



**MEETING OF THE
BOARD OF DIRECTORS
July 23, 2020 at 4:00 pm
Hudson River Park Trust, Pier 40
Conference Call Number: 646 558 8656
Meeting ID: 948 5731 3524**

AGENDA

I. CONSENT AGENDA

- A. Approval of Minutes and Ratification of the Actions Taken at the May 28, 2020 Meeting of the Hudson River Park Trust Board of Directors
- B. Ratification of Contract with B N Restoration Inc. for Pier 40 Façade Restoration

II. CORPORATE ACTIONS

- C. Authorization to Contract with Risa Heller Communications for Strategic Public Relations and Communications Services
- D. Authorization to Adopt Amendments to Hudson River Park Rules and Regulations
- E. Authorization to Adopt Negative Declaration under SEQRA for the Tribeca Ecological Enhancements in Hudson River Park Segment 3

III. PRESIDENT'S REPORT

- Update: Financials
- Update on Design/Construction Projects and Pending Lease Agreements
- Update on Return to Work Plan and Reopening of Park Facilities
- Virtual Summer Programs
- Launch of New Website

IV. ADVISORY COUNCIL AND HRPK FRIENDS REPORTS

V. ADJOURN

**HUDSON RIVER PARK TRUST - Approval of Minutes of and Ratification of the Actions
Taken at the May 28, 2020 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 May 28, 2020 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 the Hudson River Park Trust.

For Consideration
July 23, 2020

To: The Directors
From: Madelyn Wils
Re: Ratification of Contract for Pier 40 Façade Restoration Project

I. Contract Summary

Contractor: B N Restoration Inc.
Proposed Project: Pier 40 Facade Restoration
Contract Numbers: C5220
Authorized Amount: Up to \$2,440,786 plus 10% contingency for a Total Board Authorization Amount of up to \$2,684,865

II. Background

Restoration of the façade of the Pier 40 building is urgently required to ensure public safety. Planned work includes masonry replacement, repair and repointing, repair of enamel façade panels, lead abatement and other miscellaneous repairs (the “Façade Work”). It is the Trust’s intent to commence the Façade Work in August 2020, with completion, which is weather dependent, by May 2021.

At its May 28, 2020 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract for the Pier 40 Façade Work for an amount of up to \$2,500,000 plus 10% contingency for a Total Board Authorization Amount of up to \$2,750,000, pending the selection of a contactor pursuant to the Trust’s procurement process. At that time, Trust staff was in the process of evaluating proposals that had been submitted pursuant to a competitive procurement. The Trust has since completed its evaluation of all submitted proposals and now seeks Board ratification of the contract with B N Restoration Inc. (“BNR”) in an amount of \$2,440,786 plus 10% contingency for a total authorized amount of \$2,684,865.

III. Procurement Process

In accordance with the Trust’s Procurement Guidelines, an advertisement for a Request for Proposals (“RFP”) for the Façade Work was published in the New York State Contract Reporter and on the Trust’s website for the period of May 1, 2020 through May 22, 2020. The Trust received sixteen proposals on the submission deadline. A selection committee comprised of the Trust’s Design/Construction staff reviewed the submissions and evaluated each company according to the identified selection criteria in the RFP, including contractor’s and contractor team’s experience, reputation and references, quality of work, proposed project schedule, diversity practices and commitment to encouraging MWBE participation, and price proposal. After evaluating proposals, the selection committee short-listed and invited the following five firms for interviews: (1) BNR, (2) Gem-Quality Corporation, (3) Seabreeze General Construction Inc., (4) Structural Preservation Systems, LLC, and (5) TDI Construction Inc. Upon completion of proposal review and interviews,

the selection committee determined that BNR was the best qualified consultant to perform the Facade Work. The Trust performed a responsibility determination for BNR which included confirmation of BNR's legal authority, integrity and past performance. This review did not yield any adverse information. The Trust is awaiting additional information that will need to be reviewed prior to entering into the contract to confirm financial capacity.

BNR proposed a fee of \$2,440,786 for the Facade Work. Trust staff determined that BNR's cost proposal was fair and reasonable and thus presented the "best value" to the Trust. Pursuant to the Board's May 28, 2020 authorization, the Trust proposes to enter into a contract with BNR as the most qualified firm for the Facade Work and now seeks ratification by the Board.

BNR is a New York State certified MWBE. BNR has also committed to meeting the State's SDVOB 6% goal.

IV. Funding

Funding for this contract is available from the Trust's capital maintenance budget, with funding provided through air rights sale proceeds allocated for Pier 40 infrastructure repair.

V. Requested Action

The Trust requests ratification by the Board of Directors of the contract with BNR for the Pier 40 Facade Restoration project for an amount not to exceed \$2,440,786 plus 10% contingency for a Total Board Authorization Amount of up to \$2,684,865.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Ratification of the Contract with B N Restoration Inc. for the Pier 40 Façade Restoration for an Amount Not To Exceed \$2,440,786 plus 10% contingency for a Total Board Authorization Amount of up to \$2,684,865.

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on July 23, 2020, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby ratifies the Hudson River Park Trust contract with B N Restoration Inc. for the Pier 40 Roof Façade Restoration project for an amount not to exceed \$2,440,786 plus 10% contingency for a Total Board Authorization Amount of up to \$2,684,865; 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.

For Consideration
July 23, 2020

To: The Directors

From: Madelyn Wils

Re: Authorization to Contract with Risa Heller Communications for Strategic Public Relations and Communications Services

I. Contract Summary

Contractor: Risa Heller Communications
Proposed Work: Strategic Public Relations and Communications Services
Contract Number: G5290
Authorization Amount: Up to \$540,000 over a five-year period

II. Background

Over the course of the next five years, the Hudson River Park Trust (the “Trust”) will be opening multiple new Park areas including Pier 26, the *Day’s End* sculpture on the Gansevoort Peninsula, Little Island, the Gansevoort Peninsula and Pier 97. The Trust is also advancing several important environmental initiatives and is hosting free educational and cultural programming for the general public. Staff has identified a need for assistance with press and media relations with respect to these Park expansion, environmental, educational and cultural programming initiatives.

Beyond these particular items, staff believes press and media relations services are needed to support other goals of the Trust as well. These goals include educating the public about the Park, reinforcing the Park brand and strengthening its identity as a place worthy of financial and volunteer support, and ensuring that Park messaging is coordinated, when appropriate, with Trust funding and governmental partners while maintaining the Park’s unique voice and character. Support may also be needed in other areas, such as periodic advice on the Park’s website and social media platforms, targeted initiatives and strategies for print and digital media. The Trust does not have a Communications Director on staff and believes it can receive greater value by hiring an outside firm.

III. Procurement Process

The Trust issued a Request for Proposals for Strategic Public Relations and Communications Services (“RFP”) on April 24, 2020, which was advertised both in the New York State Contract Reporter and on the Trust’s website with responses due on May 15, 2020. The RFP set forth the anticipated scope of work, which included specific items such as serving as Trust spokesperson, developing press campaigns, issuing press releases, providing talking points and training when necessary, securing media coverage and speaking engagements and social media consulting.

Because the nature of the work is typically self-performed with little to no opportunities for subcontracting, Trust staff requested a pre-solicitation waiver from the New York State MWBE goal, which was granted on April 17, 2020. An internal pre-solicitation waiver from the New York State SDVOB goal was also prepared on the same basis.

In response to the RFP, the Trust received 26 proposals that were determined to be timely submitted and responsive. In accordance with the Trust's Procurement Guidelines, a selection committee (the "Selection Committee") reviewed the submissions and evaluated each respondent for experience, staffing, pricing, proposal quality, evidence of clear and compelling writing and communications ability, and demonstrated prior experience and success working with New York State or New York City governmental clients, as well as experience with local media and issues applicable to Hudson River Park.

The Selection Committee completed a first round screening and determined that 13 of the submissions had weaknesses based on the evaluation criteria that caused them not to merit further consideration. The remaining proposals were then ranked numerically, also using the evaluation criteria, and the Committee conducted interviews with the six firms receiving the highest scores, as follows:

BerlinRosen
Finn Partners
Kivvit
Marino PR
Nicholas & Lence Communications
Risa Heller Communications

Following a further evaluation, which included information provided by respondents in the interviews, the Selection Committee narrowed the field to the two highest ranked firms, BerlinRosen and Risa Heller Communications. The Selection Committee then conducted a second round of interviews with the two firms and performed a final evaluation for all factors which ranked Risa Heller Communications most highly. After the final ranking by the Selection Committee was complete and Risa Heller Communications was identified as the highest rated proposer, the firm was asked to submit a revised price proposal to reduce cost and thus make its proposal more advantageous to the Trust.

Trust staff determined that Risa Heller Communications was the most qualified firm, and offered a fee and cost proposal that is fair, reasonable, and aligns with standard industry rates and thus presents the "best value" to the Trust. Risa Heller Communications has successfully performed work for Hudson River Park through a contract with Hudson River Park Friends and has extensive experience in public relations, media outreach, and government affairs. Risa Heller Communications has also represented other public parks, including the Trust for Governors Island, Brooklyn Bridge Park Corporation, the Prospect Park Alliance and the Natural Areas Conservancy. As such, they are very familiar with media in the Hudson River Park's sector. Their practice also extends to numerous high profile real estate projects, such as Essex Crossing, Anable Basin in Long Island City (the former Amazon HQ2 site), Two Bridges, 80 Flatbush, the Brooklyn Navy Yard and the Brooklyn Queens Connector.

Annual pricing for the \$540,000 five-year term contract would be: (1) \$96,000 year one; (2) \$102,000 year two; (3) \$108,000 year three; (4) \$114,000 year four; and (5) \$120,000 year five. Payments would be made as equal monthly installments and the contract will be terminable upon thirty (30) day notice. Funding for the first 8 months of this contract is available under the Promotions and Public Relations line item of the Trust's FY 2021 Operating Budget. Funding for subsequent periods will be subject to the Board's review and approval of the Trust's annual Operating budget.

IV. Requested Action

The Trust seeks authorization by the Board of Directors to enter into a contract with Risa Heller Communications for strategic public relations and communication services for a five-year term in an amount of up to \$540,000.

Attachment:
Resolution

HUDSON RIVER PARK TRUST - Authorization to Contract with Risa Heller Communications for Strategic Public Relations and Communications Services for a Five-Year Term in an Amount Up to \$540,000

RESOLVED, based on the materials presented to the Board of Directors at its meeting of July 23, 2020, 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 contract with Risa Heller Communications for strategic public relations and communication services for a five-year term in an amount of up to \$540,000; 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 foregoing resolution.

For Consideration
July 23, 2020

To: The Directors

From: Madelyn Wils

Re: Adoption of Final Amendments to Hudson River Park Rules and Regulations

I. BACKGROUND

In 2001, the Hudson River Park Trust (“Trust”) adopted rules and regulations for Hudson River Park at 21 NYCRR Part 751 (the “Park Rules”), which were modeled after regulations adopted by both New York State Parks and New York City Department of Parks and Recreation (“City Parks”). The Park Rules cover both the upland and water areas of the Park and were designed to enhance and provide for the safety, well-being, enjoyment and equal opportunity for all who use the Park, as well as to protect the natural resources within the Park. The Park Rules outlined the permitted and prohibited uses and activities within the Park and also established the requirements for permit applications needed to conduct certain uses, activities or events in the Park. The Park Rules were last amended in January 2013. Currently, Park rules are enforced through the Trust’s contract with NYC Parks Enforcement Patrol (“PEP”).

The New York City Office of Administrative Trials and Hearings/Environmental Control Board (“OATH/ECB”) is the administrative entity that conducts hearings on notices of violations issued by City agencies and certain other governmental bodies located in New York City, including by the Trust. Previously, OATH/ECB adopted a penalty schedule for enforcement of violations of the Park Rules. However, OATH/ECB has since requested that each agency adopt its own penalty schedule. For this reason, the Trust has proposed amendments to 21 NYCRR Part 751 to create a penalty schedule modeled on that previously adopted by OATH/ECB. The proposed penalty schedule also is consistent with the New York City Criminal Justice Reform Act of 2016, which was passed with the intention of creating penalties that are appropriate and proportional for low-level, non-violent offenses, and to ensure that penalties for violations are consistent across local agencies.

The proposed amendments also renumber the section headings so that the citations to Trust rules are similar to those citations in City Park’s rules to facilitate enforcement by PEP officers. Other minor changes include: (i) clarifying the Park boundaries to reflect the 2013 Act amendment, (ii) modifying the list of state and city entities that are required to be named as additional insureds and indemnitees in Trust permits, (iii) adding use of drones, tying hammocks to trees, and smoking electronic cigarettes to the list of prohibited uses in the Park, and (iv) clarifying where bicycle riding, in-line skating and skateboarding are permitted in the Park.

As authorized by the Board of Directors at its November 20, 2019 meeting and pursuant to the State Administrative Procedure Act (“SAPA”), the proposed rule amendments were published in the New York State Register on May 13, 2020, and in local papers, including Chelsea Now, the

Villager, New York Post, and the City Record on May 14, 2020. The public comment period ran through July 13, 2020. The Trust received three comments. One was from OATH/ECB, which provided minor text changes to correct a few citations that have since been incorporated into the final rule amendment now before the Trust's Board of Directors. Another comment was from an individual who requested that pedestrians be banned from the adjacent Route 9A bikeway, which bikeway is owned and controlled by New York State Department of Transportation and is not part of the Park Rules. The third comment came from City Parks and requested that the Trust's rules be made even more similar to the City Park rules to facilitate enforcement of such rules by PEP officers. A response to comment document has been prepared to address these three comments.

The final rule amendments and the response to comments document were shared with the Governance Committee on July 15, 2020 and with the entire Board of Directors prior to today's meeting.

OATH/ECB has also initiated a proposed rule to rescind the Hudson River Park penalties currently in effect pursuant to the City Administrative Procedure Act. Thus, if approved by the Board of Directors today, the final amendments to the Hudson River Park rules would take effect no earlier than October 1, 2020.

II. REQUESTED ACTION

The Directors are requested to authorize the adoption of the final amendments to the Hudson River Park Rules and Amendments.

Attachments:

Resolution

Final Park Rule Amendments marked to show changes from Proposed Park Rule Amendments

Response to Comments Document

HUDSON RIVER PARK TRUST – Adoption of Final Amendments to Hudson River Park Rules and Regulations

RESOLVED, based on the materials presented to the Board of Directors at its meeting on July 23, 2020, including a copy of the final amendments to the Hudson River Park Rules and Regulations and the response to comments document, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Directors hereby authorize the adoption of the final amendments to the Hudson River Park Rules and Regulations pursuant to the procedures established under the State Administrative Procedure Act; 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.

For Consideration
July 23, 2020

To: The Directors

From: Madelyn Wils

Re: Adoption of Negative Declaration for the Tribeca Ecological Enhancements in Hudson River Park Segment 3 Project under SEQRA

I. BACKGROUND

In September 2019, Governor Cuomo announced his intention to implement an oyster and habitat enhancement in the Tribeca portion of Hudson River Park's Estuarine Sanctuary. Staff at the Hudson River Park Trust (the "Trust"), working closely with the New York State Department of Environmental Conservation ("NYSDEC"), has developed a project that includes up to 304 distinct habitat-enhancing elements between Piers 26 and 34 to improve and enrich the habitat within the Segment 3 section of Hudson River Park (the "Project"). The proposed enhancement treatments include: (a) locating biohuts around select existing piles and filling the interior cages of the biohuts with seeded oyster shells; (b) adding textured concrete pile encasements with supportive beams on which mussel ropes and oyster bags could be hung within the Pier 32 Pile field; (c) wrapping certain existing piles with mesh fabric containing oyster shells; and (d) installing gabions and reef balls with seeded oyster shells. The elements are intentionally placed to take advantage of existing park infrastructure where possible, including remains of long-gone piers.

The Trust is serving as the lead agency for the required environmental review under the State Environmental Quality Review Act ("SEQRA") and NYSDEC is an involved agency. The Trust prepared a short-form Environmental Assessment Form (the "Environmental Assessment") that concludes that the Project would not result in any significant adverse impact to the environment, and therefore, an environmental impact statement is not required. The Trust also determined that the Project is consistent with the New York City Waterfront Revitalization Program pursuant to the New York State Coastal Zone Management Program. Further, as described in the Environmental Assessment, the Project would not result in an adverse impact to historic resources pursuant to Section 14.09 of the State Historic Preservation Act.

The Project will required regulatory approvals from NYSDEC and the Army Corps of Engineers, as well as confirmation of the Coastal Zone Consistency determination from the New York Department of State and NYC Department of City Planning.

II. REQUESTED ACTION

The Directors are requested to approve and authorize the issuance of a Negative Declaration for the Tribeca Ecological Enhancements in Hudson River Park Segment 3 Project.

HUDSON RIVER PARK TRUST – Adoption of Negative Declaration for the Tribeca Ecological Enhancements in Hudson River Park Segment 3 Project

RESOLVED, based on the materials presented to the Board of Directors at its meeting on July 23, 2020, including the Environmental Assessment prepared for the Tribeca Ecological Enhancements in Hudson River Park Segment 3 Project (the “Project”), a copy of which is ordered filed with the records of the Hudson River Park Trust, the Directors hereby adopt the Negative Declaration finding that the Project would not result in any significant adverse impacts to the environment that would require the preparation of an environmental impact statement; and be it further

RESOLVED, the Project is consistent with New York State’s coastal zone program, including New York City’s approved Local Waterfront Revitalization Program; 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.