



**VIRTUAL MEETING OF THE
BOARD OF DIRECTORS
October 1, 2020 at 4:00 pm
Electronic ZOOM Call**

MINUTES

Directors Present:

Basil Seggos, Chair
Vicki Been, Vice Chair
Erik Kulleseid
Tom Pegues
Michael Kuh
Aloysee Heredia Jarmoszuk
Jeffrey Kaplan
Purnima Kapur
Lowell Kern
Lawrence Goldberg
Pamela Frederick
Alyssa Cobb

Appearances:

Hudson River Park Trust
Madelyn Wils, CEO and President
Daniel Kurtz, CFO and Executive Vice President, Finance & Real Estate
Noreen Doyle, Executive Vice President
Christine Fazio, General Counsel
Nicole Cuttino, Deputy General Counsel

Also present:

Connie Fishman, Hudson River Park Friends
Jeffrey LeFrancois, Advisory Council Chair

Chair Seggos asked if everyone could hear him clearly as he began speaking during the commencement of the virtual Board meeting. Chair Seggos then asked for confirmation that all Directors had joined the virtual call. President Wils informed Chair Seggos that Christine Fazio, General Counsel would do a role call for record keeping purposes and for the stenographer. Ms. Fazio then confirmed attendance of Directors present and kept a list of who joined the call.

With a quorum being present Chair Seggos formally called the meeting to order at 4:00 p.m. and asked anyone who was not speaking to mute their microphone. Due to the coronavirus pandemic and consistent with Governor Cuomo's Executive Order 202.1 issued on March 12, 2020, Chair Seggos explained that this meeting is being held remotely via a teleconference enabling the general public to attend the meeting remotely.

Chair Seggos 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 Seggos informed the audience that questions or comments from the audience would not be entertained. He noted that that the Board memos and resolutions on today's agenda have been posted on the Trust website under the Board of Directors' Governance link and thus are available to the public.

Before proceeding to Board action items, Chair Seggos addressed recent changes to the Board of Directors. He thanked Diana Taylor for serving as the Trust Board Chair for 13 years, noting that through her dedication and leadership, construction of 80 % of the Hudson River Park has been completed, including the completion of Pier 26. The Park's calendar of free public events, science and education programs and sustainability programs have been fully developed during this period, all of which are well attended by New York City area residents and visitors. Chair Seggos stated that he was grateful for Diana's service and noted that she leaves big shoes to fill. He stated he was honored that the Governor gave him this opportunity to Chair the Board. Chair Seggos also thanked Jon Halpern and Douglas Durst for their service on the Trust Board, including their advising on very difficult financial and pier development issues that arose over the years. He stated that they will be missed. Chair Seggos also welcomed the Trust's new directors—Lowell Kern and Aloysee Heredia Jarmoszuk. Lowell Kern serves as Assistant General Counsel at Capgemini North America and also serves as the Chair of Manhattan Community Board 4.

Aloysee is the Chair and Commissioner of the New York City Taxi and Limousine Commission. Chair Seggos stated that the Board was pleased to have both join as the Trust moves forward to achieve the State's and City's goal of opening all of the waterfront park to the public in the near future.

Lastly, Chair Seggos discussed his September 17th email to the Directors in that he had written to the Mayor's office to remind the City about the State law which requires NYPD to vacate the tow pound at Pier 76 by January 1, 2021. Chair Seggos noted that he had not yet received a formal response, but that he expects to be in communication with the City soon and will keep the Board updated. Chair Seggos stated that the tow pound is an impediment to the completion of the Park and also presents a considerable open space opportunity, and that he envisions a robust public planning process as the Board contemplates the future of that pier.

Next, Chair Seggos stated that there were a few items on the consent agenda for approval: Approval of Minutes and Ratification of the Actions Taken at the July 23, 2020 Meeting of the Hudson River Park Trust Board of Directors; Authorization to Extend Term of Contract with Gilbane Building Company for Pier 26 Construction Management Services; Authorization to Extend Term of Contract with Joanna Pertz Landscape Architecture, P.C. for Parkwide Landscape Architect/Site Civil Engineer Services; Authorization to Extend the Term of Contract with Simpson & Brown, Inc. for Piers 98 to 99 Waterfront Structures; Authorization to Amend Contract with Abel Bainnson Butz, LLP for Chelsea Waterside Park Phase 2 Design; Authorization to Amend Contract with James Corner Field Operations for Design and Related Consultant Services for Gansevoort Peninsula; and Authorization to Contract with Cartegraph Systems, Inc. for Computerized Maintenance Management System.

Chair Seggos asked if there were any questions or comments. There being no questions or comments, upon a properly called motion, the following resolutions on the Consent Agenda passed unanimously.

HUDSON RIVER PARK TRUST - Approval of Minutes of and Ratification of the Actions Taken at the July 23, 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 July 23, 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.

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Extend the Term of the Contract with Gilbane Building Company for Pier 26 Construction Management Services

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of October 1, 2020, a copy of which is ordered filed with the records of Hudson River Park Trust, the Board hereby authorizes Hudson River Park Trust to extend the term of the contract with Gilbane Building Company for Pier 26 Construction Management Services by six months for an aggregate term of 32 months; 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.

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Extend the Term of Contract with Joanna Pertz Landscape Architect, P.C. for Parkwide Landscape Architect/Site Civil Engineer Services

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of October 1, 2020, a copy of which is ordered filed with the records of Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to extend the term of contract with Joanna Pertz Landscape Architect, P.C. for Parkwide Landscape Architect/Site Civil Engineer Services by one year; 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.

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Extend the Term of the Contract with Simpson & Brown, Inc. for Piers 98 to 99 Waterfront Structures

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of October 1, 2020, a copy of which is ordered filed with the records of Hudson River Park Trust, the Board hereby authorizes Hudson River Park Trust to extend the term of the contract with Simpson & Brown, Inc. for Piers 98 to 99 Waterfront Structures by five months for an aggregate term of 17 months; 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.

HUDSON RIVER PARK TRUST – Ratification of and Authorization for the Hudson River Park Trust to Amend the Contract with Abel Bainnson Butz, LLP for Chelsea Waterside Park Phase 2 Design Services for an Additional Amount Not to Exceed \$171,009

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on October 1, 2020, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby ratifies and authorizes the amendments to the contract with Abel Bainnson Butz, LLP for the Chelsea Waterside Park Phase 2 Design Services to include the additional scope of services related to the reconstruction of the synthetic field turf for an additional amount not to exceed \$171,009, for a Total Board Authorization Amount, including the 10 percent contingency, of up to \$1,143,055; 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.

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Amend the Contract with James Corner Field Operations for the Gansevoort Peninsula Design and Related Consultant Services for an Amount not to exceed \$260,000, for a Total Board Authorization Amount of up to \$6,090,000.

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on October 1, 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 amend the contract with James Corner Field Operations for the Gansevoort Peninsula Design and Related Consultant Services for an Amount not to exceed \$260,000, for a Total Board Authorization Amount of up to \$6,090,000; 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.

HUDSON RIVER PARK TRUST – Authorization for Hudson River Park Trust to Contract with Cartegraph Systems, Inc. for Computerized Maintenance Management System Services for a three-year term for a Total Board Authorization Amount of up to \$161,865

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on October 1, 2020, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Directors hereby authorize the Hudson River Park Trust to contract with Cartegraph Systems, Inc. for a three-year term in an amount of up to \$161,865; 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.

President Wils stated that she would like to echo the statements by the Chair. First, she congratulated and welcomed the new Directors: Commissioner and now Chair Seggos, of course, as well as Aloysee Heredia Jarmoszuk and Lowell Kern. President Wils continued that both Aloysee and Lowell live near the park and understand its importance; and the Trust has long worked with Commissioner Seggos and his wonderful staff and thus the Park will benefit from Director Seggos leadership. President Wils also stated the Trust looked forward to working with everyone to finish and care for the Park.

President Wils then acknowledged the service and dedication of the prior members on the Board. She thanked Diana Taylor for her dedication and passionate service, first as a Board member for 21 years and as the Trust Chair for 13 of those years, where she witnessed the rebirth of the Hudson River waterfront. Through her efforts in serving on the Trust Board all these years, the Park is now a world-class destination that New Yorkers and tourists from around the world come to relax, enjoy the waterfront, play sports and use all of the many Park improvements from playgrounds to mini-golf to trapeze school to kayaking. Diana will be greatly missed by President Wils and all of the Trust staff. President Wils also thanked Jon Halpern and Douglas Durst for their years of service to the Trust and their involvement and commitment to addressing some of the most challenging issues. Both Douglas and Jon made themselves available at public meetings and both contributed their substantial financial and real estate expertise to advance planning and solutions for Pier 40 and Pier 76, among countless other topics. All three will be greatly missed.

Chair Seggos then proceeded with the corporate action items on the agenda, introducing the next item of business: Authorization for the Hudson River Park Trust to Contract with Reicon Group, LLC for the Tribeca Sanctuary Enhancements.

President Wils began by explaining at the July 2020 meeting, the Board approved and authorized the issuance of a Negative Declaration for the Tribeca Ecological Enhancements project in Hudson River Park Segment 3. As detailed at that time, the project was developed in close consultation with NYSDEC to advance Governor Cuomo's intention to implement an oyster and habitat enhancement project in the Tribeca portion of the Sanctuary. The specific project elements include installation of bio-huts with seeded oyster shells, textured concrete pile encasements, oyster wraps, and gabions and reef balls with seeded oyster shells. Subject to regulatory approvals, the Trust hopes to be able to install the full planned enhancements program over a period of up to three years. Since full funding to achieve that goal is not yet available but is expected to increase within the project period, the Trust structured a Request for Proposals to secure unit pricing for the fabrication and installation of each type of enhancement feature.

In accordance with the Trust's Procurement Guidelines, the RFP was published in the New York State Contract Reporter and on the Trust's website for the period of August 13, 2020 through September 11, 2020. A selection committee comprised of Trust staff reviewed the five submissions received pursuant to the criteria set forth in the RFP and determined that the cost proposal by Reicon Group, LLC for each of the separately priced components for the project was fair and reasonable and that Reicon had also demonstrated the capacity to perform all aspects of the scope including managing the live oysters through its supplier, Billion Oyster Project. Thus, Reicon presented the "best value" to the Trust for the installation of the enhancements. Funding for this project is to be made available through the State's capital budget and dedicated funding from a NYSDEC settlement. President Wils then requested Board authorization to enter into a contract with Reicon Group, LLC for the Tribeca Sanctuary Enhancements for an amount of up to \$1,500,000.

Chair Seggos thanked President Wils and asked the Board if there were any questions or comments. There being none, upon a properly called motion, the following resolution passed unanimously.

HUDSON RIVER PARK TRUST - Authorization for the Hudson River Park Trust to Contract with Reicon Group, LLC for the Tribeca Sanctuary Enhancements in an amount of up to \$1,500,000

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on October 1, 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 contract with Reicon Group, LLC for the Tribeca Sanctuary Enhancements in an amount of up to \$1,500,000; 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 Seggos then directed attention to the next item of business on the agenda: Authorization for Hudson River Park Trust to Contract with Virsig, LLC for Parkwide Access Control Upgrades for a Three-Year Term.

President Wils began by explaining that the Trust utilizes an access control system to meet its primary physical security needs like securing doors, managing access rights, and tracking user access to most buildings and rooms. The Trust has identified a need to replace the existing access control software and hardware as it has surpassed its life expectancy, is no longer supported by the manufacturer, and has become costly to repair and maintain.

The Trust's current security camera software, Genetec, has a companion access control software that, operating together, would allow the Trust to exercise better oversight and control of its facilities. The Trust has therefore determined that purchasing Genetec Access Control software and supported hardware would best serve the Park. The Trust therefore sought the use of a centralized contract through the NYS Office of General Services as permitted by the Trust's Procurement Guidelines. The Trust released an advertisement for a limited solicitation for Parkwide Access Control on August 18, 2020 in accordance with OGS guidance. Five contractors submitted responsive proposals by the Trust's deadline on September 15.

A committee comprised of Trust staff evaluated the proposals based on the criteria set forth in the solicitation and, after interviewing the top three ranked vendors, the Trust determined that Virsig, LLC, a New York State certified SDVOB, was the most qualified company and offered the best value for providing all the required services, including installation, programming, licensing,

training and maintenance. Initial funding for this contract is available through the Trust's approved equipment and capital maintenance budget. Year two and three funding will be from the Trust's operating budget.

President Wils then requested Board authorization to enter into a contract with Virsig, LLC for Parkwide Access Control Upgrades for a three-year term for a contract amount of up to \$468,334.

Chair Seggos thanked President Wils and asked the Board if there were any questions or comments. Director Goldberg asked whether the Trust has used Genetec software before, and President Wils replied that the Trust used the software for its cameras and the Trust was happy with it and that it is widely used. Director Goldberg asked whether there was a good training program and whether we had spoken to anyone who had been through the training program. Deputy General Counsel Cuttino noted that she had worked closely with Trust staff on the procurement process, and Virsig had an Elite Certification for Genetec software and had worked on comparable projects for the MTA and other government entities. Deputy General Counsel Cuttino also noted that Virsig was very familiar with the Trust's existing software and hardware, and the Trust staff are confident about their ability to execute this project. Director Kern inquired about whether the software would be customized or whether the Trust would be using a base software product. Deputy General Counsel indicated that the Trust would be using the base software with money in the budget for any add ons that may be needed. Director Kern stated this is his industry area of expertise and noted that this approach would be most cost-effective, to which Deputy General Counsel Cuttino agreed.

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

HUDSON RIVER PARK TRUST – Authorization for Hudson River Park Trust to Contract with Virsig, LLC for Parkwide Access Control Upgrades for a Three-Year Term for a Total Board Authorization Amount of up to \$468,334

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on October 1, 2020, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Directors hereby authorize the Hudson River Park Trust to contract with Virsig, LLC for a three-year term in an amount of up to \$468,334; 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 Seggos then directed attention to the next item of business on the agenda: Authorization for Hudson River Park Trust to Amend Contract with Reicon Group, LLC for Pier 40 Structural Restoration Phase 6 Construction Work.

President Wils began discussing that at the January 2019 meeting, the Board approved the Trust's entering into a contract with Conway Marine Construction Inc. as the lowest price bidder for the Pier 40 Structural Restoration Phase 4 Construction Work. On December 26, 2019, the Trust determined that the contractor had failed to perform and terminated the contract by defaulting Conway. The Trust then exercised its rights under Conway's performance bond issued by Liberty Mutual Surety.

The Surety then obtained bids from qualified contractors for the completion of the Phase 4 work. The Surety independently selected Reicon Group, LLC to complete the Phase 4 work and informed the Trust that it would pay the difference between the amount of funds that remain available under the Conway contract and the increased cost proposed by Reicon to complete the Phase 4 work. Reicon is Trust's current contractor for Phase 6 pile repair work. Both the Phase 4 and Phase 6 pile repair work are located along the northern side of Pier 40. It makes sense to have one contractor working on one side of the pier.

President Wils explained the Trust wished to amend its current contract with Reicon for the Phase 6 work to include the incomplete Phase 4 work based on the recommendations of the Surety and also due to the fact that the Phases 4 and 6 work areas are adjacent and thus hiring Reicon best addresses logistical issues at Pier 40 that limit the number of contractors and barges that can be located in the work area. The Trust and its Construction Manager Hunter Roberts have also concurred with the Surety that the proposed pricing by Reicon is fair and reasonable and within industry standards.

President Wils stated therefore that the Trust seeks authorization by the Board to amend the Reicon contract for Pier 40 Structural Restoration Phase 6 Construction Work to (1) modify its scope to include the incomplete Phase 4 work, (2) reallocate \$5,329,251 previously approved for

the Conway contract but unexpended, and (3) further increase the Reicon contract amount by \$957,133 to compensate Reicon for the additional cost of completing the Phase 4 work, which additional cost will be paid by the Surety.

Chair Seggos thanked President Wils and asked the Board if there were any questions or comments. Director Frederick asked how the Trust knew that Conway was not doing the work properly. President Wils responded that Conway was extremely far behind schedule in how many piles a day or week that were supposed to be jacketed, and Conway at one point just came out and stated that it was not able to do the work. President Wils added that based on that, the Trust was able to come to an agreement with the Surety. Director Kaplan asked whether the Trust were already in contract with Reicon for Phase 6, and President Wils responded affirmatively. Director Kaplan asked whether the Surety picked Reicon because the Phase 4 and Phase 6 work is right next to each other. President Wils responded affirmatively, noting that Reicon was the next in line on the bids for Phase 4, it was just that Conway's bid was so low that the Trust thought it was worth taking a chance. Phase 4 is considered a default, so there is+ no further cost to the Trust on this contract. Senior Vice President of Design and Construction Kevin Quinn noted that the work that Conway actually completed was inspected and accepted by the Trust. The quality of the work that they performed was completely acceptable, they just were never going to get it done at the pace that they were working, and they completed about 20 percent of the work on Phase 4.

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

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Amend Contract with Reicon Group, LLC for Pier 40 Structural Restoration Phase 6 Construction Work

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on October 1, 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 reauthorize a portion of the previously Total Board Authorization Amount of \$5,329,251 under Contract No. C4874 for Pier 40 Structural Restoration Phase 4 Construction Work and to amend the contract with Reicon Group, LLC for Pier 40 Structural Restoration Phase 6 Construction Work to include the remaining Pier 40 Structural Restoration Phase 4 Work in an Amendment Amount of \$6,286,384 plus a 10 percent contingency for a Total Board Authorization Amount of up to \$15,853,341; 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 Seggos then directed attention to the next item of business on the agenda: Authorization for Hudson River Park Trust to Amend Scope of Work for the Contract with Trevcon Construction Company, Inc. for Pier 40 Structural Restoration Phase 5 Construction Work to Include the Remaining Phase 3 Work.

President Wils stated that in addition to the Phase 4 pile repairs just discussed, the Board had also authorized the Trust to enter into a contract with Conway for the Phase 3 Pier 40 Structural Restoration Work as the lowest price bidder. While Conway completed a substantial amount of the Phase 3 work and it was acceptable, it was unable to complete all the work by April 1, 2020. Since the Trust needed the Phase 3 work area on the southern side of Pier 40 to allow its Phase 5 contractor, Trevcon Construction Company, to commence work this past spring, Trust staff determined that it was in the Trust's best interest to terminate the Conway contract for convenience.

The Board had authorized the Trust to enter into a contract with Trevcon for the Phase 5 work at its November 20, 2019 meeting for a Total Board Authorization Amount of up to approximately \$17.5 million. The Trust has a successful working history with Trevcon and has determined that adding the incomplete Phase 3 work to Trevcon's Phase 5 scope of work is the most efficient and cost effective path forward to complete the Phases 3 and 5 pile repairs by early summer 2021. Trevcon's price to complete the remaining Phase 3 work is approximately \$4,420,000, an amount that has been determined to be reasonable by the Trust's construction manager, Hunter Roberts Construction Group.

The Phase 5 scope of work and maximum contract value authorized by the Board for the Trevcon contract included a full structural restoration of the Pier 40 finger pier that was valued at approximately \$6 million. The Trust reduced the scope to address immediate hazards and stabilize the finger pier thereby significantly reducing that cost. The Trust proposes to amend the Trevcon contract to add the remaining \$4,420,000 of Phase 3 work to the Phase 5 Scope of Work, but the Trust does not need additional funding for this amendment due to the Board's prior approval of the Trevcon contract that had included the \$6 million for the finger pier.

President Wils then requested Board authorization for Hudson River Park Trust to Amend Scope of Work for the Contract with Trevcon Construction Company, Inc. for Pier 40 Structural Restoration Phase 5 Construction Work to Include the Remaining Phase 3 Work.

Chair Seggos thanked President Wils and asked the Board if there were any other questions or comments. President Wils commented that the Trust was going to repair the finger pier, but the number to repair the finger pier was extremely high. Senior Vice President of Design and Construction Quinn noted the cost was \$1.38 million for finger pier stabilization. So the Trust determined because the finger pier is in such bad shape and, also, is not really a piece of property that's often used by the Trust, that the Trust would do enough repairs to get away for the next five to ten years and see what the future of Pier 40 is before going back and spend a sum of money that's so large for such a small piece. Senior Vice President of Design and Construction Quinn further commented that the Trust is not paying an additional \$4.4 million in addition to what Conway originally bid. It's \$1.9 million. So essentially—by adding a different contractor to complete the contract, overall the Trust is paying an additional \$1.0 million over the original bid price, not \$4.4 million. President Wils also noted that had the Trust picked Trevcon initially, that contractor would have been right between second or third on our bidding, so it's a reasonable price. The Trust doesn't always pick the lowest bidder; the Trust also looks at quality. The Trust took this chance on Conway because it was doing work at Battery Park City and that agency was satisfied with its work. So what the Trust is paying Trevcon to complete the work is completely reasonable and would have been in the range of what would have been picked had the Trust not picked Conway. Director Kulleseid asked since the Trust defaulted Conway on Phase 3, and the problem with Phase 4 is that Conway wouldn't finish on time, why didn't we default them and get the Surety to pay the \$1.9 million difference here? Madelyn responded that Conway continued working on Phase 3, and after consultation with outside construction counsel, it would be a much longer period of time to reach an agreement and it would have delayed the work, and we did not know whether the agreement would be any better than where we are today. And, in fact, would have slowed the project to the point where Trevcon could not proceed with Phase 5 work, thereby we would have to then rebid that work and it may have not been as good a price as we currently have. Director Kulleseid stated that it was not ideal, but he understood. Director Kapur asked since there are six phases of work that are occurring over time, is there a reason that there's not one contractor doing all of the pile repair work. President Wils said yes, and I think we made the right

decision on that. If we had bid the whole pier and were not satisfied, we would find ourselves having lots of delays. The pier itself is broken into nine sections, so what we did was planned out a way to repair the pier in a way that would not deter our sports users and would make the pier usable on a daily basis.

President Wils added each section was procured in a way that the Trust could get the best pricing at the time over the three or four years needed to do the project, and she thinks the right decision was made on that. There are only five or six contractors that do this type of work and they are known to the Trust, except for Conway, which is a California company breaking into the New York market. The companies are quite good and very competitive with each other, so bidding out two phases at a time because it takes a year to a year and a half to complete each phase is the right way of going about it.

Director Goldberg inquired about the timetable for the entire pier. Senior Vice President Quinn replied that the fundamental advantage of using Reicon on the north side to take over the work and Trevcon on the south side to take over the work, is that they both have barges in place and staff available. So, we are saving some time by using those firms. So basically, we are adding about three months to each of their schedules to pick up Conway's work to complete that part. So, depending on how fast we can complete Phase 6, it will determine how fast we can start Phase 7, which is the final phase. But right now, it looks like we should have everything wrapped up and done by the summer of 2022. If we get lucky and we get Phase 6 done faster than we anticipate, we might get it done in the spring.

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

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Amend Scope of Work for the Contract with Trevcon Construction Company, Inc. for Pier 40 Structural Restoration Phase 5 Construction Work to Include the Remaining Phase 3 Work

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on October 1, 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 (i) amend the Contract with Trevcon Construction Company, Inc. for Pier 40 Structural Restoration Phase 5 Construction Work to include the remaining Phase 3 work, and (ii) ratification by the Board that the Total Board Authorization Amount for the Trevcon contract remains at up to \$17,497,700; 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 Seggos then directed attention to the final item of business on the agenda: Authorization for Hudson River Park Trust to Amend Contracts with CH2M Hill Engineering, P.A. and Hunter Roberts Construction Group, LLC for Pier 40 Structural Restoration Related Professional Services.

President Wils stated in addition to the authorizations by the Board to amend the Reicon and Trevcon contracts for Pier 40 Structural Restoration Construction work as just discussed, the Trust also seeks authorization to amend the CH2M Hill Engineering contract for Pier 40 Structural Restoration Engineering by an additional approximate \$175,000 and the Hunter Roberts contract for Construction Management Services by an additional \$100,000.

President Wils gave some background: at the May 2016 meeting, the Board had authorized the Trust to enter into a contract with CH2M to serve as the Pier 40 Structural Restoration Engineer of Record. Additional funds are now needed for CH2M to amend the Phases 3, 4, 5 and 6 drawings that need to be filed with NYC's Small Business Services and to review the revised contractor shop drawings to include the additional scopes of work. A portion of the amendment amount will be paid by the same Surety that is paying for the increased costs for the Reicon contract amendment.

At the March 2019 meeting, the Board had authorized the Trust to contract with Hunter Roberts for Construction Management Services for a Total Board Authorization Amount of approximately \$1.209 million for the remaining oversight work necessary at that time for Phases 1 and 2 as well as all the remaining phases of the Pier 40 Structural Restoration work, including Phases 3 to 7. The Trust now seeks to increase the contract amount by \$100,000 to cover costs related to the extended schedule for Hunter Roberts to oversee completion of the Phases 3, 4, 5 and 6 work that is now expected to occur in early summer 2021. Funding remains available from the sale of excess air rights to the St. Johns developer.

President Wils then requested Board authorization for Hudson River Park Trust to Amend Contracts with CH2M Hill Engineering, P.A. and Hunter Roberts Construction Group, LLC for Pier 40 Structural Restoration Related Professional Services.

Chair Seggos thanked President Wils and asked the Board if there were any questions or comments.

Director Kern asked whether any of the additional costs because Conway could not get their job done. President Wils answered affirmatively, stating that it would be necessary to go back and submit new drawings to Small Business Services after completion of the work and update the drawings. The Surety is picking up all the other costs, but this is an expense that the Trust will have to pick up.

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

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Amend Contracts with CH2M Hill Engineering, P.A. and Hunter Roberts Construction Group, LLC for Pier 40 Structural Restoration Related Professional Services

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on October 1, 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 amend the contract with CH2M Hill Engineering, P.A. for Pier 40 Structural Restoration Engineering by an additional \$175,334, for a Total Board Authorization Amount of up to \$1,500,000; and be it further

RESOLVED, the Board hereby authorizes the Hudson River Park Trust to amend the contract with Hunter Roberts Construction Group, LLC for Pier 40 Structural Restoration Construction Management Services by an additional \$100,000, for a Total Board Authorization Amount of up to \$1,309,169.50 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 Seggos then stated the Board items for approval had been completed. Chair Seggos asked President Wils to present the President's Report. President Wils thanked Chair Seggos and began with her presentation.

President Wils began her report by informing the Directors she was very excited to report that Pier 26 is open to the public. The Trust's first new pier in 10 years, Pier 26 is unique in that

all the plants on the pier are indigenous and given the change in topography, you can walk through many different experiences on the pier. The unique tide deck will expand the abilities of the River Project team to educate students and adults about the Hudson River Estuary. She explained that the Trust held a socially distanced opening and ribbon cutting yesterday, which Chair Seggos, Vice Chair Been, and State and City Parks Commissioners Kulleseid and Silver attended. Other attendees included representatives from our other funders, CitiGroup and LMDC. Elected officials also attended. Representatives from Hudson River Park Friends, Community Board 1 and the Advisory Council also attended. The landscape architect team from Olin and each of the contractors that worked on the project, did such an amazing job in completing the design and construction on time. The Trust has also provided several small tours of the new Pier over the past several days and The New York Times also published a wonderful article in today's Arts section. A link to the on-line article was emailed to the Board this morning and the Trust also produced a video which is now on the Trust website. President Wils then shared the video on her screen with the Board members.

After sharing the Pier 26 video, President Wils continued her report by explaining that the summer is normally a very busy time for public park programming, and this year was no exception. Both the Trust's Public Programs and River Project teams continued to offer the Park's slate of public recreational and environmental programming, this year done virtually to maintain public safety. The Park's first ever virtual *Summer of Fun* has been bringing all of the music, exercise, learning and laughter of summer in the Park to our communities remotely. Visitors came from all over the U.S. The 2020 program series featured a dynamic roster of activities, from jazz performances and Sunset Salsa lessons to STEM expert lectures, field science exposés, virtual summer camps, Park walks and Healthy on the Hudson fitness classes.

This year, the Trust launched the STEM Activity of the Week series and to date have published 20 virtual lessons which are among the heaviest trafficked pages on the Park's website. Public recreational programs were streamed live on the Park's social channels and are also hosted on our website for viewing indefinitely. In addition, the Trust hosted its first ever virtual summer camp, free and accessible on the website. Students could log into weekly live lessons and then download lesson packets to do hands-on activities at home.

The Summer of Fun programs drew 5,500 viewers online weekly on average. Sunset Salsa and Sunset on the Hudson Series drew large crowds throughout the season. The always popular SUBMERGE Marine Science Festival was held virtually for the first time on September 24 showcasing the diversity of research and science taking place in the Park and local waterways. Virtual attendees learned about local wildlife, fascinating field science work, plastic pollution and more. Over 6000 people tuned in through Facebook including over 2000 students and teachers tuning into our 4 hours of programming. Experts were able to answer questions in real time making the festival even more engaging. While the pandemic shifted the nature of our park's programming, we deeply value the opportunity to expand our education, research, and entertainment offerings to a digital platform and look to continue these methods in the future.

Next, President Wils provided an update on the Park's design and construction projects. James Corner Field Operations is finishing 85% construction documents for Gansevoort Peninsula. The Trust anticipates completing design by mid fall and still plan to start construction on the south end of Gansevoort Peninsula.

Building on the positive reception of the concept plan for Chelsea Waterside Park, the final schematic plan will be presented to Community Board 4 on October 8. As was presented to several Directors on the Sanctuary and Design Committees at the joint committees' meeting held on August 21, the dog run and picnic areas will be expanded, the landscape reimaged and a bathroom/maintenance facility will be added. The Trust will be reconstructing the ball field through funding provided largely by Speaker Corey Johnson and Manhattan Borough President Brewer. Trust staff is currently reviewing a number of proposals for a construction site manager in response to an RFP and anticipate having a selection ready for the December Board meeting. Bidding for the construction work is expected in early 2021.

Following the completion of the value engineering exercise for Pier 97, !melk Landscape Architecture and Urban Design has moved into the construction documentation phase. 60% construction documents will be submitted to the Trust at the end of October with completed set of construction documents due by the end of December. The Trust's construction manager, Gilbane, is developing early bid packages to fabricate complex custom elements of the design. These items will be procured separately from the Pier construction which will save time and money.

Toshiko Mori Architects submitted the 100% Design Development for the Comfort Station on September 21. This submission incorporates refinements to the design developed in response to comments by the Public Design Commission, Trust staff and Community Board 4. Interior finishes and fixtures for the public restrooms have been selected and preliminary detailing of building elements has progressed. In addition, a strategy for dry-flood proofing the building has been developed to help withstand anticipated flood elevations. Construction documents should be complete by the end of January.

In regard to the future estuarium, Cambridge 7 Architects delivered a final report detailing the technical, estimated cost, design and programming considerations necessary to inform decision making. The team of experts advised on species lists, tank sizes and mechanical systems, exhibit themes, layouts, maintenance and staffing requirements. The study provided the Trust with valuable technical information about designing and operating a facility for the display of live animals.

President Wils was also excited to report that the Trust has resumed its composting programs. The Trust recently installed 10 brown bins throughout the Park for the public to drop off food scrap waste. The 10 bins include three new locations. The original drop off sites are located at Pier 25 playground, Dog run at Leroy St., Pier 51, 14th St. Park, Chelsea Waterside Park, 33rd St. along the esplanade and Pier 84 Community Garden. The new locations are at the overlook at Charles St., Pier 66 Habitat Area and by the boathouse in Clinton Cove. All of our drop off sites are open every day of the week and there are educational signs at each location to inform the public what is acceptable to drop off and what is not. Our staff collects the food scraps and brings it to our Compost yard located at 33rd St. where it is processed and turned into compost for our Landscape. President Wils then informed the Directors that in the Board packet, the Trust had provided a summary of the Trust's food scrap collection and composting for the period January 1 through September 25, 2020. This is also an example of the information we can collect and summarize using our Cartegraph Maintenance Management System.

The Trust is planning to hold the annual Pumpkin Smash this fall. This very popular event is tentatively planned to be in-person on Saturday, November 7th from 11am – 3pm at Chelsea Waterside Park. In order to control crowds, the event will require pre-registration. As in past years, the smashed pumpkins will be sent to the Trust's Compost Yard and turned into compost for use in the Park.

City Winery will open its new restaurant at Pier 57 in the next few weeks at 25 percent capacity. The Trust is working with RXR and its consultant Sam Schwartz on a plan to manage traffic along the building frontage.

President Wils continued with, as mentioned earlier, the Design and Sanctuary Committees held a joint meeting on August 21. At this time, the Trust is awaiting approvals by both NYSDEC and the Army Corps of Engineers for the Tribeca Habitat Enhancements project and the Trust is hopeful that it can install some habitat enhancements later this fall. President Wils reminded the Directors that the plans for the in-water construction of the enhancements was a part of the Board approval of Reicon Group, LLC to do that work. She noted that the Downtown Boathouse has raised concerns about boating safety associated with installation of these features. The Downtown Boathouse runs an excellent free kayaking program, safely putting thousands of people in kayaks each year during normal times. While staff does not believe that the enhancement features will threaten kayakers' safety, Trust staff will continue to have a dialogue around the placement of these enhancements. Moreover, President Wils noted that the water areas of the Park are an Estuarine Sanctuary as well as a recreational resource, and the Trust believes this project has been created to achieve a balance between both habitat enhancement as well as recreational use.

President Wils explained the committee members also spent considerable time discussing the Historic Vessels Request for Expressions of Interest. Staff reviewed the status of the existing RFP: two historic vessels were selected for Pier 25, and the RFP remains open for Pier 26 and Pier 97. The RFP did not allow any food uses at either Pier 25 or Pier 26, but did at Pier 97 since the community was interested in the possibility of such use. Staff observed that over the years, the majority of proposals that have been received for historic vessels have included commercial uses such as food and events, given the costs of up keeping the vessels. Overall, the committee members stated that they are interested in working on revisions to the Trust's Historic Vessel policy that is somewhat outdated.

Further, the Directors discussed an issue that had been raised within the Advisory Council about the Trust dredging in Hudson River Park to facilitate the possibility that more historic vessels could dock in the Park. The Directors had a number of concerns about that request, including the environmental issues, costs associated with dredging and the wisdom of dredging for anything other than navigational purposes. Dredging is allowed in the Act for navigation purposes only, and while it is true that much of the park is relatively shallow, Directors questioned the idea of

dredging for historic vessels as a priority. Given the economic crisis and difficulty accessing funds, Directors felt that the Trust should prioritize funding capital projects and finishing the park. President Wils opened the conversation up to the full Board to discuss and let the Trust know if they agreed with the recommendations of the two committees.

Director Kern stated that it sounds like dredging in the Hudson could be an environmental nightmare. Chair Seggos responded that dredging can be done safely but it can also be done irresponsibly. So the Board will need to decide whether the priority needs to be on that versus finishing the capital projects.

President Wils then informed the Directors that included in today's Board packet were the Trust's financials for the first five months of the fiscal year. The period ending August 31 represents 42% of the fiscal year. As a result of COVID, revenue for the period totaled \$9.4 million, or 31% of the annual budget. This revenue figures do not include deferred rent or doubtful collections, but does include about \$900 thousand of tenant security deposits that have been drawn down. Parking revenue remains below budget, but the trend for monthly and daily parking volume has improved considerably in recent months. Net operating expenses for the 5 months to August 31 total \$8.4 million, with most expense categories lower due to the reduced level of Park programs and activities resulting from COVID and the implementation of cost saving measures. Expenses are now 32% of annual budget, nearly matching the revenue percentage but the operating surplus is only 23% of budget. However capital maintenance costs net of reimbursements are currently only 8% of budget, giving the Trust additional breathing room to meet current obligations.

The Audit and Finance Committees met on August 26th to review the annual financial statements prepared by the Trust's auditor, EFPR Group. The audited statements were emailed to all Board members following the meeting and can be found on the Trust's website. Director Kaplan stated that the meeting to discuss the annual audited financial statements was very detailed and thorough. And the Committees also discussed some of the tenant payment issues and he concluded that Trust staff have done an excellent job in negotiating deals to get the rents paid. President Wils then continued by informing the Directors that the Trust would be scheduling another meeting of the committees in October to review the Trust's financial condition and modifications to the current fiscal year budget resulting from COVID.

President Wils then stated that, as had been discussed with the Board during the September 2019 meeting, the Public Authorities Law section 2879 requires an annual review by the Board of

service contracts with a term in excess of one year. Trust staff had thus recommended providing the Board on an annual basis a list of all active contracts. She then informed the Directors that in the Board packet, there is a list of all the Trust's active contracts with a one year term or longer. Similarly, when the Board adopted the Trust's Revenue Guidelines in November 2019, Trust staff committed to sharing a list of active revenue contracts, including leases and concession agreements with a term longer than one year, on an annual basis with the Audit Committee, and thus a list of the revenue contracts are also included in the Board packet. She reminded the Directors that they can reach out to Trust Executive Staff if there are any questions on any of the contracts.

President Wils also informed the Directors that included in the Board packet are the PEP statistics and a list of all contracts between \$100,000 and \$200,000. The Trust has also received about \$2,348,000 from FEMA for Sandy related costs since the last Board meeting held in July.

President Wils asked if there were any questions or comments. There being none, President Wils concluded her report and Chair Seggos called attention to Jeffrey LeFrancois for the Advisory Council report.

Mr. LeFrancois stated the Advisory Council is meeting monthly. At the September meeting, the Advisory Council extended an invitation to State DOT and the State Parks Department to have a conversation and a follow-up to the letter that the Advisory Council sent earlier in the year, requesting the emergency expansion of the greenway because of the significant increase in cycling, the danger that it poses for access to and from the Park and just the ongoing need of addressing North America's busiest greenway.

On the October meeting agenda, the Advisory Council will be hearing from the Trust regarding the Tribeca Habitat Enhancement Project. The Advisory Council has requested a presentation on design and financing. There will also be follow-up conversations as it relates to any old business, which includes discussions around Pier 79 and the NYC Ferry expansion project. Mr. LeFrancois concluded his report and thanked the Board and Trust for their attention.

Chair Seggos asked if there were any questions. There were none. Chair Seggos then called attention to Ms. Connie Fishman to give the Hudson River Park Friends report.

Ms. Fishman began her report by congratulating the Trust on completing Pier 26. She informed the Board she went on a tour last Friday before it opened and was so impressed with everything about it. Ms. Fishman also highlighted the incredible thoughtfulness about the design details. Ms. Fishman then welcomed the new Trust Chair and the new Board members. As she

mentioned before, Friends plans to have an un-Gala this year. It will be October 21st at 8:00 p.m. Since there is no actual physical event, it is open to all no matter how small the donation.

Ms. Fishman extended the invite to those who hadn't gone to a real, in-person gala before, to tune in. So far Friends raised about 80 percent of the million dollar goal with about three weeks to go to get there.

Friends Volunteer Program is back and doing gardening for four days a week, Monday through Fridays and they are groups of five or less in all the different Park neighborhoods from Hell's Kitchen down to Tribeca. There are also have several Saturday green teams with larger groups, up to 20 for planting, weeding and shore line cleanups around the river edge. A handful of corporate groups are actually scheduled toward the end of the fall for mulching and preparing the landscaping for the winter on Pier 26. The spring and summer membership campaign was very successful. People are appreciating and understanding now how important the parks are for their quality of life, given the restrictions on socializing, exercising and just generally keeping sane, just about anywhere else.

Friends continues to meet weekly with a large group. It's a coalition of parks and open space partners throughout the City. Most of the others are affiliated with other City Parks. The current focus is on working to release the tens of millions of dollars in capital money that OMB currently has frozen for City Park projects but, also, for reimbursements to groups that have hybrid parks like Hudson River Park. Friends is also going to be arranging forums with the future mayoral and City Council candidates regarding their positions on increasing City Park funding overall and, hopefully, re-classifying parks and thinking about it the way they do as critical City infrastructure, not just as a budget afterthought.

Finally, Ms. Fishman thanked Diana Taylor, who for 20 years plus of service to the Park, as both a Board member and as the Board Chair of the Trust. Diana and Ms. Fishman met in the late '90s prior to the Trust. Ms. Fishman noted former Chair Taylor had been a great colleague and supporter and her commitment to the Park for all these years is really a labor of love.

There being no questions for Ms. Fishman's report, Chair Seggos introduced the newest Board members at the Trust, Lowell Kern and Aloysee Jarmoszuk and opened the floor for them to speak. Both members expressed their excitement to join the Board and their dedication to work with the Trust on the completion of the Park.

Chair Seggos asked if there were any other questions. There were none. Chair Seggos thanked President Wils, the Board and all the speakers for their dedication and support of the Park during tough times. Chair Seggos asked the Directors if there was any other business to discuss. There was no response. There being no other business, Chair Seggos called for a motion to adjourn and the meeting was adjourned at 5:15 p.m.