance in connection with completing FEMA applications and assembling supporting documentation necessary for funding as a result of Hurricane Sandy and Tropical Storm Irene. The total reimbursable amount sought by the Trust upon completion of all Sandy repairs was estimated to be \$36.3 million. To date, the Trust had expended \$33.1 million for Sandy repairs, of which \$18.3 million had been reimbursed. The Trust expended \$6.74 million and had been reimbursed \$6.72 million for Tropical Storm Irene.

The proposed amendment amount of \$35,000.00 and extension of the contract term was necessary for Adjusters to complete the review and analysis of Sandy and Irene documentation in connection with the FEMA and NYS Governor's Office of Storm Recovery close-out process. Adjusters continued to perform their services in a competent and satisfactory manner. The evaluative criteria and justification for the Trust's initial sole source procurement on May 9, 2015, based primarily on Adjuster's unique familiarity with the FEMA process and Trust claims, remains in effect.

The Trust anticipated that all but approximately \$13,500.00 of the Adjusters \$360,000.00 contract amount will be subsequently reimbursable by FEMA and the State as eligible Direct Administrative Costs. The ineligible portion related solely to final closeout and preparation of electronic and paper documents for audit. The contract term for the close out consulting services, including follow-up and audit, shall be extended to June 30, 2018.

The Trust requests Board authorization to amend the contract with Adjusters International, Inc. for FEMA Project Close-out Consulting Services in an amendment amount of \$35,000.00, for a total Board authorization amount of up to \$360,000.00.

Director Halpern asked whether there should be a point wherein the board should be worried about the reimbursement from FEMA. Owen Davies, the Vice President of Management Systems, stated that they have received \$2 million from FEMA and the Trust should be receiving \$3 million shortly.

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 Amend the Contract with Adjusters International, Inc. for FEMA Project Close-out Consulting Services in an Amendment Amount of \$35,000.00, for a Total Board Authorization Amount of up to \$360,000.00.

RESOLVED, based upon the materials presented to the Board at its meeting on September 28, 2017, 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 Adjusters International, Inc. for FEMA Project Close-out Consulting Services in an amendment amount of \$35,000.00, for a total Board authorization amount of up to \$360,000.00; 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 foregoing resolution.

The next item subject to Board approval was the request for authorization to contract with Workshop Art Fabrication, LLC for fabrication of custom art work for the LGBT memorial.

Director Leslie Wright recused herself from discussion and vote on this Board item.

President Wils stated that on June 26, 2016, Governor Cuomo signed Executive Order No. 158, establishing an LGBT Memorial Commission to provide recommendations for a

memorial in the City of New York to stand as an international symbol against ignorance, hate, bigotry, and gun violence, and to honor the victims of the June 12, 2016 shooting at Pulse nightclub in Orlando, Florida. The Commission consisted of ten members appointed by the Governor, and was tasked with providing recommendations for the location, design and installation of the memorial.

As a first step in advancing the memorial, the Commission, through Rose Harvey, Commissioner of New York State Parks, Recreation and Historic Preservation, coordinated a procurement process to select a Public Art Consultant -- ultimately, John Reddick and Studio HIP – and to identify the location for the memorial. Following consultation with the Trust, the Commission selected an upland lawn panel in the Greenwich Village section of Hudson River Park near Bethune Street as the memorial location, and Studio HIP began developing a public art competition for the memorial design. The Trust was provided with funding by the State and asked to be the contracting entity for Studio HIP, given that the memorial work would eventually take place within Hudson River Park. The Trust entered into a contract with Studio HIP based upon the selection process conducted by State Parks.

In the ensuing months, Studio HIP assisted the Commission in reviewing proposals submitted through the design competition, and, in conjunction with State Parks, worked with the Trust to ensure that technical considerations, such as subsurface site condition, site access, maintenance, etc., were considered as part of the selection process. In June 2017, Governor Cuomo announced that Anthony Goicolea Studios had won the design competition, and that the memorial would be installed in Hudson River Park in time for Heritage of Pride celebrations in June 2018.

The Artist intended to fabricate the memorial with nine “stones,” that would be cast bronze finished to look like rough-hewn granite, marble, or fieldstone, all materials traditionally used to mark burial sites. Six of the nine boulders will be vertically bisected and separated to create a 10 to 14 inch gap between the two halves. The flat interior surfaces of the bronze casts will be polished with a silver chrome finish and the gap between the two separated halves of stone will be filled with a customized clear, laminated, borosilicate-glass with refractory components. The glass would be resistant to breakage, cracking, shock, expansion, and extreme temperatures. The laminated glass compound will be faceted to match the angular contours of the existing rock and acts as a prism to reflect and refract the changing light that passes over and through each stone. The refracted sunlight will then hit the laminated prismatic glass, separating into a full color spectrum, and casting subtle rainbow patterns on the surrounding lawn and nearby objects and visitors.

Since the Artist was selected through the competition, the Trust, Studio HIP and State Parks had been working closely to develop a plan for implementing the project in time for the Spring 2018 deadline. State Parks and the Trust will each hold several contracts associated with the project, with the funding for each provided through separate, dedicated State allowances.

In addition to Studio HIP contract, the Trust has been asked to hold the contract with the art fabrication firm that will create the sculptural “boulders” that are the principal design element of the memorial and, later, for site construction and final installation. State Parks will contract directly with the Artist for the design of the monument.

At the request of State Parks, and with funding to be provided by the State, the Trust proposes to enter into a contract with Workshop Art Fabrication, LLC for the fabrication of the

monument. The Trust has concluded that the proposed contract satisfies the Trust's single source procurement criteria, as further described below.

A single source procurement is one in which two or more contractors can supply the commodity or perform the service required by the Trust, but the Trust selects a specific contractor because of that contractor's specific expertise, previous experience with current or similar contracts, or expertise with a specific issue. In a single source procurement, the Trust must document in the procurement record the following criteria: (i) the circumstances leading to the selection of the contractor, including the alternatives considered; (ii) its rationale for selecting the specific contractor; and (iii) the basis upon which it determined the cost was reasonable and how that conclusion was reached.

With respect to the first criterion (i) above, the circumstances leading to the selection of the contractor, including alternatives considered, the Trust believes that the proposed contract meets this test because of the unique circumstances related to the memorial. The memorial Artist was selected by the Commission to design and implement the memorial within Hudson River Park following a public competition. The competition required the Artist to submit a detailed design concept and budget for his submission, as well as details about how the elements could be fabricated. The Artist specifically identified the craftsmanship and technical expertise of Workshop and its proposed glass subconsultant, Ross Studios, in his winning competitive proposal. During the vetting process for the Artist's proposal, Studio HIP and State Parks, acting on behalf of the Commission, specifically examined the technical aspects of the proposed design that would be performed by these firms. Accordingly, Workshop and its proposed subconsultant, Ross Studios, were effectively part of the winning submission and staff does not believe there is an alternative other than contracting with the firm the Artist believes is integral to

the work. Moreover, an effort to reconstitute the winning team would result in a delay to the schedule that would extend beyond the designated June 2018 memorial opening date. Thus, criterion (ii) for single source selection was satisfied.

With respect to the third criterion (iii) above, the basis upon which the Trust determined the cost was reasonable, State Parks consulted with Ellen Rand, an experienced and expert art conservator with 30 years of experience specializing in metal fabrication. Ms. Rand was asked to review the specific Workshop proposal, inclusive of the cost estimate, and found it to be in keeping with industry norms; in fact, she expressed her belief that the hourly rates of the Workshop are less than those of many comparable foundries. Ms. Rand considers them to be a “best value” firm for creating sculpture, capable of creating the highest quality work and also meeting very tight deadlines. Ms. Rand has used Workshop for two projects recently, including for a memorial plaque for Crown Point State Historic Site. On the basis of Ms. Rand’s expert opinion, the Trust has determined that the proposed fee is fair and reasonable. An initial review of Workshop’s qualifications confirms that the firm will meet the Trust’s responsiveness and responsibility criteria as well.

For the reasons stated above, the Trust recommended proceeding with Workshop for fabrication of the LGBT memorial in a Board authorization amount of up to \$400,000.00. Funding for the proposed contract will come from the State. The Trust will receive assistance from State Parks in the administration and supervision of this contract and in coordinating the efforts of Workshop with the Artist and Studio HIP.

The Trust requested Board authorization to contract with Workshop Art Fabrication, LLC for Fabrication of Custom Art Work for the LGBT Memorial with a Board authorization amount of up to \$400,000.00.

Director Halpern asked about the schedule for the project. President Wils stated that the memorial should be completed by June 2018. Director Frederick commented that there was a lot of work to be completed. President Wils agreed and responded by stating that the Trust would not be paying for the memorial. The State had set aside \$1 million for the project.

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 Workshop Art Fabrication, LLC for Fabrication of Custom Art Work for the LGBT Memorial with a Board Authorization Amount of up to \$400,000.00

RESOLVED, based upon the materials presented to the Board at its meeting on September 28, 2017, 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 Workshop Art Fabrication, LLC for Fabrication of Custom Art Work for the LGBT Memorial in a Board authorization amount of up to \$400,000.00; 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.

The final item for Board approval was the request for the appointment of Petra Maxwell as the General Counsel and Secretary.

President Wils stated that Section 7.1(d)(vii) of the Hudson River Park Act authorizes the Trust to appoint such officers as it may require for the performance of its duties, including a General Counsel to serve as the Trust's chief legal officer. The prior general counsel, Gary O'Brien, left the Trust earlier in the year.

Petra Maxwell would join the Trust on October 23rd. Prior to accepting this position, Ms. Maxwell worked as Deputy Executive Director of Operations and Agency Counsel for the New York State Council on the Arts. Ms. Maxwell also worked as Associate Counsel for the

Executive Chamber, Office of the Governor in New York. Prior to her work in state government, Ms. Maxwell has held multiple positions in the nonprofit and private sectors, which include Associate Vice President of Quality Assurance and In-House Counsel at The Fortune Society, Contract Attorney at Wilmer Hale, Senior Vice President for Workforce Development at Seedco, and Executive Director of the Vocational Foundation, Inc.

Amongst her many skills, Ms. Maxwell has experience in state procurement, contract law, litigation and real estate. Ms. Maxwell is a 1983 graduate of the University of New Hampshire and received her law degree in 1986 from Harvard Law School. A copy of her resume was included in the Board materials.

The Trust requested approval by the Board of Directors of the appointment of Petra Maxwell as General Counsel and Secretary, to hold that position in accordance with the By-Laws of the Trust. President Wils introduced Petra Maxwell to the Board and she stated that she was very excited about the opportunity to work with the Trust.

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

HUDSON RIVER PARK TRUST – Appointment of Petra Maxwell as General Counsel and Secretary

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 28, 2017, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby approves the appointment of Petra Maxwell to hold the office of General Counsel and Secretary in the manner provided for in the Hudson River Park Act and the By-Laws of the Hudson River Park Trust; and it be 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 foregoing resolution.

After the approval of the last item, President Wils commenced the President's Report. She noted that the materials in the Board's packets at the meeting included a summary of parkwide public safety statistics. President Wils commended the PEP for their great work in the Park. Further, she directed the Board's attention to their packets in which the financials for the second quarter of fiscal 2017-2018 were presented. This included the report of the status of FEMA.

President Wils continued the President's Report by updating the Board on the status of the Pier 55 project. She stated that after six years of hard work, Barry Diller notified the Trust that he was withdrawing from the Pier 55 project. She stated that because the Pier would no longer be funded by Barry Diller, the Trust now needed a new public source of funding for the park.

President Wils continued that they would also have the Pier 40 Task Force Group meeting that day, in which the Trust would be answering questions about the Trust's finances as it pertains to the Trust's long-term plan.

President Wils continued that she was sad to report on the resignation of board member Joe Rose. Rose had been on the Board for 18 years and had attended every board meeting, every task force and committee he could. The Trust would miss him.

To wrap up the summer season, the park saw another year of events with over 61,000 people in attendance. There were a total of 116 family fitness, music, movie and dance events. These free events took place throughout the Park and included favorites such as Hudson River Flicks, Sunset Salsa and the 18th annual Blues Barbeque which was attended by more than 10,000 people. The staff worked long hours to ensure the safety and success of these events. Further, the park was the host of New York Fashion Week events including RF13 Denim, who

debuted their ready to wear collection. KITH Sport also debuted their ready to wear collection at Classic Car Club on Pier 76. This was attended by all sorts of celebrities like Lebron James, Carmelo Anthony, Scottie Pippen and performances by Russ and Miguel.

The fourth annual Submerge New York City Marine Science Festival at Hudson River Park's Pier 26 attracted more than 6,500 participants from all over the City and beyond. This included hands-on science with over 40 partner research organizations such as SCUBA dives.

The Environment and Education Department educated over 27,000 people through a range of diverse and impactful programming which included 101 public education programs, 274 field trips and 34 citizen science workshops. Over 7,000 students participated in free and low-cost field trip programs and 2,300 citizens, scientists helped with Park research focused on oysters and Marine plastics.

President Wils was excited to report that Park staff discovered huge wild oysters that were growing on the underside of the Pier 25 floating docks. They were the largest oysters to be found in 100 years. It was very rare to find oysters of this size because they would die because of the make-up of the water. This marked the significant water quality improvement in the Hudson River and the importance of oyster research that the Park staff was conducting.

Director Halpern asked about the increase in the homeless population in the park. President Wils stated that there was more enforcement and more homeless. There were also targeted programs to help the homeless find services if they chose to do so.

Lowell Kern of the Hudson River Park Advisory Council stated that they were also concerned about the increase in homeless. They have brought it to the attention of the NYPD and PEP and are seeking a resolution. The Committee was also concerned with the electric bikes, but NYPD and PEP were working on that as well.

Connie Fishman of Hudson River Park Friends, began by pointing out that the Friends had begun utilizing its new branding. Beginning in October, the Friends would adopt the new branding on all material. The fall campaign would also include the new branding. Fishman hoped that the rebranding would help people understand the connection between the Friends and the Trust.

Ms. Fishman then reported that the gala was completely sold out. They hoped to bring in about \$90,000 to walk into the gala with a total of \$2.8 million. The Friends hoped to sell the Environmental Education program as part of the pre-sale. The honorees were set to be Citi, Robert DeNiro and board member Justin Saverin. The two guest hosts were Seth Meyers and Mike Meyers.

Finally, Ms. Fishman stated that the groundbreaking for Chelsea Waterside Playground was set to be a week from the board meeting. The press would be there and a number of donors from the playground committee would be there as well.

President Wils stated that since the signage and branding came up; the Trust was trying to finalize the messaging for the remainder of the signage. The signs were starting to be fabricated and the Trust would start installing the signs in November. By the spring, the Trust hoped to unveil the new signage packaging.

Seeing that there was no further business to discuss, Chair Taylor entertained a motion to go into an Executive Session to discuss updates on the Pier 55 litigation. At 5:09 p.m., the Hudson River Part Trust conducted an Executive Session. At 5:40 p.m., the Executive Session was adjourned and the public meeting reconvened.

As there was no further business, the meeting was adjourned at 5:41 p.m.