



**MEETING OF THE
BOARD OF DIRECTORS**

September 26, 2024 at 4:30 pm

**Location: Hudson River Park Trust Classroom
Discovery Tank
Pier 57
25 11th Avenue
New York, NY 10011**

AGENDA

I. CONSENT AGENDA

- A. Approval of Minutes and Ratification of the Actions Taken at the July 25, 2024 Meeting of the Hudson River Park Trust Board of Directors
- B. Authorization to Amend Contract with E-J Electric Installation Company for Gansevoort Peninsula Electrical Construction
- C. Ratification and Approval of Extension of Contract Terms for Pier 97 Building Construction Contractors and Amendment to Contract with Interphase Electric Corporation for Pier 97 Building Electrical Construction Work
- D. Authorizations to Amend Contracts with On-Call Legal Counsel

II. PRESIDENT'S REPORT

- ANNUAL PRESENTATION OF ESTUARINE SANCTUARY MANAGEMENT PLAN
- Design/Construction Project Updates
- River Project and Public Programs Updates
- Update on Battery Park City Authority Resiliency Project
- Review of Active Trust Procurement Contracts with over One-Year Term
- Review of Active Revenue Contracts with over One-Year Term

III. ADVISORY COUNCIL and HUDSON RIVER PARK FRIENDS REPORTS

IV. EXECUTIVE SESSION on PENDING LITIGATION AND REAL ESTATE MATTERS

V. ADJOURN

**HUDSON RIVER PARK TRUST - Approval of Minutes and Ratification of the Actions
Taken at the July 25, 2024 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 25, 2024 are hereby approved by the Board of Directors, and all actions taken by the Directors present at such meeting, as set forth in the Minutes, are hereby in all respects, approved and ratified as actions of the Hudson River Park Trust, and a copy of such approved Minutes are hereby ordered filed with the records of the Hudson River Park Trust.

For Consideration
September 26, 2024

To: The Directors
From: Noreen Doyle
Re: Authorization to Amend Contract with E-J Electric Installation Company for
Gansevoort Peninsula Electrical Construction

I. Contract Summary

Contractor: E-J Electric Installation Company
Proposed Project: Gansevoort Peninsula Electrical Construction
Contract Number: C5380
Amendment Amount: \$70,000 for a Total Board Authorization Amount of up to
\$1,958,450

II. Background

At its June 3, 2021 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract with E-J Electric Installation Company (“E-J”) to install lighting, power distribution and other electrical components as part of the construction of the new park area at the Gansevoort Peninsula for a Total Board Authorization Amount of up to \$1,702,586. Additional funding was approved by the Board at the September 2022 and January 2024 meetings related to relocating an unmarked Con Edison electrical line, installing additional electrical conduit, and installing additional lighting at the peninsula’s south side for a Total Board Authorization Amount of up to \$1,888,450.

The Trust staff seeks Board approval for an additional \$70,000 to cover the remaining change orders and to close out the contract, including E-J’s costs for the purchase of a specific type of mounting hardware needed to install additional lighting on the peninsula’s south side, the purchase of separate power supplies for the sports field lighting and the security cameras to ensure proper operation, and replacement lighting along the railings on the north side of the peninsula that were vandalized following the park’s opening.

III. Funding

Funding for this amendment is available from capital budget funds allocated by the City of New York.

IV. Requested Action

The Trust staff requests Board authorization to amend the contract with E-J Electric Installation Company for Gansevoort Peninsula Electrical Construction for an additional amount of \$70,000 for a Total Board Authorized Amount of up to \$1,958,450.

HUDSON RIVER PARK TRUST – Authorization to Amend Contract with E-J Electric Installation Company for Gansevoort Peninsula Electrical Construction

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 26, 2024, 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-J Electric Installation Company for the Gansevoort Peninsula Electrical Construction for an additional amount of \$70,000 for a Total Board Authorized Amount of up to \$1,958,450; 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.

For Consideration
September 26, 2024

To: The Directors

From: Noreen Doyle

Re: Ratification of and Authorization to Extend the Terms of Contracts with Civetta & Sons, Inc., Eastern Plumbing & Mechanical Contracting, Inc., and ACS System Associates, Inc. for Pier 97 Building General, Plumbing, and Mechanical Construction Work and to Amend the Contract with Interphase Electric Corporation for Pier 97 Building Electrical Work

I. Contract Summary

Contractor: Civetta & Sons, Inc.
Proposed Work: Pier 97 Building General Construction Work
Contract Number: C5440
Amendment: Extension of Term

Contractor: Eastern Plumbing & Mechanical Contracting, Inc.
Proposed Work: Pier 97 Building Plumbing Construction Work
Contract Number: C5460
Amendment: Extension of Term

Contractor: ACS System Associates, Inc.
Proposed Work: Pier 97 Building Mechanical Construction Work
Contract Number: C5470
Amendment: Extension of Term

Contractor: Interphase Electric Corporation
Proposed Work: Pier 97 Building Electrical Construction Work
Contract Number: C5450
Amendment: Additional \$100,000 for a Total Board Authorization Amount of up to \$1,499,277 and Extension of Term

II. Background

In July 2021, the Hudson River Park Trust (“Trust”) issued four separate Requests for Proposals for general construction, plumbing, mechanical and electrical work for the Pier 97 Building Construction, as required by Wicks Law. At its September 30, 2021 meeting, the Board of Directors (“Board”) approved Maximum Contract Values for each of the Pier 97 Building Construction Contracts, prior to selection of the specific contractors. Subsequently, at the December 2, 2021 meeting, the Board ratified and approved four separate two-year contracts with Civetta & Sons, Inc. for General Construction, Eastern Plumbing & Mechanical Contracting, Inc. for Plumbing Construction, ACS System Associates, Inc. for Mechanical Construction, and

Interphase Electric Corporation (“Interphase”) for Electrical Construction. At its December 7, 2023 meeting, the Board authorized 8-month term extensions for all four contracts through August 31, 2024.

Construction of the Pier 97 building has been delayed due to issues with the utility connections. The sewer line was not located where it was shown on as-built drawings and locating it required additional coordination with the New York City Department of Environmental Protection and disruptions to the bikeway. Due to the location of the excavation, work on the east elevation of the building was paused because it was not possible to safely access the façade. There have also been delays in obtaining electrical connections with Con Edison that are also impacting the overall schedule. As a result, completing construction of the building is running a few months later than expected. While Trust staff expects that the building will be complete by the end of this year, staff is requesting an extension of up to one year for each of the four contracts, through August 31, 2025, to ensure there is sufficient time to secure the final certificate of occupancy and to complete any punch list items.

No additional funding is needed for the general construction, mechanical and plumbing contracts. The scope of work for Interphase, the electrical contractor, was expanded subsequent to contract approval to allow for integration of the new building into the Park’s camera and access control systems. Trust staff therefore requests an additional \$100,000 to cover these costs and to maintain some contingency through the end of the project.

III. Funding

Funding for the amendment to the Interphase contract is available from New York State and restricted funds available from the prior sale of development rights within Manhattan Community Board 4.

IV. Requested Action

The Trust staff seeks ratification and approval by the Board to extend the term of contract with Civetta & Sons, Inc. for the Pier 97 Building General Construction Work for up to one additional year; with Eastern Plumbing & Mechanical Contracting, Inc. for the Pier 97 Building Plumbing Construction Work for up to one additional year; with ACS System Associates, Inc. for the Pier 97 Building Mechanical Construction Work for up to one additional year; and with Interphase Electric Corporation for the Pier 97 Building Electrical Construction Work for up to one additional year. The Trust also requests authorization to amend the contract with Interphase Electric Corporation to add \$100,000 for a Total Board Authorization of up to \$1,499,277.

Attachment:
Resolutions

HUDSON RIVER PARK TRUST – Ratification of and Authorization to Extend the Terms of Contracts for the Pier 97 Building General Construction, Pier 97 Building Plumbing Construction, Pier 97 Building Mechanical Construction, and Pier 97 Building Electrical Construction and to Amend the Contract with Interphase Electric Corporation for Pier 97 Building Electrical Work

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 26, 2024, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby ratifies and authorizes the Hudson River Park Trust to extend the term of contract with Civetta & Sons, Inc. for the Pier 97 Building General Construction Work by up to an additional one year, or August 31, 2025; and be it further

RESOLVED, the Board hereby ratifies and authorizes the Hudson River Park Trust to extend the term of contract with Eastern Plumbing & Mechanical Contracting, Inc. for the Pier 97 Building Plumbing Construction Work by up to an additional one year, or August 31, 2025; and be it further

RESOLVED, the Board hereby ratifies and authorizes the Hudson River Park Trust to extend the term of contract with ACS System Associates, Inc. for the Pier 97 Building Mechanical Construction Work by up to an additional one year, or August 31, 2025; and be it further

RESOLVED, the Board hereby ratifies and authorizes the Hudson River Park Trust to extend the term of contract with Interphase Electrical Corporation for the Pier 97 Building Electrical Construction Work by up to an additional one year, or August 31, 2025, and to amend the contract by adding \$100,000 for a Total Board Authorization of up to \$1,499,277; 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 resolutions.

For Consideration
September 26, 2024

To: The Directors
From: Noreen Doyle
Re: Authorization to Amend Legal Retainer Agreements

I. Contracts Summary

Contractor: Carter, Ledyard & Milburn LLP
Contract Number: R5187
Amendment: Additional \$150,000 for Total Board Authorization Amount of up to \$700,000

Contractor: Rozario Touma, P.C.
Contract Number: R5190
Amendment: Additional \$50,000 for Total Board Authorization Amount of up to \$275,000

Contractor: Bond Schoeneck & King, PLLC
Contract Number: R5185
Amendment: Additional \$50,000 for Total Board Authorization Amount of up to \$250,000

Contractor: Herrick, Feinstein LLP
Proposed Project: On-Call Legal Services
Contract Number: R5189
Amendment Amount: Additional \$200,000 for Total Board Authorization Amount of up to \$395,000

II. Background

At its May 30, 2019 meeting, the Hudson River Park Trust (“Trust”) Board of Directors (“Board”) approved a list of on-call law firms qualified to provide legal services to support the Trust’s Legal Department in such areas as real estate, construction, environmental, employment, and litigation matters. The Board authorized the Trust to enter into contracts with any of the approved law firms for up to a five-year period on an as-needed basis, subject to the Board approving any individual contract or contract amendment exceeding \$200,000.

On February 1, 2020, the Trust entered into a contract with Carter Ledyard & Milburn LLP (“CLM”) for legal services related to real estate, land use, employment, regulatory compliance and litigation for a contract amount of up to \$150,000. At its September 30, 2021 meeting, the Board authorized an amendment to the CLM contract for an additional \$150,000 to cover legal costs

related to drafting and negotiating the new lease agreement with Chelsea Piers and for work related to the planned Hudson Tunnel Project. Pursuant to the Trust's agreement with Chelsea Piers, Chelsea Piers subsequently reimbursed the Trust approximately \$112,000 of that amount. At its December 1, 2022 meeting, the Board authorized an additional \$250,000 to cover costs related to legal services for the Hudson Tunnel Project, which costs included hiring an appraiser to determine the fair market value related to the permanent below-grade easement as well as a certified MWBE law firm to draft findings under the State Environmental Quality Review Act. Again, the Trust required a portion of those costs to be reimbursed by Amtrak. Trust staff now seeks to add an additional \$150,000 to the CLM contract to cover additional costs related to the Hudson Tunnel Project and other real estate, land use, employment and compliance matters through the end of this fiscal year.

On March 25, 2020, the Trust entered into a contract with Rozario Touma, P.C. ("Rozario") for legal services related to landlord-tenant law for an initial contract value of \$125,000. Rozario assisted the Trust with drafting agreements for deferred rent payments during the COVID-19 pandemic and also handled the initial litigation and bankruptcy proceeding with Classic Car Club ("CCC"). On September 30, 2021, the Board authorized an additional \$100,000 to the Rozario contract so that Rozario could continue to represent the Trust in the CCC bankruptcy proceeding that has since settled. The Trust continues to need landlord-tenant legal services and thus staff seeks to add an additional \$50,000 to the Rozario contract to cover legal expenses through the end of this fiscal year, a part of which will be reimbursed by Amtrak as related to the Hudson Tunnel Project. Rozario is a New York State certified MWBE firm.

On February 1, 2020, the Trust entered into a contract with Bond, Schoeneck & King, PLLC ("Bond") for a contract value of \$170,000, which contract was amended for an additional \$30,000 on February 1, 2024. Bond provides employment legal services to the Trust and assisted the Trust with negotiating and drafting the collective bargaining agreement dated April 1, 2024 between the Trust and the International Union of Operating Engineers, Local 30. The Trust staff seeks to add an additional \$50,000 to the Bond contract as Bond continues to provide employment law-related services to the Trust through the end of this fiscal year.

On March 1, 2024, the Trust entered into a contract with Herrick, Feinstein LLP ("Herrick") for legal services related to real estate transaction and real estate litigation on an on-call basis for a contract amount of up to \$195,000 for a one-year term. Herrick has advised the Trust's Legal Department on various real estate matters since that time. With the passage earlier this year of state legislation known as Section 485-x, the Trust has been approached by several parties with preliminary interest in the possible sale of transferrable development rights pursuant to the 2013 amendment to the Hudson River Park Act and the subsequent creation by New York City of the Special Hudson River Park District. The Trust intends to utilize Herrick to perform such legal services as negotiating and drafting memoranda of understanding, purchase sale agreements, and other documents required for any closings, as well as retaining an appraiser to determine the fair market value of such transferred development rights and thus seeks to add an additional \$200,000 to the Herrick contract. To the extent expenses are related to specific development rights transfer proposals, the Trust would require the developer to reimburse eligible costs.

The additional funds for the contract amendments were included as part of the Board-approved Operating Budget for Legal Services for this fiscal year. The Trust staff will issue a Request for Proposals for On-Call Legal Services this fall with the goal of seeking Board approval for on-call law firms for the next five-year period prior to the expiration of the existing legal contracts in March 2025. The Trust staff has been satisfied with the services provided by CLM, Rozario, Bond and Herrick.

III. Funding

Funding for these contract amendments is available from the Trust's Operating Budget as approved by the Board each year, with a portion of the CLM and Rozario costs related to the Hudson Tunnel Project anticipated to be reimbursed by Amtrak and a portion of Herrick's costs to be reimbursed by private developers.

IV. Requested Action

The Trust staff requests Board authorization to amend the contracts with Carter, Ledyard & Milburn LLP by an additional \$150,000 for a Total Board Authorization Amount of up to \$700,000; with Rozario Touma, P.C. by an additional \$50,000 for a Total Board Authorization Amount of up to \$275,000; with Bond Schoeneck & King, PLLC by an additional \$50,000 for a Total Board Authorization Amount of up to \$250,000; and with Herrick, Feinstein LLP by an additional \$200,000 for a Total Board Authorization Amount of up to \$395,000.

Attachment:

Resolutions

HUDSON RIVER PARK TRUST – Authorization to Amend Legal Retainer Agreements

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 26, 2024, 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 Carter, Ledyard & Milburn LLP by an additional amount of \$150,000 for a Total Board Authorization Amount of up to \$700,000 over the five-year contract period; and be it further

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 26, 2024, 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 Rozario Touma, P.C. by an additional \$50,000 for a Total Board Authorization of up to \$275,000 over the five-year contract period; and be it further

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 26, 2024, 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 Bond Schoeneck & King, PLLC by an additional \$50,000 for a Total Board Authorization of up to \$250,000 over the five-year contract period; and be it further

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 26, 2024, 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 Herrick, Feinstein LLP by adding an additional \$200,000 for a Total Board Authorization Amount of up to \$395,000; and be it further

RESOLVED, that the President or the General Counsel each is hereby authorized to take such actions as the President or the General Counsel may deem necessary or appropriate in order to implement the forgoing resolutions.