

**VIRTUAL MEETING OF THE  
HUDSON RIVER PARK TRUST  
BOARD OF DIRECTORS  
Pier 40, New York, NY  
September 30, 2021 at 4:00 pm**

**MINUTES**

**Directors Present:**

Vicki Been, Chair  
Patrick Foster on behalf of Director Seggos  
Erik Kulleseid  
Michael Kuh  
Rose Harvey  
Sarah Nielson on behalf of NYC Dept. of Parks and Recreation  
Aloysee Heredia Jarmoszuk  
Purnima Kapur  
Lowell Kern  
Idehen Aruede  
Pamela Frederick

**Appearances:**

Hudson River Park Trust:  
Noreen Doyle, President and CEO  
Kimberly Quinones, CFO and Executive Vice President, Finance & Real Estate  
Christine Fazio, General Counsel

Also present:

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

With a quorum being present, Chair Been called to order the September 30, 2021 meeting of the Hudson River Park Trust Board of Directors. She explained that due to the coronavirus pandemic and consistent with legislation signed by Governor Hochul on September 2, 2021 that allows for virtual meetings under the Open Meetings Law, this meeting is being held remotely via a Zoom teleconference enabling the general public to listen to the meeting. The meeting is also being recorded and will be posted on the Trust's website and a stenographer is providing a transcript of the meeting.

Chair Been then noted that the Directors have received the Agenda materials in advance of this meeting and are free to ask questions or comment at any time on the action items submitted for approval today. She further noted that questions or comments from the audience will not be entertained at this meeting. Chair Been stated that the Board memos and resolutions on today's agenda have 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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Chair Been then stated that there are nine items on the Consent Agenda for today's meeting:

- 1) Approval of Minutes and Ratification of the Actions Taken at the July 29, 2021 Meeting of the Hudson River Park Trust Board of Directors;
- 2) Authorization to Amend Contract with Melk Urban Design LLC for Landscape Architecture Services for the Design of Pier 97;
- 3) Authorization to Amend Contract with MT Group, LLC for Parkwide Materials Testing Services;
- 4) Authorization to Extend Term of Contract with Abel Bainnson Butz, LLP for Chelsea Waterside Park Phase 2 Design;
- 5) Authorization to Extend Term of Contract with Reicon Group, LLC for Pier 40 Structural Restoration Phase 6;
- 6) Authorization to Extend Term of Contract with Vermont Custom Nets for Pier 40 Outdoor Sports Field Perimeter Safety Netting Replacement;
- 7) Authorization to Amend Contract with Reicon Group, LLC for Tribeca Habitat Enhancements;
- 8) Authorization to Amend Contract with Olin Partnership, Ltd for Pier 26 Landscape Architect Services; and
- 9) Ratification of and Authorization to Amend Legal Counsel Retainer Agreements.

Chair Been then called for a motion to approve all of the items on the consent agenda. The following Resolutions on the consent agent were unanimously approved by the Directors.

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**HUDSON RIVER PARK TRUST - Approval of Minutes of and Ratification of the Actions Taken at the July 29, 2021 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 July 29, 2021 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 Amend Contract with Melk Urban Design LLC (dba !melk) for Landscape Architectural Services for Pier 97 for a Total Board Authorization Amount of up to \$2,978,142**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting of September 30, 2021, a copy of which is ordered filed with the records of Hudson River Park Trust, the Board hereby authorizes Hudson River Park Trust to amend the contract with Melk Urban Design LLC (dba !melk) for Landscape Architectural Services for Pier 97 for an additional \$50,000, for a Total Board Authorization Amount of up to \$2,978,142 and to extend the term by an additional two years through January 9, 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 - Authorization to Amend Contract with MT Group, LLC for Parkwide Materials Testing Services for a Total Board Authorization Amount of up to \$1,295,000**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting of September 30, 2021, 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 MT Group, LLC for Parkwide Materials Testing Services by an additional \$300,000, for a Total Board Authorization Amount of up to \$1,295,000; 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 Extend the Term of Contract with Abel Bainnson Butz, LLP for Chelsea Waterside Park Phase 2 Design**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 Abel Bainnson Butz, LLP for the Chelsea Waterside Park Phase 2 Design by an additional 18 months; 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 Reicon Group, LLC for Pier 40 Structural Restoration Phase 6 Construction Work**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Trust to extend of term of contract with Reicon Group, LLC for the Pier 40 Structural Restoration Phase 6 Construction Work by an additional 12 months; 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 Vermont Custom Nets for the Pier 40 Outdoor Sports Field Perimeter Safety Netting Replacement**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting of September 30, 2021, 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 Vermont Custom Nets for the Pier 40 Outdoor Sports Field Perimeter Safety Netting Replacement for an additional 15-months, through January 23, 2022; 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 Reicon Group, LLC for Tribeca Habitat Enhancements for a Total Board Authorization Amount of up to \$1,650,000**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting of September 30, 2021, 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 Reicon Group, LLC for Tribeca Habitat Enhancements by an additional \$150,000, for a Total Board Authorization Amount of up to \$1,650,000; 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 The Olin Partnership, Ltd. for Pier 26 Landscape Architect Services for a Total Board Authorization Amount of up to \$2,955,642**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting of September 30, 2021, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to amend the contract with The Olin Partnership, Ltd for Pier 26 Landscape Architect Services for an additional \$200,000 for a Total Board Authorization Amount of up to \$2,955,642 and to extend the term by an additional three years through December 31, 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 forgoing resolution.

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**HUDSON RIVER PARK TRUST – Authorization to Amend Legal Retainer Agreements**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 \$300,000; and be it further

**RESOLVED**, the Board hereby authorizes the Hudson River Park Trust to amend the contract with Rozario Touma, P.C. by an additional amount of \$100,000 for a Total Board Authorization Amount of up to \$225,000; and be it further

**RESOLVED**, the Board hereby ratifies the Hudson River Park Trust's contract with Lewis Brisbois Bisgaard & Smith LLP at \$75,000 and authorizes the extension of such contract for an additional three years; and be it further

**RESOLVED**, the Board hereby ratifies Hudson River Park Trust's contract with Gallagher, Evelius & Jones LLC at \$99,000 and authorizes the extension of such contract through and including March 30, 2024; 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.

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Chair Been them proceeded with the corporate actions, introducing the first item: request for Authorization to Contract with Trevcon Construction Company, Inc. for Gansevoort Peninsula Marine Construction Phase II.

President Doyle began by stating that the Board has received four separate memos for today's meeting regarding procurements related to construction of the new park at Gansevoort Peninsula, and all of the procurements involved RFPs that were prepared in accordance with the Trust's Procurement Guidelines.

First, the Trust seeks a marine construction contractor to install the submerged habitat enhancements on the north side of the Peninsula, including oyster gabions and reef balls. At the subtidal level, these submerged elements will provide enriched habitat for shellfish and finfish by simulating natural reefs.

The Trust released an RFP for the Gansevoort Peninsula Marine Construction Phase 2 work for the period between August 3 and September 1, 2021 and received three proposals by the submission deadline. A selection committee comprised of Trust staff reviewed the submissions and evaluated each according to the identified selection criteria in the RFP and also interviewed

all three proposers. After receiving best and final pricing offers, Trust staff identified Trevcon Construction Company as the highest ranked proposer. Trevcon has worked on multiple phases of pile restoration at Pier 40 and the marine component of Pier 26, including fabrication and installation of certain habitat features including tide pools and bio-huts. Trevcon is not expected to meet the 30% MWBE subcontracting goal given the specialized nature of the marine work and staff will seek a partial waiver from New York State. The Trust will issue a waiver of the 6% SDVOB subcontracting goal due to the lack of subcontracting opportunities.

President Doyle then requested Board authorization to contract with Trevcon for Gansevoort Peninsula Marine Construction Phase 2 Work in an amount not to exceed \$1,206,000 plus a 10% contingency for a Total Board Authorized Amount of \$1,326,600. Funding will be provided by the City of New York.

Chair Been 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 Trevcon Construction Company, Inc. for Gansevoort Peninsula Marine Construction Phase 2 for a Total Board Authorized Amount of \$1,326,600.**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 Trevcon Construction Company, Inc. for the Gansevoort Peninsula Marine Construction Phase 2 in an amount not to exceed \$1,206,000 plus a 10% contingency for a Total Board Authorized Amount of \$1,326,600; 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 Been then referred the Directors to the next item before the Board: a request for Authorization to Contract with JRCruz Corporation for Gansevoort Peninsula General Construction Phase II and E-J Electric Installation Company for Gansevoort Peninsula Electrical Construction Phase II.

President Doyle began by stating that the Directors have received two separate Board memos for this agenda item and she will discuss the two action items together for efficiency. The Trust seeks both a general construction contractor and electrical construction contractor for Phase II work at Gansevoort Peninsula that generally consists of construction of the adult fitness area, dog run, Bloomfield Street entrance, shared-use road, bikeway, and esplanades and the corresponding electrical components.

The Trust released RFPs for the Gansevoort Peninsula General Construction Phase II and Electrical Construction Phase II for the period between June 3 and July 1, 2021. The General Construction RFP was extended through July 23<sup>rd</sup> to increase the number of potential respondents. The Trust received four proposals for the General Construction and seven proposals for the Electric Construction by the submission deadlines.

A selection committee comprised of members of the Trust's Design/Construction and Legal staff reviewed the submissions for each and evaluated each submission according to the identified selection criteria in the RFP. Based on the submitted proposals and interviews with the four proposers, Trust staff determined JRCruz Corporation to be the highest ranked respondent for the General Construction Phase II work. JRCruz has completed extensive municipal work throughout New York City and has experience with roadway reconstruction and subsurface utility work.

Based on the submitted proposals and interviews with the top three ranked firms, Trust staff determined E-J Electric Installation Company to be the highest ranked respondent to conduct the Electrical Construction Phase II work. E-J has completed work for the Trust previously at Pier 26 and is currently the electrical contractor for the first phase at Gansevoort Peninsula as approved by the Board at its June 3, 2021 meeting. Both companies have committed to meet the 30 percent MWBE and 6 percent SDVOB goals.

President Doyle thus requested Board authorizations to contract with JRCruz Corporation for Gansevoort Peninsula General Construction in an amount not to exceed \$12,632,500 plus a 10% contingency for a Total Board Authorized Amount of \$13,895,750 and with E-J Electric Installation Company for Gansevoort Peninsula Electrical Construction Phase II in an amount not to exceed \$1,400,000 plus a 10% contingency for a Total Board Authorized Amount of \$1,540,000. Funding for both contracts is available from the City of New York.

Chair Been asked how many bids does the Trust typically receive for a general contractor and President Doyle responded it is case by case, but typically around three to five. Chair Been asked if there were any questions. There being no further questions, upon a properly called motion, the following resolutions passed unanimously.

**HUDSON RIVER PARK TRUST – Authorization to Contract with JRCruz Corporation for Gansevoort Peninsula General Construction for a Total Board Authorized Amount of \$13,895,750**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 JRCruz Corporation for the Gansevoort Peninsula General Construction Phase II in an amount not to exceed \$12,632,500 plus a 10% contingency for a Total Board Authorized Amount of \$13,895,750; 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 E-J Electric Installation Company for Gansevoort Peninsula Electrical Construction Phase II for a Total Board Authorized Amount of \$1,540,000**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 E-J Electric Installation Company for the Gansevoort Peninsula Electrical Construction Phase II in an amount not to exceed \$1,400,000 plus a 10% contingency for a Total Board Authorized Amount of \$1,540,000; 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.

Chair Been then directed the Board to the next agenda item: a request for Authorization to Contract for Gansevoort Peninsula Building General, Plumbing, Mechanical, and Electrical Construction.

President Doyle stated to the Board that the last memo on today's agenda related to construction at Gansevoort Peninsula involves four separate procurements for the construction of a new park building that would contain public restrooms, space for park maintenance and operations, and a small concession. Because the Trust is subject to the Wicks Law, it must separately procure the general construction, electrical, plumbing, and mechanical work needed for the building.

The Trust issued four separate Requests for Proposals for general construction, plumbing, mechanical, and electrical work for the Gansevoort Peninsula Building on June 9 and then extended the submission deadline several times to try to increase the number of potential respondents. Proposals were due on September 3, 2021, and the Trust received five proposals in response to the Building General Construction RFP, two proposals for the Plumbing Construction RFP, and five proposals for the Electrical Construction RFP. Selection committees consisting of Trust staff are currently reviewing the proposals pursuant to the criteria set forth in the RFPs with the assistance of Gilbane as the construction manager.

The Trust received only one proposal for the Building Mechanical Construction despite extensive outreach and extensions of the submission date, so pursuant to the Trust's Procurement Guidelines, that RFP has failed. Because staff does not believe that issuing a new RFP is likely to result in a different outcome, staff is now undertaking a review of the submission to determine whether it is in the Trust's best interest to make a single source award as permitted under the Procurement Guidelines. The one proposer has a good reputation as an experienced mechanical construction contractor who has performed mechanical construction work with other New York City agencies. Additionally, the proposed pricing submitted by the respondent is modestly less than that estimated by the construction site manager for the scope of work.

President Doyle continued to explain that as discussed in the Board memo, while the Trust staff is still reviewing the proposals and still needs to schedule interviews and conduct the responsibility determinations to make selections, staff has reviewed the proposed pricing for each proposal and seeks Board authorization to allow the Trust to enter into the four contracts required to construct the building. Each authorization would cap the maximum contract value. The amount of each proposed cap has been determined based on staff's review of the range of pricing received for each RFP compared against the professional cost estimates for each Building trade that were

prepared prior to the procurement process commencing. Trust staff would then seek ratification by the Directors at the December Board meeting for each contract along with the name of the selected contractor and the maximum contract price. At that time, staff would also seek Board approval for some contingency funding in case there are unforeseen issues during construction of the new building requiring Change Orders. This approach would allow construction of the Gansevoort Park Building to remain on schedule so that the Gansevoort Park Building can open at the same time as the rest of the Peninsula in 2023.

President Doyle therefore requested Board authorization to contract for the Gansevoort Peninsula Building General Construction Work for a Maximum Contract Value of up to \$9,650,000; for the Gansevoort Peninsula Building Plumbing Construction Work for a Maximum Contract Value of up to \$850,000; for the Gansevoort Peninsula Building Mechanical Construction Work for a Maximum Contract Value of up to \$500,000; and for the Gansevoort Peninsula Building Electrical Construction Work for a Maximum Contract Value of up to \$1,100,000. Funding for these four contracts will be from the City of New York.

Director Kapur mentioned the bid prices seem to cover a wide range of pricing and President Doyle agreed and stated that the proposed Board approved pricing did not include any outliers based on the professionally-estimated costs. Director Kapur also asked if any of the trades were slightly higher than the cost estimate and Mr. Kevin Quinn responded the general contractor is slightly higher. Director Kapur asked if it would be more efficient if the Trust did not have to do four separate contracts and President Doyle and Mr. Quinn stated that one contract would be more efficient but the Trust must comply with the Wicks Law and procure each trade separately. Mr. Quinn also confirmed in response to Chair Been's question that even the single source procurement is subject to Wicks Law. Chair Been asked if the Trust has in the past sought approval by the Trust Board of the maximum contract amounts with the intent of bringing the contract back to the Board after a contractor is selected and President Doyle confirmed that was the case. President Doyle further stated that the Trust considered the uses – a ball field at Gansevoort and a playground at Pier 97 – and concluded it was important to have a restroom when those parks open to the public.

Chair Been asked if there were any further questions, there being none, upon a properly called motion, the following resolutions passed unanimously.

**HUDSON RIVER PARK TRUST - Authorization to Contract for the Gansevoort Peninsula Building General Construction, Gansevoort Peninsula Building Plumbing Construction, Gansevoort Peninsula Building Mechanical Construction, and Gansevoort Peninsula Building Electrical Construction**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Gansevoort Peninsula Building General Construction Work for a Maximum Contract Value of up to \$9,650,000; and be it further

**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Gansevoort Peninsula Building Plumbing Construction Work for a Maximum Contract Value of up to \$850,000; and be it further

**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Gansevoort Peninsula Building Mechanical Construction Work for a Maximum Contract Value of up to \$500,000; and be it further

**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Gansevoort Peninsula Building Electrical Construction Work for a Maximum Contract Value of up to \$1,100,000; 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 resolutions.

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Chair Been then referred the Directors to the next item before the Board: a request for Authorization to Contract for Pier 97 Building General, Plumbing, Mechanical, and Electrical Construction.

President Doyle started by stating that similar to the last Board action item, Trust staff also seeks authorization by the Directors to enter into four contracts related to the new building at Pier 97 which will also contain public restrooms, a maintenance and operations space, and a small concession. The Trust released four separate RFPs for Pier 97 Building General, Plumbing,

Mechanical, and Electrical Construction on July 22. The submissions deadline for the General, Plumbing, and Electrical RFPs was ultimately extended through September 10, 2021 and that for the mechanical RFP was extended until September 17, 2021.

The Trust received five proposals for the Pier 97 Building General Construction, two proposals for Plumbing Construction, three proposals for the Mechanical Construction, and four proposals for the Electrical Construction. While Trust staff is still reviewing the proposals and needs to schedule interviews and conduct the responsibility determinations to make each contract selection, staff has reviewed the proposed pricing from each proposal and seeks Board authorization to proceed with entering into the four contracts required to construct the building. Each authorization would cap the maximum contract value. The amount of each proposed cap has been determined based on staff's review of the range of pricing received for each RFP compared against the professional cost estimates for each Building trade prior to the procurement process commencing. At the next Board meeting, Trust staff would then seek ratification for each contract inclusive of the name of the selected contractor and the maximum contract price. Staff would also seek Board approval for some contingency funding in case there are unforeseen issues during construction of the new building requiring Change Orders.

President Doyle then requested Board authorization to contract for the Pier 97 Building General Construction Work for a Maximum Contract Value of up to \$10,900,000; for the Pier 97 Building Plumbing Construction Work for a Maximum Contract Value of up to \$1,000,000; for the Pier 97 Building Mechanical Construction Work for a Maximum Contract Value of up to \$500,000; and for the Pier 97 Building Electrical Construction Work for a Maximum Contract Value of up to \$1,625,000. Funding for these contracts will be provided from capital budget funds allocated by New York State and restricted funds from the sale of air rights.

Director Kern asked why there were more bidders for mechanical work at Pier 97 and Mr. Quinn explained that the mechanical work at Gansevoort and Pier 97 are different systems. Director Kapur asked if the Trust has worked with the vendors before, including the single source at Gansevoort, and Mr. Quinn responded yes, particularly when he worked at the New York City Department of Parks & Recreation. Chair Been asked if sufficient time was provided for respondents to submit and Trust staff stated that the time was tight given all that goes into preparing a request for proposal to make a scheduled Board meeting but overall Trust staff was pleased with the number of proposals received. Director Kapur asked if the issues related to the supply chain

were impacting pricing and President Doyle and Mr. Quinn responded that has been a concern but overall the Trust is pleased with the proposed pricing received.

Chair Been asked if there were any further questions, there being none, upon a properly called motion, the following resolutions passed unanimously.

**HUDSON RIVER PARK TRUST - Authorization to Contract for the Pier 97 Building General Construction, Pier 97 Building Plumbing Construction, Pier 97 Building Mechanical Construction, and Pier 97 Building Electrical Construction**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Pier 97 Building General Construction Work for a Maximum Contract Value of up to \$10,900,000; and be it further

**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Pier 97 Building Plumbing Construction Work for a Maximum Contract Value of up to \$1,000,000; and be it further

**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Pier 97 Building Mechanical Construction Work for a Maximum Contract Value of up to \$500,000; and be it further

**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Pier 97 Building Electrical Construction Work for a Maximum Contract Value of up to \$1,625,000; 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 resolutions.

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Chair Been then introduced the fifth item before the Board: a request for Authorization to Amend the Contract with Wilson Conservation LLC for the Conservation of "Private Passage" Sculpture.

President Doyle stated *Private Passage* is a site-specific sculpture by Malcolm Cochran that was fabricated and installed as part of the original construction of the Clinton Cove section of Hudson River Park in the West 50s. The sculpture is a representation of a monumental bottle lying on its side, and includes porthole windows allowing observers to view inside to a representation of a state room from the *Queen Mary* created in stainless steel. Over the years, the original coating has chipped in places such that the exposed base steel has rusted. The sculpture was further damaged during Hurricane Sandy when salt water infiltrated the interior of the bottle.

In February 2020, the Trust entered into a six-month contract with Wilson Conservation to prepare a Conservation plan for *Private Passage* in the amount of \$29,700. Wilson Conservation, working with the artist, secured New York City's Public Design Commission's approval for both the conservation methods and conservator.

The Trust now requests Board authorization to amend the contract with Wilson to cover the full scope of the conservation. The scope includes removing the piece from the site and transporting it to a specialized facility, making repairs to the steel, and applying a new painted finish that will be more easily maintainable. Upon completion of the restoration work, the sculpture will be re-installed in Clinton Cove.

Under the Trust's Procurement Guidelines, a sole source procurement is appropriate when only one contractor can perform the services required by the Trust. As described fully in the Board memo, Wilson Conservation is singularly qualified to perform the work due to its close working relationship with the artist, and the approval requirements of the Public Design Commission in such instances.

President Doyle therefore requested Board authorization to amend the contract with Wilson Conservation, LLC for the conservation of *Private Passage* for an additional \$423,500 and to extend the term of contract by 10 months through June 23, 2022 by which time the Trust expects the work will be complete. Funding for this project is available from the Trust's Capital Maintenance Budget either through funding by the City of New York or restricted funds from the Trust's sale of air rights.

Director Kapur and Director Neilson asked a few repair questions including whether the new painting would be more resilient and whether the pricing would be less if the work was done on site. President Doyle and Kate O'Malley responded that the coating would be improved and the

chemicals used for the restoration are not suitable for work in the Park. In response to Director Kern's question if the funding is being provided by the City Council and President Doyle stated that the Trust is still waiting to hear if the work would be capitably eligible, but if not, the Trust has funds from the sale of air rights available. In response to a question by Director Aruede, the President stated that the Trust's practice is to include a ten percent contingency in its contracts. Director Frederick also explained that the initial installation was part of the one percent set aside for an art program that existed back in and around 2005.

Chair Been asked if there were any further questions, there being none, upon a properly called motion, the following resolution passed unanimously.

**HUDSON RIVER PARK TRUST - Authorization to Amend the Contract with Wilson Conservation, LLC for the Conservation of *Private Passage* Sculpture for a Total Board Authorization Amount of up to \$453,200**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting of September 30, 2021, 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 amend the contract with Wilson Conservation, LLC for the conservation of *Private Passage* Sculpture for an additional \$423,500 and to extend the term of contract by 10 months, through June 23, 2022; 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 Been directed the Directors to the last item to the Board: a request for the Approval of the Estuarine Sanctuary Management Plan dated September 2021.

President Doyle began that the lower Hudson Estuary within and beyond Hudson River Park is one of the most significant estuarine habitats in the United States and in 1998, in recognition of its ecological importance, the Act designated the Park's water section as the Hudson River Park Estuarine Sanctuary and charged the Trust with creating a sanctuary management plan, or ESMP, to guide Park development and operations in and along the Hudson River within the Park's boundaries.

The Act specified that this plan must be approved by the NYS DEC and that it should provide for: conservation of marine resources found in this area, with special consideration for habitat values; environmental education and research; public recreational use of the water, including for boating, fishing, and swimming; and authorized commercial maritime uses and other water dependent uses. The Act also allows for the creation of water surface zones within the Sanctuary.

The Park's first Estuarine Sanctuary Management Plan was created in 2002, a few years after the Hudson River Park Act had been passed by the NYS Legislature and just as the Trust was beginning to build the Park. Accordingly, that plan necessarily focused on building the park, and doing so in an environmentally responsible manner and in a way that created public access to the river through park construction, environmental education, and some research. That plan focused on resource protection more than habitat enhancement, and given its era, did not focus on topics like climate change and coastal resiliency.

In 2017, staff began the process of drafting the 2021 ESMP in close collaboration with DEC and a Technical Advisory Committee comprised of experts in three management areas: public access & recreation, environmental education, and research & habitat enhancement. At the start of the process, staff also conducted public surveys to solicit community feedback regarding Sanctuary awareness as well as perceptions on progress and goals for the future. The Board's Sanctuary Committee has also convened and reviewed progress over this period.

As a result of this collective effort, on May 27, 2021, the Trust issued a notice commencing the public review and comment period for the draft ESMP. Outreach included posting the notice and draft document on the Trust's website, publishing public notices, and conducting extensive email outreach to advisory council members, community boards, elected officials, and environmental and academic colleagues. The public comment period remained open until August 9, 2021, including a public hearing held on June 29. Responses overall have been very favorable. The Directors have all received a copy of the Response to Comments document as well as the proposed final ESMP that shows the changes based on the comments in red font.

The ESMP is organized into two sections. The first section provides an overview of progress and accomplishments under the original 2002 ESMP Action Agenda. The second section sets forth the 2021-2030 Action Agenda, which is intended to guide the Trust and its partners in managing the Sanctuary through the current decade. Each management area begins with an

aspirational vision statement, followed by broadly phrased goals and then specific projects and actions that identify the current strategies for reaching the goal. Projects will be iterative, evolving over time as methods, partnerships, funding or other opportunities present themselves. Based on feedback from the TAC, the Trust also added a third column which identifies the Trust's best current projections for project implementation time horizons and funding availability, though given the nature of City, State, and the Trust's annual budgeting processes, these could change. The ESMP also highlights that since the Sanctuary waters are only a subset of the larger river, harbor, and watershed, the wildlife and water within the Sanctuary are influenced by decisions affecting these water bodies as well. The intent of the Action Agenda is for it to remain a meaningful, well-utilized document guiding policy for the Trust and other decision makers. Toward this end, the document commits the Trust to convening an annual meeting of the full TAC for the purposes of: 1) sharing and reviewing progress toward accomplishing Action Agenda goals in the preceding year; and 2) identifying and discussing Action Agenda priorities and funding targets and opportunities for accomplishing Action Agenda goals for the coming year. A report on annual progress, priorities, and Sanctuary funding opportunities will also be made available to the Trust's Board of Directors and Advisory Council.

President Doyle stated that the Trust is grateful to the Board's Sanctuary Committee, the Advisory Council, members of the TAC, and staff at DEC for their time, ideas, and commitment to the Sanctuary. The River Project staff has earned a huge amount of respect from the environmental community including as leaders in conversations about DEIJ in this sector.

President Doyle then requested Board approval of the Hudson River Park Estuarine Sanctuary Plan dated September 2021 and authorization to formally submit it to DEC for its approval in accordance with Section 8 of the Hudson River Park Act.

Director Foster stated that this was a significant milestone for the conservation and protection of the sanctuary and thanked all involved. He also thanks his predecessor Steve Zahn who would be very happy with the completion of the ESMP. Director Foster noted that he would abstain from the vote as DEC has a formal approval to make on the ESMP.

Director Frederick and Kulleseid also mentioned the involvement of the Sanctuary Committee and how pleased everyone has been about the amazing work that was put into completing the ESMP and what a wonderful example of a public process this had been.

Chair Been asked if there were any further questions, there being none, upon a properly called motion, the following resolution passed unanimously with Director Foster on behalf of DEC abstaining from the vote.

### **Hudson River Park Trust – Approval and Adoption of the Hudson River Park Estuarine Sanctuary Management Plan**

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RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby approves and adopts the *Hudson River Park Estuarine Sanctuary Management Plan For Hudson River Park: Progress Report & Action Agenda 2021-2030* dated September 2021 and authorizes its submission to the New York State Department of Environmental Conservation for approval; 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 Been then asked Ms. Doyle to present the President's Report. President Doyle began by thanking the Board's long-time Board Member Larry Goldberg for his many years of service to the Trust. Mr. Goldberg took his responsibilities to the Park seriously, and many of the Trust's current procurement and employment practices directly benefited from Larry's ideas, involvement and careful review. Before becoming a Trust Board member, Larry was a member of the Park's Advisory Council representing Community Board 2, and he is as familiar as anyone here with the Park's efforts to figure out a long-term solution for Pier 40. Larry was also unfailingly supportive of Park staff and always checking in before or after Board meetings to make sure he was fully informed on the Trust's projects, initiatives and challenges. The Trust is grateful to him for his service to the Trust and the Park.

President Doyle then welcomed the Trust's new Board member, I.D. Aruede, who was appointed by Borough President Gale Brewer to replace Larry. I.D. is the Co-Chief Operating Officer and Chief Financial Officer of the Whitney Museum of American Art and has responsibility for a broad range of strategic, operational, and policy-making functions including

direct oversight of capital and operating budgets, finance, treasury, investments, endowment, human capital strategy, and institutional legal/risk management. In addition, I.D. leads Diversity, Equity, Inclusion and Accessibility initiatives at the Whitney. I.D. is a graduate of the Wharton School at the University of Pennsylvania and Morgan State University.

President Doyle stated that the staff and Board have both been very busy with procurement activities, all of which means that there is a lot happening in the realm of Design and Construction.

At the Gansevoort Peninsula, Steven Dubner Landscaping has been concentrating initially on the salt marsh and beach in order to complete the in-water portions before the construction moratorium. Construction above the water elevation will continue for as long as weather cooperates. On the land side, the soils from the completed surcharge effort are currently being redistributed around the peninsula to create the new site elevations. With today's approval of the JR Cruz and EJ Electric contracts, the Trust will begin construction on the remainder of Gansevoort Peninsula later this fall, including construction of the shared use pedestrian esplanade, reconstructed bikeway, dog run, and fitness area. With Board approval of the Trevcon contract, the Trust will also begin fabrication of submerged features so that they will be ready for installation next spring and summer after being seeded with oyster spat. Based on today's Board approvals of the funding needed for the various building construction contractors, staff expects to select contractors and get to work on shop drawing submittals later this fall.

The construction contracts for the Chelsea Waterside Park Phase II work approved by the Board at the last meeting have been executed and staff expects mobilization to commence next week. After installing protective site fencing, the contractors will begin in the center of the site, and will then move to the dog run and athletic field. Trust staff are doing their best to time the work based on slower seasons for each use, but since nothing is ever truly slow in Hudson River Park, some disruption is inevitable. Trust staff provided a construction update to Community Board 4 earlier this week and are working on signage and website updates to inform the public. The goal is to complete all the work at Chelsea Waterside Park by Fall 2022.

President Doyle advised that at Pier 97, the Shade Structures fabrication is ongoing. The designer recently visited the fabrication site in the Netherlands to inspect the completed mock-up. Site work and electrical construction on the Pier are expected to commence in October, with construction generally starting at the west end of the Pier and moving east. The Design and Construction team will also continue evaluating Pier 97 building construction proposals as set forth

in today's action item. The Trust has a meeting with NYSDOT scheduled to discuss next steps regarding the TAP grant that will fund the majority of the esplanade and bikeway improvements connecting Clinton Cove and Riverside Park South at 59<sup>th</sup> Street.

At Pier 40, work has begun on the seventh and final phase of the pile repairs, and the Trust expects that by Spring 2022, all of the pier's 3,463 piles will have been jacketed. Up on the roof, the reconstruction of the southern section is progressing with an anticipated completion in late fall. The scope includes the reconstruction of the area known as the passive field in addition to the structural work needed to support parking. The façade work on the East and North facades was completed over the summer. Over the next few months, the Trust will be considering priorities and cost estimates for other Pier 40 infrastructure repairs and will then discuss recommendations with the Board.

Staff has been working with the owners of the project at 550 Washington Street to coordinate plans for a new crosswalk into the Park that would require shifting the location of the existing Citibike station to the north and modifying the existing landscape design in this area to meet the new crosswalk at grade. The property owners retained Mathews Nielsen for the design because Mathews Nielsen was also the original designer for this area of Hudson River Park. Staff worked closely with Signe Nielsen and her team developed the new site design for this area, which will continue to include lawn panels, an abundance of flowers, and a Citibike station. The Advisory Council received a presentation on the proposed plan from the development team in September and a presentation will be provided to Community Board 2 shortly.

Finally, with today's approval of the Olin Partnership's existing design contract, the Trust plans to finalize the design of the Science Play Area with the goal of starting construction late spring or early summer. The Trust is also endeavoring to issue Requests for Proposals for both the Estuarium and the upland area between 29<sup>th</sup> to 44<sup>th</sup> Streets within the next several months. Are there any questions on Design and Construction?

Within the next couple of weeks, the Trust expects to complete the installation of the collection of in-water features known as the Tribeca Habitat Enhancement Project. Reef balls and gabions seeded with juvenile oysters were installed between Pier 26 and Pier 32. Next week, the contractor will begin installing textured concrete piles within the Pier 32 pile field. Collectively, these enhancements will help to increase the Sanctuary's oyster population, diversify river habitat

and create a corridor to support local fish populations. This project will be monitored over the next few years to inform future habitat enhancement design and decision-making.

The Park's River Project team is wrapping up a successful summer of programming and internships. In addition to in-person public programming at the Wetlab and Tide Deck, Shell-ebrate Oysters and Tide Deck Tours, Trust's educators offered STEM enrichment programming for a wide range of camp groups. Many of the virtual programs also continue to be popular, with the weekly Live from the Field series that takes place on Instagram Live attracting an average of nearly 1,000 views per program.

This summer the Trust was excited to welcome a team of high school and college interns to assist with ongoing research and education programs. This included the fourth year of the INCLUDES internship program, which serves students from communities underrepresented in STEM by providing stepping stones for learning field and lab science skills and developing leadership and communication skills. When the Board has a less packed agenda, the Trust would love to devote time at a meeting so that the Directors can interact directly with Carrie Roble and Tina Walsh about how our River Project engages with students across New York City with respect to Sanctuary issues and STEM and DEI.

President Doyle reported that the Park will be hosting its annual marine science festival, SUBMERGE, with both virtual and in-Park activations from Tuesday, October 19 to Thursday, October 21. New this year is the intentional inclusion of local STEM students in several panel discussions, such as Harbor Habitat, River Wildlife, Climate Change, and Local Water Quality. The Trust is proactively encouraging partner organizations to consider whether they can broaden the range of official voices and presenters to ensure that students participating in SUBMERGE can find role models representing the broadest spectrum of New York's population. Public STEM programs will continue through early November, ending the season with the annual Pumpkin Smash on Sunday, November 7 to promote sustainability and the Community Compost Program.

The Trust's Public Programs Department has also been extremely busy this outdoor season as the Department pivoted from virtual events back to in-person programs featuring dance, music, and fitness, including Jazz at Pier 84, Sunset on the Hudson music performances and the well-attended participatory dance series. October brings Sunset Salsa to Pier 45. Increasingly popular free fitness classes staged in Tribeca, Greenwich Village, Chelsea, and Hell's Kitchen, throughout

the Park will also continue through the end of October. Don't miss your chance to join a pier full of people doing anything from High Intensity Workouts to Yoga, Tai Chi or Pilates.

Trust Staff continues to learn a lot from the limited number of guest events authorized at Pier 76, including the final concert of New York State's POP-UP performances, and the American Express US Open activation which featured the installation of six temporary tennis courts. During Fashion week, Coach hosted 300 guests for the introduction of the brand's spring 2022 line of products. Next up at Pier 76 is the New York Wine and Food Festival's Grand Tasting event on October 15, 16, and 17, which raises funds for the Food Bank For New York City and God's Love We Deliver. As the Park continues to receive event inquiries, the Trust will continue to strive to maintain a balance of events staged on the Pier with available open space for park patrons to enjoy.

In Chelsea, a temporary art installation was installed as part of The Armory Show Off Site program on the upland area north of Pier 64. The sculptures look like oversized baseball hats mounted on pedestals, and are entitled *Empire and Materially Superior* by artist Katja Larsson, represented by Aicon Contemporary. It's been fun to see members of the public engaging with them. They will be on display until early December. Are there any questions on River Project and Public Programming events?

President Doyle then moved on to the Chelsea Piers new lease. Stating that staff has been negotiating a new lease with Chelsea Piers and are endeavoring to complete negotiations so that the Trust can commence the required Significant Action process in October. As required by the Hudson River Park Act, this will include a public hearing and at least a 60-day public comment period, after which time the Board of Directors would be asked to formally consider and approve the proposed final lease. Trust staff will be sharing formal updates with the Board prior to the Trust commencing the public review. In the meantime, staff and Chelsea Piers attended Tuesday's meeting of the Waterfront Committee of Community Board 4 to explain the rationale for the new lease, and to provide the Trust's perspective on the public benefits of it.

President Doyle further explained that Chelsea Piers has an existing lease agreement that predates Hudson River Park and was prepared and executed by the New York State Department of Transportation in 1994. Chelsea Piers approached the Trust because it needs the security of a longer lease term in order to more easily secure long-term financing, capital necessary for repairs, and to retain long-term tenants. Chelsea Piers is in the process of recovering from the economic

losses brought by Covid. Chelsea Piers is currently the Trust's largest revenue generator, is a major center of employment, and of course has a unique mix of sports and recreation uses that a generation of New Yorkers have come to rely on. The current lease term expires in mid-2043.

President Doyle continued that, from the Trust's perspective, there are many public benefits associated with a new lease. The SDOT lease is outdated and does not include language that the Trust includes in other leases for commercial uses in the Park. A new lease also offers the opportunity to negotiate for additional rent and other public improvements, such as improvements to public access at the Premises. Staff will provide additional information to the Directors once the lease negotiations conclude and will also conduct additional outreach, including to the Community Board and Advisory Council throughout the public review process scheduled for this fall.

Finally, President Doyle notified the Board of the extent to which electric bikes and scooters are now using the State Department of Transportation bike path despite signage clearly posted along the corridor stating that they are not permitted at this location. This is hands down one of the most frequently discussed issues at Advisory Council meetings and within the Trust. While the Trust does not have jurisdiction over the bikeway, PEP assists in endeavoring to enforce violations. That said, the number of unauthorized vehicles, frequency of this use, the number of entrances and exits to the bikeway, and the speed at which the vehicles travel are all factors that make enforcement challenging, whether by NYPD, PEP, or others. With the continued growth of ebikes, it seems to staff here that any solution that depends on enforcement exclusively is destined to fail unless other agencies are able to vastly supplement their current enforcement personnel. President Doyle then suggested a meeting among interested members of the Board of Directors to start discussing this issue in more detail and asked the Directors to let Christine Fazio or her know if anyone would be interested in participating.

The Public Authorities Law section 2879 requires an annual review by the Board of service contracts with a term in excess of one year. Beginning in 2019, Trust staff had recommended providing the Board on an annual basis a list of all active contracts. President Doyle informed the Directors that a list of all the Trust's active contracts with a one-year term or longer is included in the Board packet. 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. Thus, the Board packet also include a list of revenue contracts. President Doyle asked the Directors to reach out to any Trust Executive if they wish to discuss any contract.

President Doyle advised that also included in the Board packet were the PEP statistics and a list of all contracts between \$100,000 and \$200,000, and the financials for the first five months of the fiscal year. Total operating revenues were \$17 million and operating expenses, including net capital maintenance and equipment, were \$10.9 million.

Chair Been thanked President Doyle and asked Mr. LeFrancois to present the Advisory Council report. Mr. LeFrancois started by congratulating the Trust for the Pier 26 Award from the Municipal Art Society and also the ESMP adoption. He then began to discuss the various concerns about e-bikes on the greenway and water safety. He asked that the Trust provide ladders as well as life rings and ropes.

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Chair Been thanks Mr. LeFrancois and invited Connie Fishman to present on behalf of Hudson River Park Friends.

Ms. Fishman began with stating that Friends was preparing for the Gala announcing that the organization had raised more than \$2 million so far and were sold out. In addition, Friends planned to complete the Pier 26 Play Area Capital Campaign. Ms. Fishman continued by advising that the Advocacy Committee will be meeting with the Trust to discuss future priorities in particular with the elected officials about to turn over at both the City and State level. She concluded that Friends had received a grant for the Trust's composting equipment.

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Chair Been thanked Ms. Fishman for her report and then asked the Directors if there was any further business. There being none, Chair Been called for a motion to adjourn. The motion was unanimously approved; the meeting was adjourned at 5:30 pm.