

**MEETING OF THE  
HUDSON RIVER PARK TRUST  
BOARD OF DIRECTORS  
Second Floor Conference Room  
100 Church Street  
New York, NY**

**March 28, 2023 at 4:30 pm**

**MINUTES**

**Directors Present:**

Patrick Foster (served as the Chair)  
Erik Kulleseid  
Pam Frederick  
Michael Pastor  
Purnima Kapur  
Lowell Kern  
Jeffrey Kaplan  
Rose Harvey  
Sarah Neilson

**Appearances:**

Hudson River Park Trust  
Noreen Doyle, President and CEO  
Kimberly Quinones, CFO and EVP, Finance & Real Estate  
Robert Atterbury, EVP of Park Relationships and Programs  
Robert Rodriguez, EVP of Park Management  
Christine Fazio, General Counsel  
Kevin Quinn, SVP of Design and Construction  
Sikander Zuberi, VP of Finance

Also present:

Dan Miller, HRP Advisory Council  
Connie Fishman, Friends of Hudson River Park  
James Archer, on behalf of Director Meera Joshi

With a quorum being present, Chair Foster called to order the March 28, 2023 meeting of the Hudson River Park Trust Board of Directors.

The Chair began by explaining that the meeting was being recorded and would be posted on the Trust's website, and a stenographer would provide a transcript.

He stated that the Directors had received the Agenda materials in advance of the meeting and were free to ask questions or comment at any time on the action items submitted for approval but that questions or comments from the audience would not be entertained at the meeting. He further noted that the Board memos and resolutions on today's agenda had been posted on the Trust website in the link entitled Board Meetings, Bylaws and Other Materials under Board Agendas and Minutes and thus are available to the public.

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The Chair then stated that there are 10 items on the Consent Agenda: 1) Approval of Minutes and Ratification of the Actions Taken at the January 26, 2023 Meeting of the Hudson River Park Trust Board of Directors; 2) Authorization to Contract with Dynamic Pest Control, Inc. for Parkwide Pest Inspection, Monitoring and Extermination Services; 3) Authorization to Contract with EZ Docks Unlimited, LLC for Inspection and Maintenance of Parkwide Plastic Floating Docks; 4) Authorization to Amend Contract with E.W. Howell Co. LLC for Chelsea Waterside Park Phase 2 Comfort Station Construction; 5) Authorization to Amend Contract with James Corner Field Operations for Gansevoort Peninsula Design and Related Construction; 6) Ratification of Extension of Term of Contract with County Fire Inc. for Monitoring, Inspection, Repair and Maintenance of Fire Alarm Systems; 7) Authorization to Extend Term of Contract with Stantec Consulting Services Inc. as Owner's Representative for Capital Projects and Strategic Planning; 8) Approval of Agreement with Con Edison for Transfer of Utility Assets on Gansevoort Peninsula; 9) Ratification of Sublease Agreement with Google LLC for the Education Classroom and Gallery at Pier 57; and 10) Adoption of 2023 Procurement Guidelines.

The Chair then called for a motion to approve all of the items on the Consent Agenda. The following ten Resolutions were unanimously approved by the Directors.

**HUDSON RIVER PARK TRUST - Approval of Minutes and Ratification of the Actions Taken at the January 26, 2023 Meeting of the Hudson River Park Trust Board of Directors**

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**RESOLVED**, that the Minutes of the Meeting of the Hudson River Park Trust Board of Directors held on January 26, 2023 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.

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**HUDSON RIVER PARK TRUST – Authorization to Contract with Dynamic Pest Control, Inc. for Parkwide Pest Inspection, Monitoring & Extermination Services**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on March 28, 2023, 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 Dynamic Pest Control, Inc. for Parkwide Pest Inspection, Monitoring & Extermination Services for a three-year and nine-month contract term for a Total Board Authorized Amount of up to \$75,000; and be it further

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

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**HUDSON RIVER PARK TRUST – Authorization to Contract with EZ Docks Unlimited, LLC for Inspection and Maintenance of Parkwide Plastic Floating Docks**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on March 28, 2023, 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 EZ Docks Unlimited, LLC for Inspection and Maintenance of Parkwide Plastic Floating Docks for a five-year contract term for a Total Board Authorized Amount of up to \$300,000; and be it further

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

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**HUDSON RIVER PARK TRUST – Authorization to Amend Contract with E.W. Howell Co., LLC for the Chelsea Waterside Park Phase 2 Comfort Station Construction**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on March 28, 2023, 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 E.W. Howell Co., LLC for the Chelsea Waterside Park Phase 2 Comfort Station Construction by adding \$150,000 for a Total Board Authorization Amount of up to \$3,444,500; and be it further

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

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**HUDSON RIVER PARK TRUST - Authorization to Amend the Contract with James Corner Field Operations for the Gansevoort Peninsula Design and Related Consultant Services**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting of March 28, 2023, 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 to add an additional \$265,000 for a Total Board Authorization Amount of up to \$6,355,000 and to extend the contract term by 15 months, through May 14, 2024; and be it further

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

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**HUDSON RIVER PARK TRUST – Ratification of Extension of Contract Term with County Fire, Inc. for Parkwide Monitoring, Inspection, Repair and Maintenance of Fire Alarm Systems**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting of March 28, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby ratifies the four-month extension of the contract term with County Fire, Inc. for Parkwide Monitoring, Inspection, Repair and Maintenance of Fire Alarm Systems; and be it further

**RESOLVED**, that the President or the President’s designee(s) be, and each of them is hereby, authorized to take such actions as the President or the President’s designee(s) may deem necessary

or appropriate in order to implement the forgoing resolution.

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**HUDSON RIVER PARK TRUST - Authorization to Extend the Term of Contract with Stantec Consulting Services Inc. for Owner's Representative for Capital Projects & Strategic Planning**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting of March 28, 2023, 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 extend the term of contract with Stantec Consulting Services Inc. for Owner's Representative for Capital Projects & Strategic Planning by one year; and be it further

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

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**HUDSON RIVER PARK TRUST – Approval of Agreement with Consolidated Edison Company of New York, Inc. for Transfer of Electric Utility Facilities at Gansevoort Peninsula**

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**RESOLVED**, based on the materials presented to the Board of Directors at its meeting on March 28, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Directors hereby approve the Agreement between Consolidated Edison Company of New York, Inc. and Hudson River Park Trust for the Transfer of Gansevoort Peninsula Electric Facilities and the accompanying Bill of Sale for the transfer of Con Edison's existing electric facilities on the Gansevoort Peninsula to the Trust at a value of \$319,105.86; and be it further

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

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**HUDSON RIVER PARK TRUST – Ratification of Sublease Agreement with Google LLC**

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**RESOLVED**, based on the materials presented to the Board of Directors at its meeting on March 28, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Directors hereby ratify and approve the Sublease Agreement between Google LLC and the Hudson River Park Trust dated March 13, 2023 for the Trust's subleased premises at Pier 57 as a cultural, educational, and/or entertainment use; and be it further

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

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## **HUDSON RIVER PARK TRUST - Approval of the 2023 Procurement Guidelines**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on March 28, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby approves the Hudson River Park Trust Procurement Guidelines dated March 2023; and be it further

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

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Chair Foster then proceeded with the corporation actions, introducing the first item: Approval of Hudson River Park Trust Fiscal Year 2023-2024 Operating Budget.

Kimberly Quinones, CFO of the Trust, provided the presentation of the Proposed FY 24 budget, along with the projected financial results from the current year, FY23, ending on March 31 [a full copy of the Proposed budget was provided to all Directors and portions of the budget were presented on a PowerPoint slide show during the meeting]. She explained that, in accordance with State Finance Law, the Trust's initial Draft Preliminary Proposed budget was reviewed in detail with the Finance Committee in a January 23 meeting. Subsequently, the Proposed budget was posted on the Trust's website and at five public locations throughout the park. She continued that after being updated to reflect revised January and February income results and adjustments to projected spending, the Proposed budget was once again discussed with the Finance and Audit Committees at the meeting that took place this past Wednesday.

Ms. Quinones first provided a recap of the projected results of the current Fiscal Year, focusing on the third column of Exhibit 1 of the Proposed budget. According to the high-level overview, revenues have been strong, as indicated in the quarterly financial results presentations. The projections show \$38.3 million in total revenues, representing an 11.3% increase above the FY 23 budget. Lease and occupancy permits are also expected to exceed the budget by 15%,

attributed to the signing of the new Chelsea Piers lease and a stronger-than-expected post-Covid tourism rebound. Most payment deferrals agreed to with tenants during Covid have now been repaid, providing a small boost to revenues in the current and previous year, but will not recur. Projected parking revenues from the garage at Pier 40 are on target at \$10.2 million, budgeted at 12% higher in FY 23 than the budget for the previous fiscal year (FY 22). The garage has reached over 90% occupancy levels, and new parking spaces will not be added until the current construction projects in the garage are completed. Interest income was boosted as the Federal Reserve raised rates and the Trust's investment portfolio was positioned to take advantage of the rate hikes.

The total projected expenses for FY 23 are 14% under budget, currently projected at \$24.4 million. Ms. Quinones explained that the reduction in expenses can be attributed to several factors, including that payroll expenses are projected to be 10% less than budgeted as additions to staff were delayed until the last quarter. Mild weather eliminated the need to use extra funds budgeted for cleanup and cost savings were achieved at major events without compromising the quality of the experience or cleanliness of the park. The projected bottom line for net operating income is currently more than double the budgeted amount, or \$13.9 million versus a budgeted surplus of just under \$6 million.

Ms. Quinones pointed out that some Capital Maintenance (Cap M) projects were deferred into the upcoming fiscal year, as major ongoing projects required staff's attention. A total of \$23 million is projected for Cap M in the current fiscal year, compared to the original budget of almost \$30 million. The deferral of some projects and less reimbursement due to the nature of the projects resulted in a net Cap M of \$7.3 million. As a result of these projections, a Projected FY 23 operating surplus of \$6.6 million after net Cap M is expected, compared to the originally budgeted deficit of \$4.3 million. After depreciation and OPEB, the projected deficit is larger.

Ms. Quinones then reviewed the FY 24 Budget Proposal. The Trust is optimistic about the revenues for FY 24 while building in allowances for economic uncertainties. The Proposed budget also incorporates additional costs for personnel, maintenance, utilities, and sanitation with 7.5 acres of new park opening (Gansevoort Peninsula, Pier 97 and fully reopening Chelsea Waterside Park). The budget also accounts for basic utility rate increases and the addition of three new public bathrooms, an anticipated new PEP contract, higher pay rates for seasonal workers, and a growing River Project staff with the opening of the Discovery Tank at Pier 57. The Proposed budget allows

for an operating surplus before unreimbursed Capital Expenditures (CapX) and Capital Maintenance (CapM) for FY 24, but at a lower surplus than the previous year's budget. If all unreimbursed Capital Equipment and Capital Maintenance projects are completed, the net deficit is projected to be higher than budgeted last year.

Total Budgeted Revenues are \$37.3 million in FY 24, which is \$934,000 under the Trust's projected FY 23 results, but \$2.9 million (9%) higher than FY 23 budget. The tenant Lease and Occupancy Permit Revenues are budgeted at \$20.5 million, \$2 million under the projected results for FY 23, but 4.5% higher than the FY 23 budget. This is due to the end of Covid deferred rent repayments, some leases expiring this year with replacements not yet in place, and allowances for economic uncertainties. Parking Garage Revenues are budgeted slightly higher at \$10.75 million, factoring in the continued high occupancy rate and a 4% rate increase going into effect on April 1. Contributions and grants have also increased in the budget, recognizing increased grant revenue for the River Project to support their expanded programming and staffing, and Friend's extra support for the Trust's summer programs.

The budget for Operating Expenses is \$33.2 million, almost \$5 million higher than the FY 23 budget. One factor is the addition of new staff members, 6 full-time, 2 part-time, and 1 seasonal position, bringing the total staff level to 98 full-time employees, 6 part-time employees, and 39 seasonal employees. Some of these new positions are offset by grant income supporting the education and research activities of the River Project.

Other factors contributing to the increase in Other Than Personal Services (OTPS) budget for the upcoming fiscal year are security costs, expected to increase by 31% from the current budget to just over \$5 million in FY 24, mainly due to the addition of 4 officers and 1 sergeant to cover new areas of the park. The budget for these positions takes into account the new pay rates resulting from the collective bargaining agreement, which is expected to be ratified in April. The agreement includes annual base rate increases of 3% per year and 3.5% in the final year, contract ratification bonuses, and retroactive payments back to 5/26/2021. Ms. Quinones continued that Utilities are also budgeted higher at \$2.3 million, considering higher rates, new park areas, and 3 public restrooms. The cost of insurance declined by over 10%, but does not affect the bottom line, as the State and City are obligated to cover the cost of liability insurance. Overall, these factors result in a budgeted OTPS increase of approximately 20%. Additionally, there are increased costs of Administration, Support and Overhead due to the increased costs of Real Estate administration,

cybersecurity and increased legal and consulting costs associated with advising the Trust on matters associated with the Hudson River Tunnel construction. An Operating Surplus of \$4.1 million is budgeted for FY 24, slightly lower than what was budgeted for FY 23 (and pre-Cap M).

After net Cap M and Cap X, budgeted at \$12.8 million (which represents capital investment not reimbursed by outside funds or Trust air rights funds), there is a budgeted Operating Deficit of \$8.7 million. The Trust will continue to seek additional external funding sources for Capital Maintenance projects to reduce this projected deficit, and variances in the timing of the projects (for seasonal delays or changes in needs) may also help mitigate any deficit.

Ms. Quinones pointed out that Exhibit 2 in the budget shows the budget changes year-over-year by functional area. Education and Park Programs expenses are growing, but increased grant revenues partially offset them. New park areas require increased grounds, facilities, and capital plan spending. Security costs are up with more PEP officers requested, and there is a higher pay rate if the new contract is approved. Increases in utility costs, with higher base rates, more park area, 3 new public restrooms, and lower insurance costs all contribute to the increases in functional areas. In the next slide, she explained that on the revenue side, interest income is budgeted up 77%, and grants are up 56%. The Trust is also adding 6 new full-time and 2 additional part-time employees, which, along with an increase in medical insurance rates, will increase total personnel expenses by 11%.

She continued onto the next slide, a bar chart showing year-over-year changes in expenses by function or department. The pie chart in the next slide illustrates how expenses are distributed, with Net Cap M accounting for 24% and admin and overhead at 15%.

Ms. Quinones provided an update on the three largest ongoing capital projects. Chelsea Waterside Phase 2, a \$15.3 million project begun in 2021 and funded by City and air rights funds, is in the final stage, with the dog park that opened last December, the refurbished and expanded playing field opening this week, and the newly-built public restroom and picnic area opening soon. This total project cost increased from the original projection of \$14.4 million due to unexpected conditions encountered during construction. Gansevoort Peninsula, funded by City and restricted funds, is expected to open in late summer 2023 within the \$73.1 million budget. Similarly, Pier 97, funded by State and air rights funds, is expected to open later in 2023 within the \$46.84 million budget.

Pointing to the last slide of the presentation, Ms. Quinones stated that the Trust is budgeting for \$69.4 million of construction in FY 24, with construction spending on new facilities planned at \$42.42 million and Capital Maintenance at \$27 million this upcoming year. She asked if there were any questions and identified several potential risks to the budget, including general economic factors that could affect lease revenues, parking garage receipts and/or the cost of new projects, unexpected delays that could affect the final cost of major construction projects, and staffing challenges as the Trust continues to grow. She also noted that once approved, this full package will be posted on the Trust's website along with a letter signed by President Doyle certifying that the underlying assumptions are reasonable. This will be posted throughout the park and filed with the OSC in accordance with State Finance Law. Director Kaplan added that the Proposed budget was reviewed by the Finance and Audit committees and as in the past, is very conservative and added that the Trust is in the unique position of not being able to borrow and thus it does not have any debt. The Trust has money invested in bonds and is earning good interest. He also added that past decisions to make repairs to Pier 40 has proven to be a good decision given the additional parking revenue the Trust is receiving.

Chair Foster asked if there were any questions or comments. There being none, upon a properly called motion, the following resolution passed unanimously.

**HUDSON RIVER PARK TRUST - Approval of the Hudson River Park Trust April 1, 2023 – March 31, 2024 Fiscal Year Operating Budget**

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**RESOLVED**, based upon the materials presented to the Board of Directors of the Hudson River Park Trust at its meeting on March 28, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby approves the April 1, 2023 – March 31, 2024 fiscal year Operating Budget; and be it further

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

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Chair Foster moved onto the second item before the Board: Authorization to Enter into Contract with M&N Engineering, D.P.C., for Parkwide Marine Inspections and Engineering Services.

President Doyle began by stating Hudson River Park has a continuing need for in-water engineering inspections of piers, bulkheads, and other marine structures. In addition, as a result of these inspections, engineering services are needed to assess and design corrective work in order to maintain the structures in a state of good repair to ensure continued public use. The Trust released an RFP for Parkwide Marine Inspections and Engineering Services on December 21, 2022 and received five proposals on the February 8, 2023 submission deadline. A Selection Committee comprised of Trust staff reviewed the five proposals according to the selection criteria identified in the RFP and then interviewed the two most highly ranked firms. The Selection Committee determined M&N Engineering to be the most qualified firm with the required experience to perform in-water marine dive inspection projects. M&N has served as the Trust's consultant since 2017 and the Trust has been satisfied with its performance. Accordingly, the Trust staff requests Board authorization to enter into a contract for a five-year term with M&N Engineering for Parkwide Marine Inspections and Engineering Services in the amount of \$4,680,640, plus a 10% contingency, for a Total Board Authorization Amount of up to \$5,148,704. Funding for the contract is available through the Trust's capital maintenance budget as approved by the Board of Directors each year.

Chair Foster asked 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 to Contract with M&N Engineering, D.P.C. for Parkwide Marine Inspections and Engineering Services**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on March 28, 2023, 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 M&N Engineering, D.P.C. for Parkwide Marine Inspection and Engineering Services for a five-year contract term in the amount of \$4,680,640, plus a 10% contingency, for a Total Board Authorization Amount of up to \$5,148,704; and be it further

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

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Chair Foster moved onto the third item before the Board: Authorization to Contract with Gilbane Building Company for Estuarium Construction Management Services.

President Doyle began by stating that Estuarium has been an important part of the vision for Hudson River Park since its inception. In September 2022, the Board authorized the Trust to contract with Sage and Coombe Architects for the design of the new educational building, and the Trust has also commenced the community engagement process. After introducing the design team to Community Board 1 in December, the Trust co-hosted a well-attended public meeting about the project with Community Board 1 last month.

She further noted that the Trust requires a construction management team to participate in the design phase to help inform smart decision-making about constructability within a tight, active area of the Park and to ensure that project costs are integrated into early decision-making. The construction manager will review drawings during the design phase and prepare independent cost estimates. Additionally, during construction, the construction management team would be onsite, full-time, ensuring that the work proceeds promptly and safely with minimal impacts to Park users and tenants.

President Doyle reported that the Trust released an RFP for Estuarium Construction Management Services on December 8, 2022 and received nine proposals on the submission due date of January 27, 2023. The Trust's Selection Committee comprised five members of the Trust's staff from multiple departments. The Committee reviewed the nine proposals, conducted an initial rating, and then determined to interview five firms. Following the interviews, the Selection Committee rated each firm according to the selection criteria set forth in the RFP. Trust staff has identified Gilbane Building Company as the firm providing the best value to the Trust at a fee of \$2,783,425.

She informed the Board that Gilbane has successfully provided construction management services for the Trust, including for Pier 26, which is adjacent to the future Estuarium location, and at Gansevoort and Pier 97. Gilbane also has worked for the NYC Department of Design and Construction and the NYC Economic Development Corporation. Gilbane will fully meet the Trust's 30% M/WBE and 6% SDVOB goals.

President Doyle then requested Board authorization to contract with Gilbane Building Company for Estuarium Construction Management Services in the amount of \$2,783,425, plus a

10% contingency, for a Total Board Authorization Amount of up to \$3,061,768 over the five-year contract term. Funding for this contract is available through Trust capital funds as approved in the current adopted budget and from the Trust's reserves.

Chair Foster asked if there were any questions or comments. A few Directors asked if contract amount covered just design or all construction oversight and if amount was consistent with the expected budget and President Doyle responded that the contract amount is within the estimated budget and covers all construction management services. Kevin Quinn added that it is important to have a construction manager involved in design given the complicated logistics for this project to ensure a project is buildable. There being no further questions, upon a properly called motion, the following resolution passed unanimously.

#### **HUDSON RIVER PARK TRUST - Authorization to Contract with Gilbane Building Company for Estuarium Construction Management Services**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting of March 28, 2023, 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 Gilbane Building Company for Estuarium Construction Management Services in the amount of \$2,783,425, plus a 10% contingency, for a Total Board Authorization Amount of up to \$3,061,768 over the five-year contract term; and be it further

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

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Chair Foster moved onto the fourth item before the Board: Authorization to Enter into Contracts with Deborah Bradley Construction & Management Services, Inc., and Peter J. Catanzaro, Inc. for Parkwide On-Call Electrical Services.

President Doyle began by stating that the Trust requires on-call electrical services throughout Hudson River Park to address electrical issues that arise on both a regular and emergency basis. Routine work includes panel upgrades and repairs, troubleshooting and testing of electrical systems and services, repairs to parking and park lighting, and retrofitting existing lighting to energy-efficient LEDs.

Consequently, the Trust released an RFP for Parkwide On-Call Electrical Services on January 5, 2023 and received two proposals from Deborah Bradley Construction & Management Services and Peter J. Catanzaro on the submission deadline of January 27. A selection committee comprised of Trust staff reviewed the submissions and evaluated each according to the identified selection criteria in the RFP and interviewed both respondents. The selection committee determined that both Deborah Bradley and Peter Catanzaro proposed favorable hourly rates for the on-call services.

From January 2020 through February 2023, Peter Catanzaro served as the Trust's on-call electrical contractor, and Trust staff have been satisfied with the services. Catanzaro also has performed electrical work for Riverside Park Conservancy and Brooklyn Bridge Park. Similarly, Deborah Bradley has a solid working history with the Trust and has performed electrical work for Battery Park City Authority, Con Edison, and New York City Transit.

President Doyle thereafter requested Board authorization to enter into contracts with both Deborah Bradley and Peter Catanzaro for Parkwide On-Call Electrical Services for an aggregate Total Board Authorization Amount of up to \$1,500,000 over a five-year period. Funding for these contracts will be available from the Trust's annual operating budget as approved by the Board of Directors each year.

Chair Foster asked 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 to Contract with (1) Deborah Bradley Construction & Management Services, Inc. and (2) Peter J. Catanzaro, Inc. for Parkwide On-Call Electrical Services**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting of March 28, 2023, 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 (1) Deborah Bradley Construction & Management Services, Inc. and (2) Peter J. Catanzaro, Inc. for Parkwide On-Call Electrical Services for an Aggregate Board Authorization Amount of up to \$1,500,000 over a five-year period; and be it further

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

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Chair Foster moved onto the fifth and final item before the Board: Authorization to Contract with the New York City Department of Parks & Recreation for Park Security Services.

[Sarah Neilson recused herself from this agenda item and left the meeting room.]

President Doyle stated that the Parks Enforcement Patrol unit of the New York City Department of Parks & Recreation has been providing 24/7 security services to Hudson River Park under the current contract since 2004. The current contract will expire on March 31, 2023. The Trust and City Parks wish to enter into a new contract for PEP services for a five-year period commencing on April 1, 2023. The new PEP Contract would provide the Trust with up to 32 Officers, 6 Sergeants, 1 Captain, and 9 City Seasonal Aides to provide 24-hour coverage as well as an additional 6 City Seasonal Aides (a 6-month term) for the busier summer seasons. This reflects a staffing increase of 4 Officers and 1 Sergeant as compared to the existing contract, which staff believes is necessary given the imminent expansion of the Park area later in 2023 when the Gansevoort Peninsula and Pier 97 open and to reflect current security needs.

She relayed that the cost for the first year of the PEP Contract is anticipated to be approximately \$4,773,991 based on the increased number of PEP officers, an anticipated three percent increase in the PEP officers' salaries and other associated costs associated with the new collective bargaining agreement between New York City and the DC 37 Union that City Parks expects will take effect at some point in the coming year.

She stated that the memo provided to the Directors fully explains why entering into the PEP contract with City Parks qualifies as a sole source procurement. The New York City Charter explicitly states that PEP officers may provide security services in Hudson River Park and enforce both Hudson River Park and City Park rules. The New York City Office of Administrative Trials and Hearings, referred to as OATH, can enforce all summonses issued by PEP officers as long as the Trust has a contract in place with City Parks. She pointed out that the Trust itself has no enforcement authority or mechanism to enforce summonses as currently provided by OATH. Further, Hudson River Park is a public park within New York City and its adopted Park rules intentionally mirror those in traditional City parks. Contracting with City Parks for park security services provides needed continuity for park patrons across New York City.

She added that PEP officers are paid through a negotiated collective bargaining agreement with New York City. Thus, the rates for the Officers charged to the Trust are the same rates paid

for the officers' security services at other New York City parks. Further, the Trust does not pay any fees to OATH for enforcing the Trust's or the City Park's rules. City Parks also provides PEP officers with all necessary training and their uniforms and equipment and provide daily oversight. Thus, the cost is reasonable for this sole source procurement.

President Doyle thereafter requested Board authorization to enter into a contract with City Parks for Park Security Services for a five-year contract term and a Total Board Authorization Amount of up to \$23,531,263. Funding for the PEP Contract is available through the Trust's operating budget as approved by the Board of Directors each year.

Separately, President Doyle mentioned that the Trust will retroactively pay City Parks for the increased salaries under the existing PEP contract based on the City Park's expected new collective bargaining agreement between May 2021 and March 2023. The Trust has not yet been invoiced for this retroactive payment as the collective bargaining agreement between the union and the City is not yet in effect, but the Trust expects the invoice to be in the \$250,000 range. She emphasized that sufficient funds from the Board's approval of the existing PEP contract remain available for the retroactive payment. The anticipated retroactive payment is also included in the FY24 Budget that the Board just approved.

Chair Foster asked if there were any questions or comments. Several Directors asked several questions about the retroactive payment, the increased number of officers, officer training and OATH's enforcement of Trust summons. President Doyle explained that when Park was created, the Board felt strongly that peace officers should provide security as they do not carry guns but can make arrests and thus PEP and OATH make sense for the Park. Ms. Fazio also explained that the contract would allow the Trust and City to revisit the number of officers assigned based on the annual budget approved by the Board for security services each year. Ms. Doyle further explained that the Trust wanted an additional sergeant to ensure that there is a higher level of oversight for every shift. She further explained that all training is provided at the academy by City Parks but the Trust provides supplemental training, such as in the use of life rings. There being no further questions, upon a properly called motion, the following resolution passed unanimously (with Director Neilson recused and abstaining from the vote).

## **HUDSON RIVER PARK TRUST – Authorization to Contract with the New York City Department of Parks & Recreation for Park Security Services**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on March 28, 2023, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to contract with the New York City Department of Parks & Recreation for Park Security Services for a five-year contract term for a Total Board Authorization Amount of up to \$23,531,263; and be it further

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

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Chair Foster then asked President Doyle to present the President's Report.

President Doyle began with Design and Construction. She reported that the Trust and Community Board 1 held the first public engagement meeting for the Estuarium project on February 27. The virtual meeting was well attended both by local community members and members of the Park's science and education communities and allowed participants to provide early input about priorities for this important environmental facility in breakout sessions facilitated by members of the design team. The design team has begun early steps in the design process, including meeting with the Trust's River Project team to understand current educational and Wetlab programming, and reviewing site conditions. She stated that the Trust's Staff feels in good hands as they collectively begin this challenging design process.

In the meantime, construction of the Pier 26 Science Play area is underway. Alpine Construction began excavating the site to install subsurface utilities and electrical service last month. Monstrum, the Danish play equipment manufacturer constructing the centerpiece play sturgeons and related equipment, has completed about 85% of the fabrication. The equipment is scheduled to depart Denmark at the beginning of April and be onsite at Pier 26 in the beginning of May.

As mentioned at the last Board meeting, the three repaved tennis courts located just north of Spring Street have been open with temporary striping since November, and the tennis courts have remained active all winter. Last week, Craig Shapiro, host of *The Craig Shapiro Tennis Podcast*, called them "an oasis of democratic tennis" due to the fact that the Trust does not issue

permits for play on them. She relayed that the Trust expects to install the final color and striping as soon as there are sufficient days with weather in the 50s consecutively – likely in April. The Trust will also be retrofitting the existing court lighting with new LED fixtures that will reduce power consumption by half.

President Doyle then shifted the focus to the Gansevoort Peninsula where Steven Dubner Landscaping is completing the installation of DEP infrastructure within the future sand area. Steven Dubner continues construction on the Hudson Balcony, extending slightly under the *Day's End* sculpture and also continues to install site furnishings and paving materials. Installation of the sports field drainage and subgrade will begin next month. She further mentioned that JR Cruz has completed the revised Bloomfield Street vehicular entrance and exit as well as utility work and is now working on the new Bloomfield Street shared-use road and FDNY turnaround. Curbing and utilities for the dog run and fitness area are complete. Padilla Construction is making good progress on the construction of the restrooms, concession, and Park operations space, with walls installed and roofing complete on the structure. Cladding continues to be fabricated off-site. EJ Electric continues to install lighting and utilities in various locations.

She continued that at the kayak ramp, the designs called for the ramp to be topped with a revetment mat atop the slope to provide a cushioned surface for non-motorized boaters to enter and exit the water. Unfortunately, within a very short period of time, the installation began failing at the site due to wake and wave action and due to the product itself. She stressed that the Trust required its design team, construction management team, and contractor to assess the cause of the failure in more detail. It was determined that the product vendor had changed the specifications vetted during the design process, including with the Trust's boating community, but without changing the product name. When the contractor ordered the product, the vendor did not alert the contractor that the specifications had changed. Although many alternative soft surfaces were investigated, none meet the demanding conditions of the site requirements, including accessibility. In discussion with the Trust's boating community, staff will explore whether Moby Mats or other similar seasonal applications can succeed atop the cast concrete ramp once the concrete is installed atop the existing slope later this spring. Still, the Trust and design team now believe there is probably a good reason why cast concrete boat ramps are essentially standard operating procedure for water access in many locations, including at other

points on the Hudson River. The Trust has requested a meeting with Community Board 2 to update them on all the progress at Gansevoort and to offer a tour now that the site is taking shape. President Doyle was pleased to announce that virtually everything on site has proceeded according to the original designs supported by the community except for the surface of the Gansevoort kayak ramp.

As she previously discussed, the Trust will meet with non-motorized boaters to discuss the procedures or rules for using the kayak access ramp, and the Trust will try to schedule that in the next few weeks. Hudson River Park Advisory Council recently re-upped this request. As the Trust had already begun researching launch and access signage, rules and policies at other public sites on the Hudson River and in various City and State Parks, it is good timing. The south edge of Gansevoort will be a beautiful spot. However, the design requires the Trust to carefully consider rules and safety requirements while expanding access to the Hudson River.

At Chelsea Waterside Park, Alpine, the site and landscape contractor, is installing curbs, walls, hardscapes, plantings, and site furnishings in the central area. The new synthetic turf field is complete and will be used as a swing space for field users displaced from the rooftop field at Pier 40 as the Trust completes the roof repairs there now that spring brings sufficiently warm weather. Subsequently, the new and improved field will reopen full-time for permitted users. EW Howell, the building contractor, has completed the comfort station's foundation, exterior walls, interior partitions, roof, utilities, mechanical/electrical/plumbing equipment, and the building's repurposed granite cladding system. The contractor is presently wrapping up the installation of exterior/interior architectural finishes, restroom fixtures and accessories, and the solar panel photovoltaic system. She affirmed that the Trust is on track to reopen a much-improved Chelsea Waterside Park entirely this spring and is looking forward to celebrating that milestone with the community and elected officials.

Currently, work at Pier 97 is focused on the playscape area with concrete curbs and walls for recently completed planters and footings for play equipment being formed. The concrete unit pavers are ready to be installed. The concrete roof slab for the Overlook roof has been poured at the west end of the pier. Finally, trenching for utilities in the upland area has started. The comfort station foundation frost wall has been poured, insulated, and waterproofed. Sub-grade plumbing has been installed and rebar for the foundation mat slab is now being installed, followed by the concrete pour.

President Doyle further stated that the Trust's Design and Construction staff is also completing the scope of services for a comprehensive design team for the unfinished park area between West 29th and 46th streets, and the Trust expects to release that RFP this spring. Once the design team is selected, the design process will involve significant community engagement. As President Doyle mentioned at the last Board meeting, this area will be challenging with numerous existing land uses, critical public infrastructure, and occupants like Gateway, the West 39th Street Ferry Terminal, and the privately-owned Pier 78 and Circle Line Cruises.

President Doyle reported that the week's most exciting news is the grand opening of new public-facing uses on the ground floor of Pier 57 on April 1. Market 57 is a new dining destination curated by The James Beard Foundation that will include kiosks operated by a mix of small businesses, many of which are BIPOC or women-owned, that will serve a delightful variety of international cuisines along with a new wine bar and craft beer bar. The pier also includes a huge new indoor public gathering area called the Living Room that the Trust negotiated as part of the lease, and two bookable community classrooms. The Trust will also open its environmental tech gallery and classroom dubbed the Discovery Tank. The Trust's River Project team will operate it, and it is already in high demand as part of the Trust's spring school field trip programming. She noted that the Board members should have all received an invite to a Google-sponsored opening event scheduled for Thursday, and she encouraged them to visit the new amazing public space.

As President Doyle reported at the last two meetings, the Trust issued an RFP for the Park's four purpose-built non-motorized boathouses in the fall. After the selection committee thoughtfully reviewed proposals, the Trust issued conditional award letters contingent on successful negotiations of permits to the following entities: Downtown Boathouse for the boathouse at Pier 26; Hudson River Community Sailing and New York Kayak for the boathouse at Pier 66; Manhattan Kayak for the boathouse at Pier 86; and Manhattan Community Boathouse and New York Outrigger for the boathouse at Pier 96. The Trust is currently negotiating permits with each entity, expected to commence on May 1. The Trust looks forward to continuing to work with its boathouse operators to bring a wide range of free and low-cost boating opportunities to the public. Last year, the Trust's boating programs put an astounding 68,000 people on the water. Combined, Hudson River Park has one of the largest – if not the singular largest – non-motorized boating programs in New York City, the harbor, and the entire Hudson River.

President Doyle then explained that the Trust negotiated and executed a new five-year Maintenance Agreement with the State Department of Transportation that is currently pending approval by the Office of State Comptroller. The new Agreement is similar to the original maintenance agreement executed in January 2003. On behalf of SDOT, the Trust will continue the routine cleaning and maintenance, such as snow removal, power washing, and landscaping, of the Route 9A bikeway and buffer and median areas. In the new agreement, SDOT has agreed to reimburse the Trust's costs related to snow removal and repair of SDOT signage as well as some additional contractor costs. The calendar year 2023 budget for the Trust's maintenance activities that SDOT would reimburse is approximately \$1.2 million, which is about \$400,000 more than last year's budget. Overall, the new agreement provides a more efficient mechanism for SDOT to authorize the Trust to retain contractors to make necessary minor repairs on behalf of SDOT, which costs will be reimbursed by SDOT.

Separately, she continued, SDOT began repaving the Route 9A bikeway/Greenway last week. The repaving work occurs overnight between 9:00 PM and 5:00 AM and will require bike riders to take detours as SDOT repaves sections spanning several blocks at a time. SDOT has provided contact information for SDOT's Region 11 Community Liaison to local community boards and others, and the Trust has updated its website to include the Bikeway repaving project along with this information as well. The Trust will continue proactively coordinating with SDOT and endeavoring to share information with the Park community.

President Doyle reported that Sayfullo Saipov had been sentenced to life in prison without the possibility of parole for the October 31, 2017 terrorist attack on the Route 9A bikeway. She met and talked with many families and surviving victims over the past several months while they were in New York City to attend and testify at the criminal trial in the Southern District of New York courthouse. She expressed that she couldn't help but admire their courage and strength and the support they provided to each other regardless of their country of origin. The Trust continues to sympathize and hopes the conclusion of the criminal trial provides peace to each of the impacted family members. The families and survivors are always welcome in Hudson River Park to remember their loved ones. She encouraged any victims or family members to reach out to her personally and the Trust will make arrangements to ensure they can access their respective sites.

President Doyle then addressed the resiliency projects proposed by Battery Park City Authority and the Army Corps of Engineers. As she shared with the Directors earlier this month,

on March 16, 2023, the Trust sent written comments to the Army Corps of Engineers New York District regarding the Tier 1 Draft Environmental Impact Statement for the New York-New Jersey Harbor and Tributaries Study that would generally involve the installation of a variety of Shore-Based Measures in or adjacent to the Park from its southern border to 34th Street. The Trust's comment letter recognizes that the phased nature of the Army Corps' planning, engineering, and environmental review process means that they do not have the ability to answer all stakeholder questions at this time. She emphasized that the Trust also appreciated its staff outreach to local stakeholders, including the Trust, over the past several months. She noted that the Trust's comment letter provides a considerable amount of background information about Hudson River Park, including the extent of public and private investment in it over the past two decades. The letter observes that the proposed measures in the preferred alternative would not provide any protection to the Park itself and suggests that decision-makers consider the environmental, public, and economic impacts if the Park itself is not protected. The Trust provided many specific comments about the Sanctuary and operational and design considerations, most of which probably cannot be answered unless and until the Corps reaches the Tier 2 environmental review stage. A key question relates to who would be responsible for deploying and maintaining flood protection measures. The Trust encouraged keeping additional alternatives that might better protect the Park on the table, including possible alternatives that also address the CSOs along the river.

She also noted and was confident that Dan Miller will address this, but the Advisory Council sent a letter to Governor Hochul and Mayor Adams in mid-February seeking the establishment of a Task Force to address the three major infrastructure challenges facing the future of the West side waterfront, including enhancing resiliency, restoring the estuary, and redesigning Route 9A to accommodate changing transportation modes and reduced traffic volumes. She remarked that the final executed Advisory Council letter and the Army Corps letter had been shared with all Directors.

She continued that on a related matter, and as she previously informed the Directors, the Trust sent comments to Battery Park City Authority on December 28, 2022 regarding the Draft Scope of Work to Prepare a Draft Environmental Impact Statement for the North/West portion of the Battery Park City Resiliency Project. The proposed plan involves the construction of a flood barrier system first by extending the northern border of Battery Park City about 17 feet into the area where Hudson River Park's Pier 25 mooring field is located – essentially that esplanade area

immediately north of Stuyvesant High School - and a new flood wall that would be installed adjacent to the Route 9A bikeway along a portion of the Park area near Pier 25. The Trust reiterated in writing comments that it had previously provided to BPCA, including requesting a coastal modeling study of a potential storm surge hitting the proposed flood barrier wall with the water flowing back into the Park; a study on the impacts of construction on underground utilities in the Park; an identification of trees and plants that would be removed and any changes to the open space character of the Park as well as numerous maintenance related issues. The Trust understands that BPCA intends to have a separate meeting with the Trust and the State and City Departments of Transportation to discuss the Trust's comments, which the Trust has previously requested.

She also informed the Board that BPCA held a community workshop on February 16, 2023; their presentation is available on the BPCA website. BPCA is currently at 30 percent design and expects to complete the final design in fall 2024 to enable construction to begin in 2025, subject to receiving the required governmental permits and approvals. The February presentation also responds to some of the public comments made on the Draft Scope by offering three possible designs for the proposed 17-foot extension into the Hudson River north of Stuyvesant high school as well as a few alternatives regarding the flood wall located adjacent to the bikeway, including suggesting a smaller wall or locating the wall in the median of Route 9A. The Trust looks forward to its meeting with BPCA and will notify the Directors as new information emerges. The Directors thereafter briefly discussed the two resiliency projects.

President Doyle next provided an update on River Project and Public Programs. The Trust's River Project is preparing to kick off an exciting 2023 spring field trip season. Notably, the Trust will be expanding the free and low-cost programs offered to NYC schools in the Park with the opening of the Pier 57 Discovery Tank in April as she had mentioned earlier. Beyond Pier 57, the Trust will continue to offer field trips at engaging locations throughout the Park such as the Pier 26 Tide Deck and the Pier 40 Wetlab aquarium. Booking for the coming season is currently open for all to apply and it is already 50% fully booked.

She furthered that the River Project has a longstanding commitment to creating green job opportunities by hiring paid interns to support science and educational work throughout the Park. Information on 2023 positions is available on the Trust's website. This year, the Trust is offering both shorter- and longer-term seasonal job opportunities ideal for current college students and recent graduates, respectively.

The Public Programs Department is getting ready to announce the 2023 events season. The Trust has recently concluded an RFQ for audio technician services to support some internal events. Hiring for seasonal park ambassadors and event supervisors is ongoing, and the Trust has shifted seasonal staff duties a bit this year with the goal of having them take a more active role in welcoming patrons to events and interacting with guests this year. The Department looks forward to continuing to provide excellent free events this season. The Department continues to evaluate special event permits and is looking forward to partnering with events that bring a variety of activations, walk/runs, and larger events throughout the Park, keeping ample free space for the public to enjoy throughout the year.

She next noted that the State's Ethics Commission Reform Act of 2022 requires that all Trust staff attend a live Comprehensive Ethics Training Course that must be repeated every two years, with an online ethics refresher course occurring in the intervening years. Thus, ethics training is now an annual requirement of all Trust employees as compared to the past requirement for less frequent training targeted specifically at policymakers. Roseann Julien, the Senior Attorney in the Trust's Legal Department, provided the mandatory ethics training to over 90 percent of the Trust employees this past February. The new course also applies to the Board of Directors, so Nicole Cuttino, the Trust's Deputy General Counsel, will reach out to the Board Directors to schedule the class for a date in April. She stated that the class will be on zoom, so they do not need to come to the Trust's offices to participate. She also stated that if the Board Directors have already taken the new training at their own agency or directly with the Commission on Ethics and Lobbying in Government, they can inform Nicole Cuttino of the date they completed the training. The new Commission requires that the Trust report the number of persons trained monthly.

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Chair Foster then introduced Daniel Miller to provide the Advisory Council report. Daniel Miller, Advisory Council Chair, first acknowledged that President Doyle received an award from Assemblymember Deborah Glick but a snowstorm in Albany prevented Ms. Doyle from receiving the award. He then reported that the members were very pleased to have Patrick Foster of NYSDEC attend the last meeting and address the SPDES permit process and answer questions related to Pier 98. He also shared with Ms. Doyle three letters recently prepared by the Advisory

Council. He addressed that as part of the boathouse RFP, the Council hoped that boating programs remained free to the public. And the Council with local community boards were continuing to push for a solution of the e-bikes on the Route 9A Greenway.

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Chair Foster then introduced Connie Fishman to present the Hudson River Park Friends' Report. Ms. Fishman stated that Friends has two new Board members and had recently adopted its annual budget. Ms. Fishman also provided a summary on fundraising and volunteer programming. She further stated that the gala is scheduled for October 12 and Friends is looking for honorees. Friends has hired a public relations company to assist with the 25<sup>th</sup> anniversary of the Hudson River Park Act. She concluded that Friends has a letter signed by the State elected officials with jurisdiction of the Park that was sent to the Governor supporting capital appropriation for the Estuarium.

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Chair Foster thanked all the presenters and then asked the Directors if there was any further business for today's meeting. There being none, Chair Foster called for a motion to adjourn. The motion was unanimously approved, and the Board of Directors' meeting adjourned at 6:09 p.m.