

**MEETING OF THE
HUDSON RIVER PARK TRUST
BOARD OF DIRECTORS**

**Spector Hall
22 Reade St.
New York, NY**

December 1, 2022 at 4:30 pm

MINUTES

Directors Present:

Meera Joshi, Chair

Patrick Foster (served as Chair for portion of meeting)

Erik Kulleseid

Michael Pastor

Jeffrey Kaplan

Michael Kuh

Lowell Kern

Pamala Frederick

Susan Donoghue

Rose Harvey

Purnima Kapur

(Chair Meera Joshi and Director Kapur arrived after completion of the Consent Agenda.)

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

Also present:

Daniel Miller, HRP Advisory Council

With a quorum being present, the Chair called to order the December 1, 2022 meeting of the Hudson River Park Trust Board of Directors.

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

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 today 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.

The Chair then stated that there were 4 items on the Consent Agenda: 1) Approval of Minutes and Ratification of the Actions Taken at the September 29, 2022 Meeting of the Hudson River Park Trust Board of Directors; 2) Authorization to extend Contract Terms with James Corner Field Operations and Gilbane Building Company for Professional Services.; 3) Authorization to Extend Contract Term with Wilson Conservation, LLC for conservation of *Private Passage* Sculpture; and 4) Authorization to Amend Contracts with Carter, Ledyard & Milburn, LLP and Sive, Paget & Riesel P.C. for Legal Services.

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

HUDSON RIVER PARK TRUST - Approval of Minutes and Ratification of the Actions Taken at the September 29, 2022 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 September 29, 2022 are hereby approved by the Board of Directors, and all actions taken by the Directors present at such meeting, as set forth in the Minutes, are hereby in all respects, approved and ratified as actions of the Hudson River Park Trust, and a copy of such approved Minutes are hereby ordered filed with the records of the Hudson River Park Trust.

HUDSON RIVER PARK TRUST – Authorization to Extend the Terms of Contracts with James Corner Field Operations and Gilbane Building Company for Professional Services related to Gansevoort Peninsula

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 the contract with Gilbane Building Company for Pier 97 and Gansevoort Peninsula Construction Management Services through and including March 31, 2024; and be it further

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to amend the contract with James Corner Field Operations for Design and Related Consultant Services for Gansevoort Peninsula through and including March 31, 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 resolutions.

HUDSON RIVER PARK TRUST - Authorization to Extend the Term of Contract with Wilson Conservation, LLC for the Conservation of *Private Passage* Sculpture

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of December 1, 2022, 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 Wilson Conservation, LLC for the conservation of *Private Passage* Sculpture by one year, through June 23, 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.

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 December 1, 2022, 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 \$250,000 for a Total Board Authorization Amount of up to \$550,000; and be it further

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 Sive, Paget & Riesel P.C. by an additional amount of \$200,000 for a Total Board Authorization Amount of up to \$399,000; 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.

Chair Joshi then proceeded with the corporate actions, introducing the first item: Authorization to Contract with Pioneer Landscaping & Asphalt Paving, Inc. for parkwide Asphalt Pavement Repairs and On-Call Paving Services.

President Doyle remarked that asphalt pavement repairs are currently required at Pier 40 and in the driveway area between Piers 81 and 83. Additional asphalt repairs at other locations will likely be identified in the future, and the Trust therefore has a need for an on-call paving contractor to provide such services in a timely fashion.

She explained that, in accordance with the Trust's Procurement Guidelines, the Trust released an RFP for on-call asphalt pavement services on August 5 and received four proposals on the submission deadline of September 1, 2022. A selection committee comprised of Trust staff reviewed the submissions and evaluated each according to the selection criteria in the RFP and then interviewed Pioneer Landscaping and Asphalt Paving Inc. Trust staff has since identified Pioneer as the highest ranked proposer, which also offered the lowest fee for the specific projects at Piers 40, 81 and 83 at \$339,000. Pioneer has completed projects for various agencies throughout the City and State, including for New York City's Department of Parks and Recreation and Department of Design and Construction and for New York State Parks. Pioneer is currently the Trust's contractor for the tennis court reconstruction, and their performance has been satisfactory to date.

Given the limited opportunity for sub-contracting, the Trust received approval for a waiver of the 30% MWBE subcontracting goals from New York State, and the Trust also issued a waiver of the 6% SDVOB subcontracting goal prior to the release of the RFP. The proposed

contract will have a term of three years with an option to extend for an additional two years at the Trust's discretion.

President Doyle then requested Board authorization to contract with Pioneer Landscaping & Asphalt Paving, Inc. for Parkwide Asphalt Pavement Repairs and On-Call Paving Services in the amount of \$750,000 plus a 10% contingency for a Total Board Authorization amount of up to \$825,000

Chair Joshi 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 Pioneer Landscaping & Asphalt Paving, Inc. for Parkwide Asphalt Pavement Repairs and On-Call Paving Services for a Total Board Authorization Amount of up to \$825,000

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of December 1, 2022, 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 Pioneer Landscaping & Asphalt Paving, Inc. for Parkwide Asphalt Pavement Repairs and On-Call Paving Services in the amount of \$750,000 plus a 10% contingency for a Total Board Authorization Amount of up to \$825,000; 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 Joshi moved onto the second item before the Board: Authorization to Enter into a Contract with Structural Preservation Systems, LLC, for Pier 40 Second Floor Vehicle Guardrails.

President Doyle began by stating Parking at Pier 40 is one of the principal revenue sources of the Hudson River Park Trust ("Trust"). Over the years, the Trust has repaired roof sections, lighting and other systems needed to preserve this essential revenue source as the Trust continues to explore the long-term future options for this pier. Over the past year, the Trust restored another large section of the Pier 40 roof, reintroducing parking below that area now that it is again structurally sound. In the course of undertaking this work, staff recognized a need for repairs to the 60-year-old concrete slabs on the perimeter of the second floor along with the installation of

a new steel vehicular guardrail system. Specifically, staff recommended repairs to the 60-year-old concrete slabs on the perimeter of the second floor along with the installation of a new steel vehicular guardrail system. The Trust staff seeks authorization from the Board of Directors (the “Board”) to contract with Structural Preservation Systems, LLC (“SPS”) to undertake such work over the next year.

The Trust released an RFP for such work on October 12, 2022 and 21 companies requested a copy of the RFP. While six companies also attended the walk-through at the Pier 40 work site, the Trust only received one timely and complete proposal from Structural Preservation Systems, or SPS, on the November 9 submission deadline, and thus, pursuant to the Trust’s Procurement Guidelines, the RFP has failed. Pursuant to the Procurement Guidelines, staff has determined that it is in the Trust’s best interest to convert the failed RFP to a single source procurement. In a single source procurement, the Trust must document the circumstances leading to the selection of the contractor, including the alternatives considered; the rationale for selecting the specific contractor; and the basis upon which it determined the cost was reasonable.

As noted in more detail in the Board memo, the Trust does not believe that issuing a new RFP would result in a different outcome given the number of contractors that received a copy of the RFP and participated in later stages of the procurement process but chose not to submit an actual proposal. Moreover, undertaking a new RFP process would delay the completion of the repairs and guardrail installation work, both of which are recommended to ensure the garage’s continued safe operations.

SPS has successfully completed competitively procured structural repair work at Pier 40 and has completed similar work at publicly-owned and operated parking garages within New York State. Finally, staff believes that the proposed price for the scope of work is fair and reasonable as the proposed price of \$1.77 million is below that of both the detailed cost estimate prepared by the Trust’s Chief Engineer and the assessment of the external design engineer.

SPS is expected to meet the Trust’s 30% MWBE subcontracting goal. The six percent SDVOB goal was waived prior to the release of the RFP.

The Trust staff therefore requests Board authorization to contract with Structural Preservation Systems, LLC for Pier 40 Second Floor Vehicle Guardrails in an amount not to exceed \$1,772,600 plus a 10% contingency for a Total Board Authorization Amount of up to \$1,949,860. Funding for this contract is available from the Trust’s capital maintenance budget,

with funding available from the sale of Pier 40 transferable development rights.

Chair Joshi 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 Structural Preservation Systems, LLC, for the Pier 40 Second Floor Vehicle Guardrails for a Total Board Authorized Amount of up to \$1,949,860

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 Structural Preservation Systems, LLC for Pier 40 Second Floor Vehicle Guardrails in an amount not to exceed \$1,772,600 plus a 10% contingency for a Total Board Authorization Amount of up to \$1,949,860; 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 Joshi moved onto the third item before the Board: Authorization to Contract with Carrier Communications Corp. for Parkwide Security Camera Expansion Project.

President Doyle began by saying The Hudson River Park Trust (“Trust”) uses a security camera system to enhance public safety, deter crime, and help protect property. The cameras are actively monitored by the Trust’s contracted PEP officers and access is also provided to NYPD. Trust staff has identified a need for supplemental coverage at fourteen additional sites. Additionally, one of the original antennas needed for the camera signal relay to Pier 40 requires an upgrade to increase bandwidth and allow for future network expansion.

In accordance with the Trust’s Procurement Guidelines, the Trust may utilize centralized contracts created through either the State’s Office of General Services or the U.S. General Services Administration. Users of centralized contracting system benefit from the collective buying power of the State or Federal government. Carrier Communications, as an OGS centralized contractor, offers cameras, equipment, and installation services to meet the Trust’s needs at a price that staff has determined to be favorable. Carrier Communications has a proven track record of successfully working with the Trust through its installation of other cameras and equipment throughout the Park. Carrier Communications has the lowest labor rates compared to other qualified OGS vendors

and thus has offered to provide the Trust with more competitive pricing as compared to other security camera vendors on the OGS list. The Trust has been very pleased with Carrier Communications' services provided to date.

The Trust staff therefore requests Board authorization to contract with Carrier Communications Corp. for the Parkwide Security Camera Expansion Project for up to a two-year term in a Total Board Authorization Amount of up to \$351,000. Funding for this contract is available through the Trust's operating budget as approved by the Board.

Chair Joshi asked if there were any questions or comments. A few Directors asked questions about the existing security camera system and whether NYPD has access when there is an incident or provides funding for the cameras. President Doyle explained that footage is shared with NYPD and that Trust staff has real time viewing but cannot watch all 197 cameras. NYPD does not fund the cameras but the Trust has received discretionary funding from elected officials for some of the camera network in the past. There being no further questions, upon a properly called motion, the following resolution passed unanimously.

HUDSON RIVER PARK TRUST – Authorization to Contract with Carrier Communications Corp. (d/b/a Multi-Media Communications) for the Parkwide Security Camera Expansion Project in a Total Board Authorization Amount of up to \$351,000

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 Carrier Communications Corp. (d/b/a Multi-Media Communications) for the Parkwide Security Camera Expansion Project for up to a two-year term for a contract amount of \$305,000 plus a 15 percent contingency for a Total Board Authorization Amount of up to \$351,000; 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 Joshi moved onto the fourth item before the Board: Authorization to Amend the Contract with New York Engineers Pier 40 Fire Sprinkler Restoration - Engineer of Record Services.

President Doyle began by reminding the Board that the Directors received two separate Board memos for the New York Engineers and Pace contract amendments but introduced the two memos together as related.

Pier 40's fire alarm and fire pump systems were substantially damaged during Hurricane Sandy and were subsequently repaired. Separately, the Trust began implementing repairs to the original Pier 40 fire sprinkler standpipe distribution network. While this system was not directly damaged during Sandy, the system required repairs, upgrades and restorations. Thus, at its September 29 and December 15, 2016 meetings, the Board approved the Trust's entering into a contract with New York Engineers to serve as the Engineer of Record for the Pier 40 sprinkler restoration at a Total Board Authorization Amount of up to \$913,932.

Thereafter, the Trust separately awarded a construction contract for the related sprinkler work to The Pace Companies New York, Inc. for a scope of work generally consisting of cleaning and honing the existing system inclusive of both mains and branch piping, replacing select components only where needed, and pressure testing the restored system. The initial contract amount authorized for Pace was up to \$3,630,000 as awarded at the Board's June 8, 2017 meeting, and the Board subsequently authorized amendments at both the November 20, 2019 and March 20, 2020 Board meetings, bringing the Total Board Authorization amount for Pace to \$5,555,955. Such amendments were needed to replace additional lengths of piping, install heating elements and to conduct additional tests. Separately, the Board also approved an amendment for the engineering contract with NY Engineers by an additional \$85,000 at the November 2019 meeting.

For both engineering services and construction, the project strategy since contract inception has focused on identifying defective components and replacing them only as needed, while retaining components that were still believed to be in functional condition.

At this point, approximately one quarter of the original system components have been upgraded with new pipes. Though previously contracted work has all been satisfactorily completed, and newly constructed components will remain in service for the foreseeable future, there are still defects within the remaining components of the building's 60-year-old sprinkler system. Reluctantly, staff and NY Engineers have now concluded that the balance of the original 60-year old system should also be replaced.

Therefore, staff now seeks to task NY Engineers with design and associated permitting services required to fully inspect all aspects of the existing system inclusive of the piping, alarms and booster systems as well as replacing the older branch piping that has not yet been replaced.

The Trust's Procurement Guidelines require that the Trust make a determination as to why employing a new competitive process is not in its best interest when the increased amendment amount is in excess of 20 percent of the original Total Board Authorized Amount. NY Engineers has extensive history with and knowledge of Pier 40's sprinkler system, having inspected, engineered and overseen tests and replacement of system components over a multi-year period. Additionally, a new firm would be professionally obligated to fully inspect all recent work in order to complete its own independent analysis and drawings, resulting in additional costs. It is thus more cost effective to have the same engineering firm supplement its existing drawings. The hourly rates plus multipliers proposed by NY Engineers for its services are the same as those approved in previous years for this contract, which, after several years of inflation and cost escalation in the marketplace, is an additional value for the Trust. Once designs have been prepared, the Trust would bid the construction. In the meantime, staff recommends retaining Pace to provide on-call repair services as needed to keep the fire suppression system in a state of good repair. The Trust has estimated a not-to-exceed limit of \$200,000 for these on-call services through November 1, 2023.

As has been its practice while work on the sprinkler system occurs, the Trust will of course continue to maintain a fire watch service at Pier 40 until the entire system is fully operational and all final FDNY sign-offs are secured.

The Trust therefore requests that the Board approve two separate resolutions: first, to amend the contract with New York Engineers P.C. for an additional \$423,950 plus a 10% contingency for a Total Board Authorization Amount of up to \$1,465,277; and, second, to amend the contract with The Pace Companies New York, Inc. for Pier 40 Fire Sprinkler Restoration for an additional \$200,000 for a Total Board Authorization Amount of up to \$5,755,955 and to extend the term of the contract through and including November 1, 2023. Funding for these two amendments is currently available through the Trust's approved capital maintenance budget with funding available from the sale of Pier 40 transferable development rights.

Chair Joshi asked if there were any questions or comments. The Directors asked questions about the repairs and the role of Pace versus NY Engineers that the Trust responded to. The Directors also discussed how the repairs are very pricey but also allows the parking to expand to

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

HUDSON RIVER PARK TRUST – Authorization to Amend Contract with New York Engineers P.C., for Pier 40 Fire Sprinkler Restoration – Engineer of Record Services

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 New York Engineers P.C. for Pier 40 Fire Sprinkler Restoration - Engineer of Record services by an additional \$423,950 plus a 10% contingency for a Total Board Authorization Amount of up to \$1,465,277; 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 resolution.

HUDSON RIVER PARK TRUST – Authorization to Amend Contract with the Pace Companies New York, Inc. for Pier 40 Fire Sprinkler Restoration

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 Pace Companies New York, Inc. for Pier 40 Fire Sprinkler Restoration by an additional \$200,000 for a Total Board Authorization Amount of up to \$5,755,955 and to extend the term of the contract through and including November 1, 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.

Chair Joshi then introduced the next item on the corporate agenda: Authorization to Amend the Contract with Kelco Construction, Inc. for Pier 97 General Construction

President Doyle began by reminding the Board that at its June 3, 2021 meeting, the Board authorized the Trust to enter into a contract with Kelco Construction, Inc. for the general construction of Pier 97, which includes construction of the distinctive new playground,

multipurpose activity field, flexible gathering space, sun lawn, belvedere, overlook, sunset deck, unit paved pathways, and plantings.

Separately, a federally funded, NYSDOT-administered TAP grant has been secured to construct the bikeway and esplanade area generally between West 57th and 59th Streets and to connect with the southern entrance of Riverside Park South. The TAP grant process requires NYSDOT to adhere to federal requirements related to securing approval of these elements prior to the Trust being authorized to procure the construction contractor for such work. As a result, the bikeway and walkway work will lag behind the pier and building work by at least one year. To ensure that a portion of the esplanade work is fully completed at the time Pier 97 opens to the public in late summer 2023, Trust staff recommends adding a portion of the esplanade work located immediately adjacent to Pier 97 to Kelco's current Pier 97 scope of work. This work also includes procuring and installing additional foam fill for grading and installation of the permanent utilities east of the new restroom building. The remainder of the bikeway and esplanade work would be completed by a construction contractor secured through a separate competitive procurement process once the design and other required documents for the TAP grant are approved by NYSDOT.

The Trust staff therefore requests authorization by the Board to amend the contract with Kelco Construction, Inc. for Pier 97 General Construction by an additional \$1,300,000 for a Total Board Authorized Amount of up to \$24,429,670. Funding for this contract is available from the Trust's restricted funds from the sale of transferable development rights within Community Board 4 in 2019.

Chair Joshi asked if there were any questions or comments. Director Kern asked if the TAP Grant is approved would the Trust be reimbursed the funds to which President Doyle responded no. There being no further questions, upon a properly called motion, the following resolution passed unanimously.

HUDSON RIVER PARK TRUST – Authorization to Amend the Contract with Kelco Construction, Inc. for the Pier 97 General Construction for a Total Board Authorized Amount of up to \$24,429,670

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 Kelco Construction, Inc. for the Pier 97 General Construction by an additional \$1,300,000 for a Total Board Authorized Amount of up to \$24,429,670; 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 Joshi then introduced the final item before the board: Authorization to Amend the Contracts with Abel Bainnson Butz, LLP and DACK Consulting Solutions, Inc. for Professional Services related to Chelsea Waterside Park Phase 2.

President Doyle began by reminding the Board that at its September 2019 meeting, the Board authorized the Trust to enter into a contract with Abel Bainnson Butz for the design of Chelsea Waterside Park, Phase 2 for a Total Board Authorization Amount of up to \$954,946. The initial scope of work included the design of a comfort station, dog run and picnic area and other adjacent park areas. In years 2020 and 2021, the Board authorized further amendments to the contract, including adding funding for the reconstruction of the synthetic turf field due to the receipt of additional New York City discretionary funding and extending the contract term.

Separately, at its December 2020 meeting, the Board authorized the Trust to enter into a two-year contract with DACK Consulting Solutions for Construction Management Services for a Total Board Authorization of up to \$1,210,000.

As explained to the Directors at the July 2022 Board meeting, during the course of construction, numerous substantial subsurface obstructions were encountered on site, resulting in delays to the originally anticipated schedule and the need for additional design services. As a result, the Trust staff requests authorization to add an additional \$50,000 to the ABB contract to cover the required additional design services and an additional \$300,000 and an extension of the contract term for DACK's construction management services.

While the increase to the DACK contract is over 20 percent of the original contract amount, it would not be advantageous at this time for the Trust to undertake a new competitive procurement process, as bringing any other firm into the project to serve as the construction manager would require a large learning curve and additional funds, and would also delay reopening the remaining

improved park areas to the public. DACK is a NYS-certified M/WBE firm and has performed satisfactorily on the contract to date.

The Trust staff therefore requests that the Board authorize two separate resolutions: first to amend the contract with Abel Bainnson Butz, LLP for Chelsea Waterside Park Phase 2 Design Services by an additional amount of \$50,000 for a Total Board Authorized Amount of up to \$1,193,055, and second, to amend the contract with DACK Consulting Solutions, Inc. for Chelsea Waterside Park Phase 2 Construction Management Services by an additional amount of \$300,000 for a Total Board Authorized Amount of up to \$1,510,000 and to extend the term of contract by one year. Funding for these two amendments is available from the Trust's capital maintenance budget using restricted funds generated from the sale of air rights in Manhattan Community Board 4 in 2019.

Chair Joshi asked if there were any questions or comments. A Director asked questions about the timing of the replacement of the ball field surface. There being no further questions, upon a properly called motion, the following resolution passed unanimously.

HUDSON RIVER PARK TRUST – Authorization to Amend Contracts with Abel Bainnson Butz, LLP and DACK Consulting Solutions, Inc. for Professional Services related to Chelsea Waterside Park Phase 2

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 Abel Bainnson Butz, LLP for the Chelsea Waterside Park Phase 2 Design Services by an additional \$50,000 for a Total Board Authorization of up to \$1,193,055; and be it further

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 DACK Consulting Solutions, Inc for the Chelsea Waterside Park Phase 2 Construction Management Services for an additional \$300,000 for a Total Board Authorization of up to \$1,510,000 and to extend the term of contract 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 resolutions.

Chair Joshi then introduced President Doyle to present the President's Report.

President Doyle began by stating that although it was a couple of months later than the Trust had hoped for due to supply chain issues and Covid disruptions at the fabrication shop, the Trust was able to reopen the newly improved and expanded dog run in Chelsea Waterside Park on November 21. The Park's first four-legged guest is named Tuffy, as reported by Kevin Quinn --- SVP of Design and Construction and also reporter at large. The new dog run is substantially larger than the original one and features include separate areas for large and small dogs, pavement with color seal coating for added comfort, concrete mounds with boulders, dog-friendly water spray jets, tiered seating with shade, and other amenities. The Trust still need to put some finishing touches on aspects of it but did not want to delay the opening further while final elements are fabricated and installed.

At Chelsea Waterside, Alpine, the site and landscape contractor, is installing curbs, walls, hardscapes, plantings, and lighting in the central area and fencing around the sports field while Athletic Fields of America has begun site prep for the installation of the new synthetic turf. EW Howell, the building contractor, has completed the comfort station's foundation, utilities, exterior walls, interior partitions, roof and the building's repurposed granite cladding system, and is presently installing mechanical/electrical/plumbing equipment, exterior/interior architectural finishes, and the solar panel photovoltaic system. The Trust expects to reopen the ballfield in the winter and for the balance of the park to reopen in early spring 2023 at which time the Trust will organize a proper celebration.

The President continued that at the Gansevoort Peninsula, Steven Dubner Landscaping has completed installation of soils and plantings for the salt marsh on the north edge of the site and continues installation of overlooks and seat steps, with all concrete work now completed. On the west end of the site, the 13th Avenue Promenade is largely complete, with all landscaping, paving, railings, lighting, and site furnishings installed. Dubner has also completed the south edge stone ledges and kayak landing within the water and is now installing the remaining features above the tidal zone, and installing soils in the future lawn area, with sod to be placed in the coming weeks. To the east of the lawn, the pine grove is largely complete, which all plantings, site furnishings, paving, and lighting installed. JR Cruz has begun reconstruction of the Bloomfield Street entrance and continues subsurface utility work, including for the dog run and adult fitness area. EJ Electric is relocating lighting along the bikeway in advance of Bloomfield Street and bikeway

reconstruction. Padilla Construction continues to advance construction of the restrooms, concession, and Park operations space.

At Pier 97, work is also proceeding well. Soil has been placed in newly completed planters, many trees were planted, and sod is being installed on the Sun Lawn. Concrete walls for planters are being formed at the flexible gathering area and the playscape. All granite veneer material is now on site and being installed. Drainage mats and geofoam fill are continuing to be installed around the pier. Mock-ups of custom benches for various spaces have been fabricated and reviewed by Trust staff and the design team. Excavation for the comfort station foundation slab is complete and all unforeseen sub-grade obstructions have been removed. The Contractor has started installing form work, insulation, and waterproofing for the foundation frost wall and a portion of the frost wall has been poured.

President Doyle further explained that all work on the tennis courts just north of Spring Street is complete except for the color surface. The Trust will be reopening the courts shortly with temporary striping, and will install the color surface in early spring when weather permits.

The new neighbors at 550 Washington Street have completed construction of the new crosswalk south of Pier 40 which necessitated new pavement and plantings on Park property. Many Trust staff took part in planting 2400 bulbs in that newly landscaped area that should all be in full bloom next spring. The Citibike docking station that was temporarily relocated during construction to Morton Street will be returning shortly to the tennis court area.

The contract with Alpine Construction for the new Pier 26 Science Play Area has been executed and the ground breaking for the start of that work is scheduled for December 14 at 11 am. The Trust will be sending invitations shortly.

President Doyle reported that October was a very busy month in the Park. The 20th Anniversary of the “Day in the Life of the Hudson River & Harbor” was held on October 13. Organized by the Department of Environmental Conservation and the Lamont-Doherty Earth Observatory of Columbia University, this event provides students throughout the Hudson River Estuary from the Troy Dam to NYC with opportunities to collect water quality data, including temperature, salinity, dissolved oxygen and more. Over 150 local students collected data from three locations within Hudson River Park, contributing to a greater data set collected.

The Trust's signature SUBMERGE Marine Science Festival took place on October 14 and 15 at Pier 84, for the first time as a two-day festival. On the first day, 1000 NYC students and teachers attended, with 75% of the classes coming from Title I schools from four boroughs, split between elementary, middle and high school grade levels, with a few college students as well. On the following day, 4000 visitors from the general public enjoyed science-themed entertainment, wildlife touch tanks, and more. President Doyle thanked both the Public Programs and River Project staff for making this year's science festival such a fantastic occasion.

On October 27, the River Project celebrated the end of its Wetlab season with the Release of the Fishes. 300 people including Council Member Chris Marte attended the event to help release fish, crabs and other organisms back into the Hudson River.

While the River Project team was busy with Submerge, the Trust's Public Programs staff was coordinating the 2022 New York Wine and Food Festival at Pier 76 and Pier 86. The festival supports God's Love We Deliver, and the crowds at both the Pier 76 and Pier 86 sites were enormous as everyone enjoyed amazing food and drinks all day and into the night.

A couple of weeks later, the annual Pumpkin Smash event held on November 5 at Pier 84 was also a great success, with 2500 pounds of pumpkin smashed to add to the Trust's compost. Over 700 people attended, the largest crowd ever for this event.

President Doyle further explained that both the River Project and Public Programs are already planning for the 2023 season, which will also mark the Park's 25th anniversary.

She continued by explaining that as promised at the last Board meeting, earlier this week the Trust hosted a meeting with the Research & Habitat Enhancement subcommittee of its TAC for the Sanctuary Management Plan to discuss discharges. The Trust invited guests from Con Edison, NYS DEC and Columbia University / Notre Dame to share context, data and modeling related to Pier 98 discharges, thermal discharges more broadly and CSOs. Dr. Wade McGillis, a professor of civil and environmental engineering who worked with the Trust staff two years ago to help create the "CSO Risk Model" hosted on the Park's website, provided context on opportunities and limitations of modeling. TAC members from the Hudson River Foundation, Harbor Estuary Program, Riverkeeper and others explored the scale and potential consequences of unique discharge sources and types. The TAC agreed that priorities for next steps should include looking at existing data that is already being collected within the Sanctuary water and then to

consider what additional metrics would help the science community better understand the relationship between discharges and river temperatures.

Finally, the Trust continues to work diligently at expanding collaboration with CUNY generally, but also specifically with the two campuses closest to the Park – Borough of Manhattan Community College in Tribeca and John Jay College in Hell’s Kitchen. Last week, the Trust joined BMCC’s Director of Research Programs in facilitating a conversation with 15 faculty members representing both social and natural science departments, to share more information about the Park’s research projects, sustainability efforts, and ways for students to engage in the Park. The Trust will soon be speaking with BMCC’s Director of Internships & Experiential Learning to plan ways to connect more BMCC students with for credit and paid job training opportunities in the Park. The Trust has begun the process of building similar connections at John Jay College.

The Trust released a Request for Proposals for Boathouse Operators at Piers 26, 66, 84 and 96 on October 18 and received seven proposals on the submission deadline of November 29, 2022. Trust staff will be reviewing the proposals with the goal of making a selection for each boathouse by the end of the year. The goal of the RFP is to provide the public with consistent, safe and affordable access to the Hudson River while satisfying the boating interests of a wide range of users. The Trust recently met with Community Board 1 to explain the goal of the RFP, including why the Trust must undertake a request for proposal competitive procurement process for any long-term use of Hudson River Park property, and the Trust will be discussing the RFP at the upcoming Advisory Council meeting as well.

At the last Board meeting, the Trust discussed some of the safety and security issues at the Pier 40 fields, and Daniel Miller shared some of the experiences of DUSC, one of the youth sports leagues. Before that meeting, and since, the Trust has been working with DUSC and other leagues to be proactive to address the thefts of backpacks and scooters, and have been educating users about the importance of not leaving property unattended that can create an attractive environment for thieves & other wrong-doers. The Trust has identified two suspects who appear to be responsible for most of the thefts, and the Trust is working closely with the Sixth Precinct Detective Squad. On October 11, NYPD arrested one individual and charged him with six separate Grand Larcenies. The Trust and PEP staff also now regularly canvass the fields and speak with field users who have left their belongings far away and out of sight about securing their property.

President Doyle then took a moment to address the three serious and horrific incidents that have taken place in the Park this year. One was the overnight murder of a sleeping homeless individual by someone who also stabbed two other homeless people at other City locations, and who has since been apprehended. The other two were sexual assaults, again committed by a serial assailant, of two women who were jogging in the early morning hours and attacked from behind. The first of these took place on March 27th and the second on November 3rd. In between, the person assaulted another woman on the east side. Our hearts go out to all these victims, and the Trust is grateful that the perpetrator was caught. Camera footage provided by the Trust after the first assault helped NYPD identify the suspect in early spring, and the police had been searching for him until hours after the most recent incident when he was caught attempting to flee the city.

President Doyle further stated that the safety of Park patrons and staff must be the Trust's highest priority and those incidents, while tragic, are outliers. Statistically, the Park is a very safe place, and the number of people running and recreating here including when it's dark outside is one tangible indication of that. A great deal of care has gone into thinking about design, lighting, upkeep, water safety equipment, the growing camera system, coordination with NYPD and other government agencies, communications with tenants and the Advisory Council, and certainly the PEP officers all work together to create and sustain this atmosphere. But the Trust is always looking for ways to do more – particularly after such alarming incidents.

During the summer, the Trust conducted a lighting survey and have tasked one of the on-call landscape designers with designing some supplemental lighting in certain locations. The Trust just approved installation of additional cameras, and while they don't in themselves stop crime, they can help deter and it and clearly support police efforts. Thanks to a recent conversation with the Advisory Council Safety Committee, the Trust is promoting a safety campaign with safe running recommendations from NY Road Runners at multiple park locations and on social media.

Hudson River Park is like its own place in some ways, in that it's separated by a highway and has many individual piers, each with its own personality and uses, but it is also clearly part of the larger city. To that end, the Trust obviously also work closely with the City, most especially NYPD, on enforcement and safety strategies, and the Trust's relationship with NYPD has grown

stronger over the past several years in particular. Of course, Trust staff are always available to listen to additional ideas of how to improve safety in the Park.

President Doyle had some good news to report on the general liability insurance renewal that took effect on December 1. For the next year, the Trust has been able to reduce the cost of the liability insurance by approximately \$1.2 million. Last year's premium was \$6.4 million and the new current premium is approximately \$5.2 million. The Act requires the State and City to pay for this cost, with the State paying 65 percent and the City paying 35 percent based on their respective areas of the Park. Separately, the Trust's commercial property coverage also was renewed as of December 1, and the premium for that coverage is \$170,000 (about \$14,000 higher than last year), which the Trust pays out of its operating budget. She also thanked the Office of General Services, the insurance broker Paul Hennessey, and many staff members including Christine Fazio, Kimberley Quinones, Denise Ruggiero, Kevin Quinn and Kate O'Malley for work they did and do all year long in contracts, managing job sites safely, and otherwise to manage this program.

In other good news: nearly ten years to the day that Hurricane Sandy made landfall the Trust received its final reimbursement from the federal government via the State of New York, for costs incurred by the Trust to restore the park. In total, the Trust was reimbursed for 100% of eligible costs, totaling over \$34.5M in assistance, 90% of which was funded by the Federal Emergency Management Agency (FEMA) and 10% from Community Development Block Grants (CDBG).

While the Park obviously suffered along with so much of the city and region, core infrastructure, such as rebuilt piers, buildings, and our many landscapes, mostly performed well. The greatest amount of damage – almost half of the overall costs – was in the realm of electricity. Repairs to mechanicals and building systems, especially at Pier 40, accounted for about \$13.7 million, and various exterior park areas including a couple of playgrounds and areas with synthetic turf required about \$3.8 million in reconstruction. The balance consisted of park cleanup and rental and repair of equipment.

The Trust's recovery efforts were a joint effort. Trust staff were on-site throughout the duration of the storm, and immediately afterwards, set forth in "safing-off" areas, removing debris, cleansing planted areas with fresh water to deter damage from salt water, and cataloging damages and losses. The elected officials and in particular Congressman Nadler and Senator Hoylman

provided strong support in helping the Trust access necessary federal and state financial aid and Hudson River Park Friends helped raise money for repairing play equipment.

For costs to be eligible for reimbursement, the Trust was required to provide extensive documentation to FEMA proving that the damages being repaired were directly caused by the effects of Hurricane Sandy. Eligible projects were required to be restored to their pre-storm conditions unless current codes required improvements. To assist with the incredibly complicated reimbursement process, the Trust contracted with Adjusters International, a firm with extensive experience working with government entities in obtaining maximum repayment from FEMA. Trust staff met regularly with Adjusters International in collecting and analyzing documentation, and in preparing submittals to the NYS Department of Homeland Security and Emergency Services (DHSES). Eventually, Trust staff – in particular, Owen Davies, the Trust’s VP of Management Systems, took over from Adjusters International, meeting with DHSES and FEMA regularly. Ten years later the Trust is fully reimbursed for all of its Sandy related expenditures. The Directors also received this morning a copy of the final FEMA reimbursement memo as part of the Board handouts.

This effort has been monumental. President Doyle thanked Owen Davies especially for diligently and efficiently managing the reimbursement process over these past several years to ensure that the Trust received every penny that it was eligible to receive. The Facilities and Design and Construction Departments did the work of implementing most of the restoration, and Dwayne Cremona, Kevin Quinn, Kate O’Malley, Lupe Frattini and their predecessors all deserve credit, as do Madelyn Wils, Dan Kurtz, Sikander Zuberi, and Kim Quinones. She also gave a shout out to two other former colleagues, Raymond Medina now with NYC and Aysha Daniel who sadly passed away last year during Covid, who also put countless hours into this effort during the early years.

President Doyle then updated on two proposed resiliency projects that would affect the Park. The Battery Park City Authority is studying measures to protect its northern and western portions in tandem with other measures that have been previously approved. BPCA has issued a Draft Scope of Work related to the Environmental Impact Statement that must be prepared and held its public scoping meeting on November 16. Rashi Puri, the Trust’s AVP of Real Estate, attended that meeting and is leading the Trust’s effort to assess how this project could affect

Hudson River Park including views, safety, operations, and the potential for hydrologic flooding. The Trust intends to provide a comment letter prior to the deadline on December 31st to ensure that the construction and operation impacts to Hudson River Park are fully analyzed. The plan would require an amendment to the Hudson River Park Act to modify the Trust's southern border, as the proposal would extend the northern edge into the water area between Battery Park City and Pier 25 used as a mooring field somewhat. To the west, a proposed flood barrier system would be installed, potentially along the Hudson River Park north of Stuyvesant High School and then crossing Route 9A at Harrison Street. The Trust will share the comment letter that it intends to send to the Authority with the Directors later in December, and BPCA has committed to work with the Trust and other agencies to ensure the Trust input is considered during the design process. The Trust will also keep Community Board 1 and the Advisory Council informed as planning progresses.

She continued that U.S. Army Corps of Engineers has also released a coastal storm risk management feasibility study, which is referred to as the Draft Integrated Feasibility Report and the Tier 1 Draft Environmental Impact Statement. The study was prepared in cooperation with NYS DEC, NJ DEP, NY Department of State and New York City Mayor's Office of Climate and Environmental Justice and considers measures referred to as "adaptation measures" to manage coastal storm risk in tidally-influenced regions of the New York and New Jersey Harbor, including the Hudson River from New York City to Troy. Adaptation measures include storm surge gates, seawalls, floodwalls and other resiliency measures at key locations around New York City for an estimated cost of \$52 billion. As relates to Hudson River Park, the plan includes a mix of floodwalls, seawalls and levees along the west side of Manhattan from 34th Street to the south connecting to the planned Battery Park City resiliency project. It appears one of the options would be a mix of concrete flood walls and deployable barriers located along the eastern side of the Route 9A bikeway and/or in portions of the park. Rashi Puri and Erik Linsalata, the Trust's Chief Engineer, attended an information public meeting hosted by the Army Corps on the plan, and the Trust will be speaking with State and City agencies who have been involved in planning to date prior to submitting comments on the Tier 1 Draft EIS by the January 6, 2023 deadline. More information will be provided as the Trust receives it.

President Doyle then took a moment to thank and acknowledge Tom Lindon, the Trust's longtime Vice President of Marketing and Events. Tom has announced his retirement at the end

of the year – he’s got a new grandson and is ready to spend more time with his family than the Trust’s busy park schedule allows. Tom has been an incredible force for good here – always the first to say kind words about his colleagues and the first to champion what the Trust does. He’s also brought in countless sponsors and events that generate funds for the Park’s care while balancing the fact that Hudson River Park is first and foremost a public park. She again thanked Tom for everything he has done for the Park and all of us.

Finally, President Doyle turned to the mid-year financials, and asked Kim Quinones, the Trust’s CFO, to provide an update on the financials for the first six months of this fiscal year, explaining that a copy had been separately provided to the Directors.

CFO Kimberly Quinones then delivered a brief update on the Trust’s financials for the first six months of the fiscal year. She began by explaining that State Finance Law requires a mid-year budget update with explanations of variances greater or lesser than 5% of expected budget. Details of these variances are included in the six-month financials distributed to the Board, a copy of which will also be posted on the Trust’s website. She explained that for the meeting however, she was providing a high-level review of the results for the first half of the year (through September 30th) and an update on the capital projects. She summarized that – the bottom line is the Trust is on track.

As a quick reminder, she pointed out that the Trust had total budgeted revenues of \$34.4 million, total budgeted expenses of \$28.5 million before net capM, and exp. net op. surplus of just under \$6 million. And if all budgeted CapM projects funded out of Trust revenues or reserves are completed (just over \$10 million), the budgeted operating deficit would be \$4.3 million.

She went on to summarize the Trust’s six-month budget results. Total revenues are currently a bit ahead of budget at 61%, rather than 50% due to a few factors, such as, expected seasonal variations, and stronger than expected recovery in the tourism-related tenants. More notably, parking continues to be a strong contributor. The Trust is exactly at 50% of budgeted parking garage revenues for the year (\$10.4 million in FY 23 vs. \$7.7 million budget in FY 22, with \$9.2 million generated in FY 22). She continued that on the expense side, the Trust is a bit under budget at 45% net operating revenues because the variation is primarily seasonal, as the Trust budget for additional expenses for winter storms and clean-up.

With respect to the capital spending side, FY 23 budget has \$97.6 million in new construction and capital maintenance scheduled for this year. Also, new construction is budgeted for \$67.6 million in FY 23. Specifically, the two main construction projects, Gansevoort Peninsula and P97, are on or under budget - (the Trust did raise the Pier 97 budget slightly today by approving the additional Kelco scope) – about 40% of total project construction funding expended through September 30th for the current FY. Spending is a bit behind pace, but it is expected to be strong in the current quarter.

Regarding the CapM side, with just under \$30 million budgeted, 2/3 is reimbursable from the Trust’s air rights funds, or City or State capital funding. This includes a significant portion of the Chelsea Waterside Park Phase 2 projects and Pier 40 projects. In fact, the Trust has expended just over \$9 million on these projects as of September 30 and continued a good pace of expenditures in the current quarter. In particular, the fire sprinkler and safety rail projects approved earlier in this meeting are reimbursable CapM (projects rolling into next year) and some marine projects and tennis court reconstruction will be completed in the current quarter.

Chair Joshi thanked President Doyle and CFO Quinones for their reports and then introduced Daniel Miller to report for the HRP Advisory Council.

Mr. Miller summarized the last Advisory Council meeting held in November. He first referred to the letter sent about Pier 98 and asked the Directors to review the letter and requested that DEC send someone to speak at an Advisory Council meeting in the future. He stated that the Council discussed looking into options for a future public opening of Pier 34 (under Port Authority jurisdiction). He further stated that the Advisory Council is working with the Highline Network on a toolkit that introduces diversity, equity and inclusion exercises. He concluded that the Advisory Council intends to address the boathouses RFP at its next meeting scheduled in December as the Council is very interested in ensuring that the public has free access to the river.

Chair Joshi then asked the Directors if there was any further business for the public portion of the meeting. There being none, Chair Joshi called for a motion to adjourn the public portion of the meeting and to move into Executive Session to address pending litigation. The public portion

of the meeting adjourned at 5:50 PM. The Executive Session ended at 6:25 PM. No actions occurred during the Executive Session.