

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PARKS AND RECREATION

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January 27, 2009  
Start: 10:25 am  
Recess: 12:55 pm

HELD AT:                   Hearing Room  
                              250 Broadway, 14th Floor

B E F O R E:                   HELEN D. FOSTER  
                                  Chairperson

COUNCIL MEMBERS:  
                              Helen D. Foster  
                              Alan J. Gerson  
                              Helen Sears  
                              Letitia James  
                              Melissa Mark-Viverito

## A P P E A R A N C E S

Therese Braddick  
Deputy Commissioner  
NYC Department of Parks and Recreation

Mary F. Pazan  
Agency Chief Contracting Officer  
NYC Department of Parks and Recreation

Jonna Carmona-Graf  
Senior Team Leader  
NYC Department of Parks and Recreation

Michael Schnall  
Director of Government Relations  
NYC Department of Parks and Recreation

Diane Jackier  
Chief of Staff  
NYC Department of Parks and Recreation

Samuel L. Wansley  
Advocate  
Charlton Gardens

Zenobia Penn  
Advocate  
Charlton Gardens

Marie Brooks  
Volunteer  
Jackson Forest Garden

Cordelia Gilford  
Volunteer  
CS 134 Community Garden

Troy Lancaster  
Founder  
Dred Scott Bird Sanctuary

## A P P E A R A N C E S (CONTINUED)

Geoffrey Croft  
President  
NYC Park Advocates

Sheelah Feinberg  
Director of Government and External Relations  
New Yorkers for Parks

CHAIRPERSON FOSTER: Good morning.

I'm Council Member Helen Diane Foster. We are waiting for the projector, so we'll start in about ten minutes. Anyone and everyone that wishes to testify, please make sure to sign in with the sergeant. As soon as we get the projector, we'll get ready to go. Thank you. I'm joined by Council Member Helen Sears from Queens. Again, I am Council Member Helen Diane Foster. We are holding this hearing to see from soup to nuts how we get projects done. I want to thank the constituents from my district who are here who put this on the map for me in terms of once a council member allocates money, sometimes we think that's the victory in getting a project complete or started. We are finding out that that's not the case. We're glad to have the Parks Department here to walk us through the process of what happens from conception to completion. I was going to try to get a nice little park metaphor, but it wouldn't come out. We are joined by Therese Braddick, deputy commissioner, who could also be a doctor by her handwriting, if you wrote this. Please introduce who's with you and we'll

1 start with your testimony. Thank you.

2  
3           THERESE BRADDICK: Thank you very  
4 much. Thank you for having us here today. Good  
5 morning, Chair Foster and members of the Parks  
6 Committee. I am Therese Braddick, Deputy  
7 Commissioner for Capital Projects at Parks.  
8 Sitting with me here are two key members of the  
9 capital staff. On my left, we have Mary Pazan,  
10 who is our Agency Chief Contracting Officer. On  
11 my right, is Jonna Carmona-Graf, who is our Senior  
12 Team Leader. Joining us is Michael Schnall, our  
13 Director of Government Relations. Over here on my  
14 left is Diane Jackier, who is our Chief of Staff,  
15 our most recent addition to the capital team. I  
16 was appointed Deputy Commissioner for Capital  
17 Projects six months ago. Although I am very new  
18 to Capital, I have been working for Parks for over  
19 25 years. I started when I was two, of course.  
20 Most recently I worked as Executive Director of  
21 the Historic House Trust, up until this past July.  
22 Although many of you might not know me personally,  
23 I have worked with many of your colleagues  
24 preserving historic buildings around the city. On  
25 behalf of Mayor Bloomberg, First Deputy Mayor

1  
2 Harris and Parks Commissioner Adrian Benepe, thank  
3 you for the opportunity to discuss Parks' capital  
4 process with you today. Our Capital division is  
5 responsible for building and rebuilding  
6 playgrounds, green areas, nature centers and  
7 recreation centers in parks across the city. We  
8 have an excellent team of architects, engineers,  
9 landscape architects and other professionals  
10 dedicated to improving parks for all New Yorkers.  
11 New York City is in the largest period of park  
12 expansion since Robert Moses and the WPA projects  
13 of the 1930s, with a Capital budget of over \$3.8  
14 billion over the next ten years. Even after the  
15 current cuts and rollouts, we are building  
16 innovative parks and facilities at an  
17 unprecedented scale across the city.

18 [Pause]

19 THERESE BRADDICK: Are we good?  
20 Mike has a new job as our technology coordinator.  
21 We were talking about the extraordinary growth of  
22 the Capital program. That slide that's in front  
23 of you shows that. As you can see, our Capital  
24 budget has grown from less than \$500 million in  
25 2002 to nearly \$2 billion today. Like other city

1 agencies, we receive Capital funding from the  
2 mayor, City Council and five Borough presidents,  
3 as well as non-city sources. It is important to  
4 not that over 90% of our Capital budget is  
5 allocated to specific projects at the funder's  
6 discretion, not ours. Mayor Bloomberg provides  
7 the largest portion of our Capital budget, about  
8 \$1.5 billion in this year's plan. Like his  
9 predecessors, the mayor typically funds large  
10 infrastructure projects and those that impact all  
11 New Yorkers. You've all heard of the PlaNYC  
12 program, which has injected hundreds of millions  
13 of dollars into rebuilding parks. This initiative  
14 includes renovating large regional parks, as well  
15 as providing every New Yorker with a green space  
16 within a ten minute walk of their home. The mayor  
17 also funds our citywide Requirements Contracts  
18 program, to which many of you have generously  
19 added funds. This program innovatively stretches  
20 dollars by replacing significantly deteriorated  
21 elements that cannot be repaired, rather than  
22 rebuilding a park or a facility from scratch. The  
23 borough presidents also contribute substantially  
24 to our Capital Program, about \$200 million in this  
25

1  
2 year's plan. These go typically to borough-wide  
3 projects and initiatives. The borough presidents  
4 rarely fund a project alone, but often collaborate  
5 with the council members and the mayor to jointly  
6 fund a project. Parks also receives funding from  
7 state and federal grants and private  
8 contributions. In this year's plan it's about  
9 \$260 million. These funds are usually limited to  
10 a small number of sites. Nonetheless, as many  
11 grant programs require city matches, this is a  
12 great way to leverage funds and get more for your  
13 dollar. Finally, the City Council funds many  
14 bread and butter neighborhood park and playground.  
15 In this year's plan it's about \$280 million.  
16 These projects rebuild our well-used facilities,  
17 targeted to specific properties and facilities  
18 chosen by the council members. All of you have  
19 seen the smiling faces of the children when we  
20 reopen the neighborhood parks, playgrounds and  
21 recreation centers. The schedule of our Capital  
22 projects, from concept to funding to completing  
23 and actually opening a facility, typically takes  
24 between one and four years. I'd like to now walk  
25 you through that process and the four main steps

1  
2 that we must go through. Before we even begin,  
3 it's important to note that much of this process  
4 is governed by the City Charter and many other  
5 laws and regulatory agencies, including the  
6 Landmarks Preservation Commission, the Public  
7 Design Commission and the State Department of  
8 Environmental Conservation, among others. We  
9 follow a very collaborative process in planning  
10 our projects. Each fall, after meeting with our  
11 Parks Operation Staff, park users, volunteers,  
12 community groups , civic associations and other  
13 local groups, Parks compiles a list of possible  
14 new projects. As you know, in the winter and the  
15 spring, we focus our time on meeting with council  
16 members and borough presidents to discuss the  
17 projects that would merit funding allocations in  
18 the next fiscal year. In May we learn which  
19 projects the mayor will likely fund. After the  
20 adopted budget is approved we learn what projects  
21 will be funded by the City Council and the borough  
22 presidents for the current fiscal year. In  
23 September, Parks Commissioner Adrian Benepe and  
24 the five borough Parks commissioners meet with our  
25 Capital staff to decide which projects will move

1 forward in any fiscal year. It's important to  
2 note that not all projects can move forward  
3 immediately. First, Parks must ensure that an  
4 appropriate design team can be assigned to the  
5 project. It must also make sure that there are  
6 sufficient funds to complete the desired scope of  
7 work. At this point we must also decide which  
8 projects we can do in-house by our in-house staff  
9 and which projects would be better designed by  
10 consultants. In recent years our staffing needs.  
11 Obviously that's a result of the increase in the  
12 funding for project. Unfortunately it hasn't kept  
13 pace with this huge influx of funding. I've been  
14 taking a very strong look at this issue. In the  
15 past months I've made a very strong effort to  
16 backfill a number of key positions with the  
17 Capital Division that were open for some time  
18 before I arrived. From beginning to end, our  
19 design process usually takes three months to a  
20 year. This is usually based on the complexity of  
21 the project, the external reviews that are  
22 required and any permitting needs. You should  
23 note that the industry standard for design without  
24 regulatory review is 9 to 12 months. The first  
25

1  
2 step in the design process is to hold a scope  
3 meeting with our funder or funders, our Parks  
4 Operations staff, community board members,  
5 interested park users, volunteer groups and our  
6 designer or project manager. Since the input of  
7 the funder and the community board are essential  
8 to develop the scope, their availability affects  
9 how quickly the project can actually proceed. The  
10 next step in the process is to create a schematic  
11 design that considers all of the major site  
12 features and program elements but does not include  
13 actual measurements, elevations and construction  
14 details. The schematic design process usually  
15 takes from one to six months where we develop a  
16 preliminary design of the site, including  
17 utilities, circulation and programming. These  
18 plans are presented to Parks, the community board,  
19 and then either the Landmarks Preservation  
20 Commission and/or the Public Design Commission  
21 depending on the scope of work. Both Landmarks  
22 and the Design Commission have binding authority  
23 over the projects we present to them. We work  
24 very closely with them on any changes that they  
25 request. Concurrent with the schematic design

1  
2 phase we must also complete an environmental  
3 review in order to comply with the city  
4 environmental quality review process. After these  
5 approvals are in place, the designer begins the  
6 final design phase, which often takes up to six  
7 months. The final design adds any requested  
8 changes, includes specification, construction  
9 drawings and a detailed cost estimate. Designers  
10 prepare bid books. We brought one with us here in  
11 case anybody would like to see one. This includes  
12 cost estimates, specifications and also  
13 construction drawings. At this time we also file  
14 for required permits, such as those from  
15 Buildings, DOT, DEP and State DEC. These permits  
16 often cannot be filed until the construction  
17 drawings are complete. So although we would like  
18 to think that we could plan and apply for those  
19 permits prior, oftentimes we're kept from doing  
20 that until the construction drawings are complete.  
21 As with schematic design, the final plans are  
22 reviewed once again by Parks, the community board,  
23 Landmarks Preservation Commission and/or the  
24 Design Commission. We now move into our  
25 procurement phase, which often takes up to four to

1  
2 six months after design is complete. That's when  
3 the construction contract is actually registered  
4 with the controller and we can actually physically  
5 start the construction phase. The completed bid  
6 books and construction drawings are reviewed first  
7 by our in-house attorneys and must also be  
8 approved by the city's Law Department. The bid  
9 process is governed by the City Charter, State Law  
10 and the City Procurement Policy Board Rules, also  
11 known as the PPB Rules. All contracts are  
12 advertised and contract awards are made only to  
13 the lowest responsive responsible bidder. A  
14 determination as to whether the contractor is  
15 responsive and/or responsible involves a review of  
16 the bids, as well as a review of the contractor's  
17 performance record and business integrity. A  
18 bidder's ability to perform the contract in  
19 accordance with applicable law includes reviews of  
20 the bidder's MWBE plan, that's the Minority and  
21 Women Owned Business Enterprises plan, an  
22 apprenticeship program, prevailing wage  
23 compliance, performance evaluations and any other  
24 information deemed necessary to thoroughly vet the  
25 bidder. An early step in the procurement process

1 is obtaining OMB approval and a certificate to  
2 proceed, or a CP, for the project. As you may be  
3 aware, OMB's authorization is required before we  
4 are able to spend funds that are included in the  
5 budget. OMB reviews our projects and contracts to  
6 make sure the project is Capital eligible and a  
7 prudent use of public funds. If a bidder or a bid  
8 is deemed not qualified for a project, or if the  
9 lowest responsible exceeds the funds authorized by  
10 OMB, the agency may have to go back and redesign  
11 the project, have to seek additional authorization  
12 from OMB, or new funding for the project. This  
13 process can cause some delays in the procurement  
14 process but we're fortunate to have very efficient  
15 and helpful partners in our OMB Task Force these  
16 days. The final stage in the procurement process  
17 is registration by the controller, who has 30 days  
18 to review an accept, reject or object to a  
19 contract. If the controller has objections to a  
20 contract, it can delay registration and thus  
21 construction beginning, often for several months.  
22 Moving on to the construction side. Construction  
23 begins with what is called an OTW, or an order to  
24 work. That can take anywhere from 2 to 24 months,

1 depending on the scope and the size of the  
2 project. Although a large number of our projects  
3 take about a year in construction, some of this  
4 time is due to winter or other weather conditions  
5 that make site work impossible to perform. Almost  
6 all of our work is outdoor landscape work, subject  
7 to weather delays. When constructing a building  
8 however, one can erect the shell of the building  
9 and continue working through inclement weather  
10 conditions. Site work also involves other  
11 seasonal items. For instance, planting can only  
12 be done in the fall or the spring. Asphalt  
13 pavement cannot be laid in the winter. Concrete  
14 cannot be poured on the coldest days and  
15 excavation is difficult after the ground freezes.  
16 Color seal coat, which is the colorful surface  
17 that we use on most of our basketball courts and  
18 glues and synthetic turf do not properly adhere in  
19 cold or wet conditions. In addition, something  
20 that is a seasonal effect is that we usually start  
21 our ball field reconstruction projects in the fall  
22 so that we don't interfere with the sports season.  
23 Similarly, we rarely begin demolition on  
24 playgrounds in the late fall, as they would likely  
25

1 sit closed all winter with little work going on.  
2 As I said earlier, time is also affected by the  
3 size and the complexity of the project. For  
4 example, replacing fences or pavement, or  
5 installing a garden, may only take a couple of  
6 months, while building a larger park or building  
7 with utility connections, complicated layouts and  
8 multiple regulatory approvals may take several  
9 years. There are other reasons why the  
10 construction process may be lengthy. For example,  
11 projects near the waterfront require a wetlands  
12 permit from the DEC for any work that impacts a  
13 wetland or occurs within 100 feet of a tidal or  
14 freshwater wetland. More of our bigger projects  
15 are being constructed on landfills and other brown  
16 field sites which require extensive permitting.  
17 This is also an area focus for me because we do  
18 have a fairly substantial backlog of projects that  
19 have not moved forward because permits have not  
20 yet been issued. At the very highest levels we  
21 are working very closely with DEC to resolve this.  
22 But of course we also see delays to projects that  
23 are caused by litigation and the contractor's  
24 legal and financial problems. Now that hopefully  
25

1  
2 you have a better sense of the Capital process and  
3 timeline, I'd like to take just a few minutes to  
4 show you some of the successful projects that  
5 we've completed in your neighborhoods. I'm hoping  
6 that you agree that in all five boroughs we're  
7 doing great things to enhance and improve our  
8 green spaces for every city resident. I've got a  
9 series of just before and after shots. Some are  
10 more recent than others, but the first one here is  
11 Drew Playground in the Morrisania section of the  
12 Bronx. This is a \$1.2 million project that was  
13 completed just this past June, designed in-house.  
14 This is Half-Nelson Playground in the Hybrid  
15 section of the Bronx, funded generously by Council  
16 Member Foster. It was completed in August of '08.  
17 We constructed the park and the active recreation  
18 area and put in new plantings and pavement. Sarah  
19 D. Roosevelt Park at Canal and Chrystie Streets in  
20 the Lower East Side of Manhattan, designed in-  
21 house. Morningside Park 116th Playground, it's a  
22 \$2.8 million project that was funded by Council  
23 Member Dickens. That was completed in June of  
24 '08. That was also designed in-house. Gravesend  
25 Park Playground, which is in Borough Park in

1  
2 Brooklyn. This was a collaborative project  
3 between Council Member Felder and the mayor. It's  
4 a \$3.1 million project that was completed in March  
5 of '08. South Oxford, which is one of my  
6 favorites because there's very, very unique spray  
7 shower. It's in the Fort Green section of  
8 Brooklyn. It was also a jointly funded project  
9 Council Member Davis, Council Member James, the  
10 borough president and the mayor. It was also  
11 designed in-house. Travers Playground, which is  
12 Jackson Heights in Queens, Council Member Sears.  
13 It was completed earlier in '05. Windmuller in  
14 Sunnyside in Queens, a \$2.1 million project, also  
15 designed in-house. New Dorp, on East Street and  
16 Beach Avenue in State Island, a mayoral project  
17 that was \$1.4 million. The last one is  
18 Tompkinsville, also in Staten Island, Bay Street  
19 and Victory Boulevard, funded by Council Member  
20 McMahon. Thank you for the opportunity to present  
21 to you today. We're happy to address any  
22 questions or concerns you have.

23 CHAIRPERSON FOSTER: Thank you very  
24 much. We've been joined by Alan Gerson from  
25 Manhattan, Letitia James from Brooklyn and Melissa

1  
2 Mark-Viverito from Manhattan. I have a few  
3 questions and then I'm going to turn it over to my  
4 colleagues. I'll just go through your testimony  
5 as I wrote questions. On page 3 you mentioned the  
6 need to hire more staff. Do you have an  
7 approximately number of how many staff members you  
8 need to hire? Are these positions something  
9 that's already been budgeted for?

10           THERESE BRADDICK: What I was  
11 talking about was the fact that my focus when I  
12 walked in the door was hiring some key positions  
13 that were left vacant. Those were included in the  
14 budget and our existing headcount. As you can  
15 tell from the graph, with the influx of capital  
16 funding, we always feel like we're running to  
17 catch up in that sense. We're working very  
18 closely with OMB to try to address those staffing  
19 needs.

20           CHAIRPERSON FOSTER: What are those  
21 key positions?

22           THERESE BRADDICK: The positions  
23 that we recently filled? We did not have a  
24 director and a deputy director or our Architecture  
25 Division, which focuses on our buildings. Those

1  
2 positions were filled. We've just filled a  
3 position for our Director of Consultant Project  
4 Management. Most importantly in moving through  
5 the procurement process is we were able to hire a  
6 few contracts coordinators that help with the  
7 review process and the attorneys looking over  
8 things and making the contracts move more quickly.

9 CHAIRPERSON FOSTER: The director  
10 of Consultant Management?

11 THERESE BRADDICK: Project  
12 Management.

13 CHAIRPERSON FOSTER: I missed that.

14 THERESE BRADDICK: One other really  
15 key hire that is brand new for us is for the first  
16 time we hired what we call a Director of  
17 Environmental Remediation for Capital. So it  
18 someone assigned specifically to the Capital  
19 Division. That person's main focus is going to be  
20 helping us move those projects through with the  
21 DEC and really having scientists onboard that can  
22 speak the language and ensure that our permit  
23 applications are properly completed.

24 CHAIRPERSON FOSTER: I don't know  
25 if this is within the person's capacity, but what

1  
2 would also be helpful with that is letter council  
3 members or elected officials that go to fund a  
4 project know beforehand that we have potential  
5 environmental issues. I think the prime example  
6 is the land that the Parks Department got at Bronx  
7 Terminal Market that due diligence wasn't done at  
8 all on the city's end when we sole sourced a  
9 contract and then we allowed them to transfer us  
10 land that needed to be cleaned up. So if we're  
11 looking at situations, I know it would help as a  
12 council member not to fund a project that later  
13 I'm going to find out I need more money to clean  
14 up environmental issues. How long do the scope  
15 meetings take? I ask that specifically because I  
16 have a list of projects that I funded that all  
17 we're waiting for is scope meetings. So while  
18 constituents think this is the victory, it really  
19 doesn't start until we get scope meetings. I mean  
20 I have people ready, willing and able. What's the  
21 process for scope meetings? Is there any  
22 definitive timeline like within two months or  
23 three months of this money being allocated we  
24 should be getting to scope meetings.

25 THERESE BRADDICK: I'm going to ask

1  
2 Jonna to talk a little bit about the detail of it.  
3 I would like to say that one thing that I know I  
4 would like to focus on moving forward is to really  
5 push for our scope meetings to happen early on  
6 within the fiscal year. The difficulty is that we  
7 would like to hold them, if we could, in July and  
8 August. And unfortunately, because it's such a  
9 collaborative process and people are away during  
10 the summer, it's often hard to get the right  
11 players together. I think we can do a better job  
12 about doing that and really push so that the scope  
13 meetings are held by September 15th.

14 CHAIRPERSON FOSTER: Thank you.

15 JONNA CARMONA-GRAF: The scope  
16 meetings are scheduled through our Borough  
17 Commissioner's Office with their Capital liaisons.  
18 So we will work more closely with them in making  
19 certain that moving forward we try to get these  
20 all scheduled by September 15th. Historically the  
21 council member, community, interest groups and  
22 users are invited from the borough.

23 CHAIRPERSON FOSTER: Just speaking  
24 for myself and I'm sure other council members, by  
25 the time we get to the point of allocating money

1  
2 for a park, we have the players in place. So it  
3 really is just a matter of the borough  
4 commissioner saying we need a meeting and we can  
5 get it done. So we've got to work more closely  
6 together. I'm encouraged to hear that you're  
7 trying to do that sooner than later. In the  
8 process of the scope meeting, the schematic design  
9 and the final design, who at the Parks Department  
10 is specifically in charge of keeping up with that  
11 process so we don't have a scope meeting and we  
12 wait.

13                   THERESE BRADDICK: Then nothing  
14 happens for a while.

15                   JONNA CARMONA-GRAF: That falls  
16 under my responsibilities.

17                   CHAIRPERSON FOSTER: So we can call  
18 you?

19                   JONNA CARMONA-GRAF: I have five  
20 staff members who are responsible for each  
21 borough. This year we'll be working more closely  
22 in designating intermediate deadlines so that we  
23 can adhere to a quicker design process.

24                   CHAIRPERSON FOSTER: In the scope  
25 meeting, is it possible that the Parks Department

1  
2 kind of lay out in front some of the process that  
3 may slow a process down? Meaning, if we're in a  
4 scope and design meeting and if we scale back like  
5 five feet we can do in-house, and I'm guessing and  
6 I'm making this up, to get done more quickly, as  
7 opposed to having to bid it to an outside  
8 contractor and go through those steps. Is that  
9 process in the scope and design or the schematic  
10 design so that the players understand how we can  
11 make it happen sooner as opposed to later?  
12 Because I know sometimes after the process we're  
13 told, well had we done this it wouldn't have taken  
14 so long.

15 MARY PAZAN: I'm Mary Pazan. I'm  
16 not in charge of design, but I've been with  
17 Capital for many years. Between Jonna and I we  
18 have like 1,000 years' experience. But one of the  
19 things that I hear from the design division in  
20 response to what you're saying is a little  
21 problematic is that I think at the time they have  
22 individual that's like the beginning process for  
23 the creation of the large plan. So it's hard to  
24 know at an individual scope meeting if we can fit  
25 it within our in-house people because we don't

1  
2 have the big picture. I think it seems that when  
3 we have a better picture of the big picture for  
4 the year is when we can really go through the list  
5 and say we can't do this project or we have too  
6 many projects and let's take advantage of some of  
7 the consultants. I think that might be the issue.

8 CHAIRPERSON FOSTER: When you say  
9 the big picture, do we mean the big picture like  
10 all the renovations that are coming down the pike,  
11 or the big picture in terms of this one park and  
12 it might be a phase of it?

13 MARY PAZAN: No, I mean the big  
14 picture for the Capital Projects' division plan  
15 for that fiscal year.

16 CHAIRPERSON FOSTER: Specifically  
17 when we talk about planting can only be done in  
18 the fall or the spring and asphalt pavement cannot  
19 be laid in the winter, all those things I would  
20 assume are discussed as we're getting to the final  
21 plan so that groups know they're not expecting  
22 something to start and then there's a huge break  
23 because we can't lay asphalt or concrete in the  
24 winter?

25 MARY PAZAN: Yes.

2 JONNA CARMONA-GRAF: Yes.

3 THERESE BRADDICK: Yes.

4 CHAIRPERSON FOSTER: How does the  
5 Parks Department prioritize by borough projects  
6 that get done and are capable of being done?

7 JONNA CARMONA-GRAF: I have a team  
8 of landscape architects that are assigned to  
9 design each borough. I work very closely with  
10 them as well as the Mary Pazan and the chief of  
11 design in determining what the overall project  
12 workload is for that fiscal year. We do move  
13 staff as needed, if necessary.

14 CHAIRPERSON FOSTER: Hold on.  
15 You've got to be joking. We're not going to move  
16 right yet. Lyle can see if we can be here. It's  
17 a noisy drill. He's saying we don't have to go.  
18 We can stay. We'll just have to talk loud.  
19 Because if it was a real emergency they probably  
20 wouldn't notify us. Let's just try to talk over  
21 it as much as possible.

22 JONNA CARMONA-GRAF: We have  
23 roughly 14 designers per borough that are shifted  
24 as needed once we do an assessment of the  
25 workload. The designers keep the projects from

1  
2 design all the way through construction. It's a  
3 delicate balance of workload for individuals and  
4 assessment of consultant capacity.

5 CHAIRPERSON FOSTER: This process  
6 that was laid out in terms of a project and the  
7 steps that are taken, are they the same procedures  
8 across the board for all parks or are there  
9 certain exceptions or caveats to it where we don't  
10 have to go through all the steps? Any exceptions?

11 JONNA CARMONA-GRAF: The large  
12 majority of projects go through that. We do have  
13 the in-kind replacement, which is our Requirements  
14 Division. Since it's an in-kind replacement it's  
15 a little quicker in their process from start to  
16 finish.

17 CHAIRPERSON FOSTER: Can you  
18 explain that to me please?

19 JONNA CARMONA-GRAF: The mayor  
20 appropriates funding for in-kind replacements of  
21 play equipment, pavement, swings, and paths.

22 CHAIRPERSON FOSTER: So you don't  
23 need the whole scope thing. You're literally just  
24 replacing a seesaw for a seesaw type of thing.

25 JONNA CARMONA-GRAF: For the most

1  
2 part, yes.

3                   THERESE BRADDICK: There's still  
4 some. You'd need some scope meeting because  
5 there's still involvement from the community. But  
6 it's a much more condensed schedule. Typically  
7 since it's just a replacement in-kind you don't  
8 usually have a lot of the regulatory kind of  
9 divisions that might come into play. So it's just  
10 shorter.

11                   CHAIRPERSON FOSTER: With the  
12 borough person who keeps up with the status of the  
13 park, how involved, if you know, is that person  
14 with the community, or the community liaison as  
15 the project is going forth? I'll tell you why I  
16 ask that. With one of my parks, for example, I  
17 know one of my constituents so she is there,  
18 obviously, daily. She sees the process when it's  
19 moving, when it's not moving, when they're  
20 slacking and I always get a call. So how involved  
21 in the borough personnel with the community to  
22 kind of stay on top of it.

23                   JONNA CARMONA-GRAF: Are you  
24 talking about design or are you talking about  
25 construction?

1  
2 CHAIRPERSON FOSTER: Both. Design  
3 I guess not as much once we do the scope and  
4 design and people have wrapped their arms around  
5 it. But just the whole process and through  
6 construction.

7 JONNA CARMONA-GRAF: The primary  
8 point of contact between elected officials and  
9 funders and community liaisons occurs through our  
10 maintenance and operations division, our borough  
11 commissioners. So Commissioner Lewandowski and  
12 Commissioner Paulo. We meet regularly. My  
13 borough team leader meets regularly with the  
14 borough commissioners of the operations divisions.  
15 We have a meeting monthly with the upper  
16 management at Capital and they speak daily with  
17 the borough commissioners. So they would be aware  
18 of problems.

19 CHAIRPERSON FOSTER: As a Council  
20 Member who's funded projects, if we're having an  
21 issue with the timeline, who should we call?

22 JONNA CARMONA-GRAF: Right now  
23 that's through the borough commissioners. The  
24 protocol is to go to the borough commissioner and  
25 they will reach out to our division.

1  
2                   THERESE BRADDICK: I would never  
3 say though that if you're having a problem and  
4 you're not getting a response that you can't go  
5 all the way--

6                   CHAIRPERSON FOSTER: [interposing]  
7 No, I understand. I just want to know the correct  
8 protocols. I'm going to turn it over to Council  
9 Member Gerson. He has a few questions.

10                  COUNCIL MEMBER GERSON: Thank you,  
11 Madame Chair. As always, thank you for your  
12 leadership and for this important hearing. Thank  
13 you, Deputy Commissioner and team. I feel  
14 compelled to comment that you all have done some  
15 truly great work in Capital Projects in Lower  
16 Manhattan, especially when we needed it most in  
17 the months and years following 9/11. So on behalf  
18 of all of us downtown, thank you very much. First  
19 just a few questions to clarify the process. You  
20 said that 90% of your funding is directed to  
21 specific projects at the direction of the funder.  
22 Does that then include the 67% of the funding  
23 provided out of the mayor's office?

24                  THERESE BRADDICK: A lot of the  
25 projects that are funded with mayoral funds, as

1  
2 the deputy commissioner said, are major  
3 infrastructure projects. The Hudson River park,  
4 or the High Line for example, those were major  
5 projects for us. We don't take that money and use  
6 it for something else. Those funds are set aside  
7 for those projects.

8 COUNCIL MEMBER GERSON: So the 67%  
9 of the funding received by the Parks Department  
10 from the mayor's office is given to you for  
11 specific designated projects? It's not just given  
12 to you for a general Parks capital.

13 THERESE BRADDICK: Well every time  
14 we go to OMB and we talk to OMB about mayoral  
15 funds, we need to identify to OMB what we propose  
16 to use those funds for. I mean it's not that OMB  
17 gives us sort of a pot of money and says, okay,  
18 Parks Department go to town. We have to make a  
19 case to them. For example, if we want money for  
20 things that council or the borough presidents  
21 frequently don't like to fund because they're not  
22 very sexy or whatever, like boilers, we have to go  
23 to OMB and we have to make a case for the money we  
24 need to replace the boilers in all of our rec  
25 centers. So we may be successful and get that

1  
2 money back and it is in a line and it will be  
3 earmarked for boilers, or whatever it is.

4 COUNCIL MEMBER GERSON: For boilers  
5 at specific locations or a boiler line? I mean in  
6 other departments I don't think the mayor's  
7 office--I also serve on the Fire Committee.  
8 Speaking of fire, saved by the bell. I mean  
9 there's a lump sum for equipment and for vehicles.  
10 I don't think it's detailed like this money for  
11 this engine company for this type of hook and  
12 ladder. So I'm trying to get at how specific is  
13 the direction given to you.

14 THERESE BRADDICK: I think it  
15 depends. I don't know why I threw boilers out as  
16 an example. But OMB is not going to ask us for a  
17 detailed list at the time of budget, either the  
18 preliminary or executive budget. They may or may  
19 not, but probably not ask us for a detailed list  
20 of every single boiler that we propose to work on  
21 before they give us the lump sum. But they will  
22 ask us to justify why we need money for boilers.  
23 Later on in the process we will have to justify  
24 pretty much every single boiler project. I mean  
25 the fact that money goes into the budget doesn't

1  
2 mean that we can spend it. So we will have to  
3 justify that later.

4 COUNCIL MEMBER GERSON: As is  
5 normally the case for any capital spending across  
6 the city budget. But the 67% that comes from the  
7 mayor, I mean what is the first step? Is the  
8 first step that the department goes to the mayor  
9 with a list of park projects which the department  
10 thinks the mayor should fund? Or is it that  
11 someone from the mayor's office calls the Parks  
12 Department and says we have this money and we're  
13 interested in these parks and here's the funding?  
14 What is the first step for that 56%?

15 THERESE BRADDICK: It goes both  
16 ways. It can go either way.

17 COUNCIL MEMBER GERSON: So it's a  
18 dialogue. Before the money is given to you, that  
19 67%, the Parks Department gives its list to the  
20 mayor and then there's some back and forth. Is  
21 that a fair description?

22 THERESE BRADDICK: That's a fair  
23 description. Right.

24 COUNCIL MEMBER GERSON: And that  
25 takes place usually when?

2 THERESE BRADDICK: It takes place  
3 usually in between the September and January plan,  
4 mostly when the mayor puts the preliminary budget  
5 together. But it goes on throughout the year.

6 COUNCIL MEMBER GERSON: So when you  
7 say 90% is given to you with specific earmarks, in  
8 fact the Parks Department has had considerable  
9 input in determining some portion of those  
10 specific inputs. It's not that you've totally  
11 passive and your hands have been tied.

12 THERESE BRADDICK: Some input, yes.  
13 But again, I have to say most of that money is for  
14 major projects.

15 COUNCIL MEMBER GERSON: Well how do  
16 you define a major project?

17 THERESE BRADDICK: Well the High  
18 Line, Hudson River Park, and some of the big  
19 PlaNYC projects.

20 COUNCIL MEMBER GERSON: At what  
21 dollar amount does a project become a major  
22 project? I'm sorry?

23 THERESE BRADDICK: They're saying  
24 \$20 million.

25 COUNCIL MEMBER GERSON: Roughly

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ballpark?

THERESE BRADDICK: Something like that.

COUNCIL MEMBER GERSON: We'll come back to that.

THERESE BRADDICK: I feel LaGuardia Bathhouse is coming down the pike here.

COUNCIL MEMBER GERSON: Keep those feelings coming. Those are good feelings. But before we go there, the process that you outlined, the scoping, the review, the community board input, is that the same process for all funding sources? In other words, is the process the same for a project which is a capital project entirely funded through a non-governmental donation?

THERESE BRADDICK: Pretty much.

COUNCIL MEMBER GERSON: Yes or pretty much?

THERESE BRADDICK: Yes. Because no matter what the funding source, the community is always involved in that process.

COUNCIL MEMBER GERSON: Involved to the same extent. If a funder goes to the Parks Department with an idea and a couple of million

1  
2 dollars and I'd like to renovate or change the  
3 location of a particular fountain, will the Parks  
4 Department before it accepts that money tell the  
5 funder that it has to go through the scoping and  
6 review process before they can make the final  
7 acceptance and determination? Or will the process  
8 be such that the Parks Department can agree to the  
9 project based on its own internal review and then  
10 inform the community?

11                   THERESE BRADDICK: I believe that  
12 any time funds for a project go through the city  
13 budget, the City Charter requires that we consult  
14 with the community boards.

15                   COUNCIL MEMBER GERSON: Before you  
16 sign off on a project, no matter what the funding  
17 source is, you will always receive community  
18 input, through the community board process?

19                   THERESE BRADDICK: I believe that  
20 we have to under the City Charter. Again, it's  
21 been a while since I looked at that section of the  
22 charter, but I'm pretty sure that we are required  
23 to.

24                   COUNCIL MEMBER GERSON: If you  
25 could just clarify then after this hearing the

1  
2 Parks Department interpretation of that part of  
3 the charter and let our chair and myself know, I'd  
4 appreciate that. In the end of the day, I take it  
5 the council has no formal role in a Capital  
6 Project determination. I mean we all know that  
7 the community board process is an advisory process  
8 and one I know you take very seriously, as do we.  
9 But there have been occasions when I have heard  
10 commissioners and deputy commissioners say that  
11 the community board is only advisory. So at the  
12 end of the day, the community board registers its  
13 advice that it wants certain design changes,  
14 certain parameter changes, but the Parks  
15 Department disagrees and wants to go ahead in a  
16 way that's contrary to the community board input,  
17 is there any role for the council to intervene and  
18 as the legislative say hold on, we don't want to  
19 go forward, put the project on hold, or we agree  
20 with community board, or we want to go back to the  
21 drawing table. Or at the end of the day, the  
22 community board gives its advice and then you make  
23 the final decision without any further council  
24 input, or opportunity for council input?

25 THERESE BRADDICK: For the most

1  
2 part, the design commission is the governing body  
3 and there are hearings for the Design and  
4 Landmarks Commission that the public can come and  
5 testify. We are bound by charter to accommodate  
6 those changes and revisions requested. They both  
7 ask whether or not community board has been  
8 obtained for the designs. In my experience with  
9 Parks, if there has been such a huge disagreement,  
10 I have seen funders remove the funding because of  
11 the lack of a mutual solution and agreement.

12 COUNCIL MEMBER GERSON: That's if  
13 it's not part of the 67% beyond any local funders  
14 control. A project only goes before the Landmarks  
15 Commission or the Design Commission if the Parks  
16 Department submits it. And then Landmarks  
17 Commission or Design Commission approves or  
18 disapproves or makes modifications to what you  
19 submit. Is that correct?

20 THERESE BRADDICK: Any improvement  
21 on public land is required to go through those  
22 regulatory reviews.

23 COUNCIL MEMBER GERSON: Right. But  
24 it's the department and not the community board  
25 that submits.

2 THERESE BRADDICK: Correct.

3 COUNCIL MEMBER GERSON: So if the  
4 community board wants something different than  
5 what the Parks Department wants, it has no  
6 recourse to submit a competing plan to the  
7 Landmarks Commission, it just testifies pro or con  
8 what the Parks Department submits and that's it.  
9 So my question to you is that before the Parks  
10 Department submits a plan for the final review by  
11 Landmarks or Design, which is the final  
12 governmental step before construction can begin  
13 and they have very technical criteria by which  
14 they judge their approvals, which is not  
15 necessarily based on the communities or the  
16 council's input, but it's based on very technical  
17 criteria, like if it's in an historic district, et  
18 cetera. Is there any formal roll, is there any  
19 check and balance in the design process between  
20 the Parks Department and the elected representing  
21 the executive branch in government and the city  
22 council, other than we don't have to fund a  
23 particular project. If there's a major  
24 renovation, for example, in Central Park or any of  
25 the major parks and we have a disagreement. We

1  
2 don't want the hill there. Or we think the funds  
3 are better spent elsewhere. I'm just trying to  
4 get at the bare bones process now. Is there for a  
5 city council formal input to change a design or  
6 put a design on hold if the Parks Department wants  
7 to go forward.

8                   THERESE BRADDICK: We do try to  
9 work collaboratively with all of the members of  
10 the council and the community groups.

11                   COUNCIL MEMBER GERSON: And most of  
12 the time you succeed at that.

13                   THERESE BRADDICK: And the  
14 community board approval is a requirement of the  
15 Public Design Commission. In fact, at Washington  
16 Square Park right now, we are revising designs  
17 based on additional community input and requests  
18 that were raised at the Public Design Commission.

19                   COUNCIL MEMBER GERSON: And I'm  
20 familiar with it. But I think community board  
21 review is required. I don't believe community  
22 board approval over specific design is a  
23 requirement. If I'm mistaken, please correct me.

24                   THERESE BRADDICK: You asked about  
25 a formal process. I'm not aware of that either in

1  
2 the City Charter or the rules or anywhere else is  
3 there a formal process spelled out.

4 COUNCIL MEMBER GERSON: And that's  
5 what I thought. I just wanted to make sure I  
6 wasn't missing anything.

7 THERESE BRADDICK: I've never come  
8 across a formal process like that.

9 COUNCIL MEMBER GERSON: We're  
10 thinking long term, we're thinking future  
11 administrations, we thinking exceptional cases.  
12 But if we're talking about a multibillion dollar  
13 capital budget, which is wonderful and  
14 significant, but it may be at a point where we  
15 need to apply the check and balance of democracy  
16 and part of a formal process so this council, as  
17 the elected body of the people of New York, has an  
18 opportunity on behalf of the people, register  
19 directly our input, feelings and any disagreements  
20 in a more formalized process if we're talking  
21 about safeguarding the public pocketbook and  
22 implementing the public will. If we believe in  
23 the checks and balances of democracy, maybe this  
24 should be a part of that. Madame Chair, I do have  
25 one or two more questions on the topic referenced

1  
2 earlier, but as a matter of collegial courtesy, I  
3 would be happy to defer to my colleagues if you  
4 would then allow me to come back to those  
5 questions.

6 CHAIRPERSON FOSTER: Sure. Thank  
7 you very much. Council Member James?

8 COUNCIL MEMBER JAMES: I have just  
9 a few questions. Thank you, Madame Chair. As you  
10 know, I'm chair of contracts and just came from a  
11 hearing on the state of women and minority  
12 businesses in the City of New York.

13 Unfortunately, under this administration, we  
14 continue to have low numbers as it related to  
15 business opportunities for women and minority  
16 businesses in the City of New York. In most of  
17 the city agencies the numbers are still zero, one,  
18 zero, negative zero, et cetera. How is Parks  
19 doing with regards to creating business  
20 opportunities for women and minority businesses in  
21 your procurement?

22 THERESE BRADDICK: I haven't see  
23 the latest report card that SBS was putting out.  
24 I didn't check the numbers recently, but I believe  
25 that in Capital Projects in terms of the

1  
2 subcontracting targets and goals, but the last  
3 time I checked, we were at 29%, close to 30%.

4 COUNCIL MEMBER JAMES: What about  
5 on your major contract?

6 THERESE BRADDICK: We're kind of  
7 subject to the competitive sealed bid rules. So  
8 there's no set asides for minority women and  
9 companies and such. It's whoever is the lowest  
10 responsive responsible bidder. I could go back  
11 and check on that for you. I don't think the  
12 number is as high as 29%. I would be very shocked  
13 is for prime contractors it was very high.

14 COUNCIL MEMBER JAMES: There's no  
15 way, as far as I can remember, there was not one  
16 agency that had over 20%. It is an indictment of  
17 this administration that it's not a priority to  
18 provide opportunities for women and minority  
19 businesses in the City of New York. It's really  
20 critically important that everybody knows that  
21 unfortunately this administration has not done a  
22 good job.

23 THERESE BRADDICK: I think actually  
24 though that we have a higher percentage of primes  
25 than a lot of other agencies because we do have a

1  
2 lot of small contracts, which provide better  
3 opportunities for some of the new emerging  
4 companies.

5 COUNCIL MEMBER JAMES: I recognize  
6 the fact that we have a state law which restricts  
7 our ability to provide opportunities. But  
8 nonetheless, the mayor with a stroke of a pen  
9 could demand that city agencies provide more  
10 opportunities for people of color in the City of  
11 New York and he has not done that. The Obama  
12 administration, as you know, will be putting out  
13 stimulus funds. Is the Parks Department in a  
14 position to take advantage of the stimulus funds?  
15 I was at an event this morning with the Brooklyn  
16 Chamber of Commerce where it said the Parks  
17 Department apparently was not subject to a federal  
18 formula and therefore was not in a position to  
19 receive significant amounts of stimulus money from  
20 President Obama's administration. Is that a true  
21 statement?

22 THERESE BRADDICK: The Parks  
23 Department has actually been working for a couple  
24 of months now on putting together projects that  
25 would be eligible for the stimulus package. So

1  
2 there's a fairly substantial package that the  
3 Capital division has worked on along with the  
4 Planning division for submission.

5 COUNCIL MEMBER JAMES: At some  
6 point in time, could you share that list with the  
7 chair?

8 THERESE BRADDICK: Absolutely.

9 COUNCIL MEMBER JAMES: Going to be  
10 very narrow and then very parochial. In the  
11 Borough of Brooklyn, part of which I represent,  
12 there was some problems with some contractors.  
13 There were a number of contracts that were put on  
14 hold because the contractor failed to pay  
15 prevailing wage. What is the status of those  
16 contracts? Has that contractor been removed? Are  
17 those contracts now in place? Could you give me  
18 an update?

19 THERESE BRADDICK: I hate to  
20 publicly ask this, but could you refresh my  
21 recollection as to which contractor?

22 COUNCIL MEMBER JAMES: There were a  
23 number of contracts that I read in the newspaper  
24 that some contractor apparently.

25 THERESE BRADDICK: All in Brooklyn?

2 COUNCIL MEMBER JAMES: They  
3 happened to be all in Brooklyn, unfortunately.

4 THERESE BRADDICK: I will look into  
5 that for you. Offhand I cannot think of one  
6 particular contractor who has multiple Brooklyn  
7 problems.

8 COUNCIL MEMBER JAMES: Well let me  
9 ask you this, was there any contractor in the City  
10 of New York as far as you know that was removed  
11 from his or her project because they failed to pay  
12 prevailing wage?

13 THERESE BRADDICK: Removed from the  
14 project? As you may recall, either a year or two  
15 years ago, we cooperated with the Department of  
16 Investigation in terms of removing I think nine  
17 contractors.

18 COUNCIL MEMBER JAMES: Right. That  
19 was it.

20 THERESE BRADDICK: Those were the  
21 ones you're talking about?

22 COUNCIL MEMBER JAMES: Yes.

23 THERESE BRADDICK: Those projects  
24 were all in different stages of construction.  
25 Some of those contractors were terminated and some

1  
2 were defaulted. In some cases the bonding  
3 companies took over. But as far as I know, all of  
4 those projects being done by those nine  
5 contractors are completed or should be completed.  
6 Since that time we have deemed a number of bidders  
7 non-responsive or non-responsible based on their  
8 pitiful compliance with Labor Law.

9 COUNCIL MEMBER JAMES: This hearing  
10 is focused on the Parks Capital Project from  
11 conception to completion. I still argue that  
12 because of all of the arcane rules in the City of  
13 New York we tend to move very slow, particularly  
14 on public projects. With private contracts, parks  
15 would be completed in less than a year.  
16 Unfortunately we tend to drag them out. I'm not  
17 criticizing you. It's just an observation. First  
18 let me publicly thank you on all of the parks in  
19 my district during my five years here in City  
20 Council that you have completed. They include  
21 Tillery Playground. We're still working on Fort  
22 Green. It's an ongoing project because it's so  
23 massive. The South Oxford playground, which I  
24 heard was on the screen. Dean Street, thank you.  
25 Underwood, Underhill, thank you. We have two

1  
2 additional projects that should be completed by  
3 the time that I leave this City Council. That is  
4 Mount Prospect, and my last project, which is a  
5 priority for me is Commodore Barry because I'd  
6 like to have a skate park in Commodore Barry. We  
7 have a number of skates in the district. I have a  
8 skate company which seeks to sponsor this skate  
9 park. So at a time when government has limited  
10 funds, is the Parks Department thinking more and  
11 more about public/private partnerships? Because,  
12 again, I do have a skate company that would like  
13 to contribute funds to the Parks Department for  
14 the purposes of building this skate park.

15                   THERESE BRADDICK: I think Parks  
16 has always actually been pretty brilliant about  
17 developing public/private partnerships. That  
18 continues to be a huge goal of Parks and I think  
19 certainly of this administration as well. So that  
20 certainly would be something that we would  
21 consider.

22                   COUNCIL MEMBER JAMES: Have you  
23 thought of any ways that we can expedite this  
24 whole process so that it doesn't take at least a  
25 year to plan and five years to build and six years

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to cut the ribbon. I'm being facetious.

THERESE BRADDICK: We understand.

COUNCIL MEMBER JAMES: But you have done good in my five years.

THERESE BRADDICK: Thank you.

COUNCIL MEMBER JAMES: I've but five ribbons.

THERESE BRADDICK: This is good.

COUNCIL MEMBER JAMES: This is very good.

THERESE BRADDICK: This is very good.

COUNCIL MEMBER JAMES: I've got two more to go and then I'm done.

THERESE BRADDICK: There was one day this summer where there were four ribbon cuttings in the Bronx.

COUNCIL MEMBER JAMES: That's good. I'm from Brooklyn.

THERESE BRADDICK: I get it. I talked a little bit in my testimony about a few things that we need to do. There are some just internal things, just logical things that we need to do. I had talked in response to Chair Foster's

1 question about first really identifying the  
2 priorities in the very beginning of the process in  
3 the summertime and making sure that we really push  
4 for those scope meetings very early on. Because  
5 that's sometimes the hiccup that causes the  
6 project not even to get off the ground in the  
7 first place. We also have to make sure that we  
8 work collaboratively to make sure that we secure  
9 the funding for the entire project at the  
10 beginning. Because that's also another issue for  
11 us. If we don't have all the funding in place  
12 right at the very beginning, OMB might not allow  
13 the project to move forward at all because OMB  
14 requests that both design and construction funding  
15 is available and in the budget before the design  
16 process even begins. I talked about pushing to  
17 backfill some of the positions that were open  
18 because I think as we looked at that chart and how  
19 the Capital budget has grown exponentially we need  
20 to make sure that our staffing numbers pick up on  
21 there. I think also in terms of coordinating very  
22 carefully with the regulatory agencies and  
23 divisions, whether it's Landmarks or it's DEC or  
24 the Public Design Commission. I think really  
25

1  
2 tightening up those relationships will also help  
3 move those projects forward as well.

4 COUNCIL MEMBER JAMES: My last  
5 point, and I thank you Madame Chair for your  
6 indulgence. Again, Fort Greene Park, if you could  
7 put that on the stimulus package request. As you  
8 know, it's a park where martyrs from the  
9 Revolutionary War are buried. There's some  
10 infrastructure issues. It is the Martyrs  
11 Monument. There are soldiers who are buried  
12 beneath Fort Green Park. Africa America, Latino,  
13 White and some children who fought in the  
14 Revolutionary War. It's absolutely critical.  
15 That park, as you know, requires a lot. Since it  
16 is I think the second oldest park in the Borough  
17 of Brooklyn, I would hope and pray that you would  
18 put that on the list for shovel-ready projects for  
19 consideration as part of the stimulus package. I  
20 thank you. Thank you, Madame Chair.

21 CHAIRPERSON FOSTER: Thank you.  
22 Council Member Viverito has a question. But she  
23 had to go to the 16th Floor to vote. So I'm just  
24 going to step in until she comes back. Is there  
25 any way that a layperson can track the progression

1  
2 of the project? Meaning, is there something  
3 online that will say we're in this phase or we've  
4 finished scope or design? Is there any way other  
5 than calling the borough personnel who is in  
6 charge of the park to see where we are in that  
7 process?

8                   THERESE BRADDICK: Right now we  
9 don't have any online process, unfortunately. As  
10 Jonna was saying earlier, the main point of  
11 contact is that person in the borough office.  
12 It's certainly something we can aspire to.

13                   JONNA CARMONA-GRAF: It doesn't  
14 give all the information exactly that you asked  
15 for and I don't know the link offhand, but the  
16 Mayor's Office of Contract Services has set up  
17 what's called a construction pipeline, which will  
18 give sort of a quarterly, bi-quarter listing of  
19 every project that every agency plans to bid out  
20 for that particular quarter of the year. So  
21 that's one thing that might be helpful. It  
22 doesn't of all the way but it's something.

23                   CHAIRPERSON FOSTER: Maybe down the  
24 line as we become more advanced in terms of  
25 technology that is something we can do so that

1  
2 people can actually see the process or the phase  
3 that we're in without inundating that one person  
4 with phone calls.

5           THERESE BRADDICK: I think we've  
6 been experimenting with Croton, right? We put the  
7 Croton Filtration Plan system projects online. I  
8 think with the status of the progress of all of  
9 them. So we're starting.

10           CHAIRPERSON FOSTER: This is my  
11 bathhouse, so we're going to go to Yankee Stadium.  
12 Melissa just forwarded me an email that the IBO  
13 report just came out saying that there is a delay,  
14 an upwards of 67% delay of the replacement parks.  
15 If anyone can tell me what that delay is  
16 attributed to and how with the replacement parks  
17 for Yankee Stadium as well as the money that was  
18 given for the water filtration, have we increased  
19 hiring in the Bronx to deal with the building of  
20 all these new parks. And then what is the  
21 priority by which Council Members who fund  
22 projects like the list I showed you that we  
23 haven't gotten moving on?

24           THERESE BRADDICK: I can only  
25 offhand think of one Yankee project. Surely we

1  
2 can go back and we can get the status of all the  
3 park land projects. But I know that there is a  
4 project at 157th Street, I believe a skate park at  
5 157th Street which we bid out last year and had a  
6 contractor. And I can't exactly explain why this  
7 all happened, but it turned out that there was  
8 some subsurface conditions and potentially a  
9 problem with the soils. There was some borings  
10 being done and that's being checked on. So that  
11 contractor was sort of let off the hook because  
12 it's going to take a couple of weeks or months for  
13 us to actually determine what the problem with the  
14 soil is and make a decision as to what to do with  
15 it. Unfortunately that's the only Yankee that I  
16 can offhand think of.

17 CHAIRPERSON FOSTER: Specifically  
18 it says IBO examines the reasons for the 67%  
19 increase in the cost of parks being created as  
20 part of the Yankee Stadium project. Now the new  
21 parks are being built by the city to replace those  
22 obviously lost for the new stadium. So even the  
23 skate park that we're referring to, and we know  
24 the land that if we had gotten the Olympics was  
25 going to be the bicycle thing, Village Roam, which

1  
2 is land we got from the city that we knew was  
3 contaminated. That still doesn't attribute to  
4 that 67%. But all you know is what you just  
5 mentioned.

6           THERESE BRADDICK: I mean, as you  
7 said, you just got that hot off the press. So,  
8 we'll have to go back and maybe put together a  
9 list of the status of the Yankee Park land  
10 projects for you.

11           CHAIRPERSON FOSTER: We're going to  
12 have a hearing to keep up on that. I'm  
13 specifically interested in Bronx County. If our  
14 backlog with scope and design and where we really  
15 are has to do, or how much does it have to do with  
16 these replacement parks. Maybe we're robbing  
17 Peter to pay Paul.

18           THERESE BRADDICK: What I would say  
19 on that is that the Yankee projects are actually  
20 managed by EDC. So the Bronx projects are not  
21 being affected by those projects because it's  
22 being managed by a different agency. If that  
23 answers your question.

24           COUNCIL MEMBER JAMES: Yes and no.  
25 In theory I know the different agencies. It

1  
2 strikes me very interesting that even as chair of  
3 the Parks Department I have a list of 15 parks  
4 that I funded that I can't even get scope or  
5 design. The response is that it's coming. Very  
6 responsive but not really answering the question.  
7 Council Member Viverito is back so I'll let her  
8 jump right in. Thank you.

9 COUNCIL MEMBER VIVERITO: Thank  
10 you, Madame Chair. I wanted to ask questions with  
11 regards to the conservancies and the relationships  
12 with Parks. Obviously there is a strong link. I  
13 just want to echo the comments of my colleague  
14 with regards to the level of community input in  
15 design of these capital projects. I see some sort  
16 of discrepancy with how the Department of Parks  
17 relates to community groups versus how it relates  
18 to conservancies for example, in the completion or  
19 in the design of certain projects. Do the  
20 conservancies have to go through the same process  
21 that ever other Capital Project does? Do they  
22 have a different system?

23 THERESE BRADDICK: To my knowledge  
24 they go through the same process.

25 COUNCIL MEMBER VIVERITO: So in

1  
2 terms of a project or an idea. But is it safe to  
3 say that with regards to conservancies a lot of  
4 the ideas for the design of the parks emanates  
5 from them as opposed to from Parks? Because it  
6 sounds like from your testimony that the parks  
7 that the Parks Department has complete oversight  
8 over a lot of the design. You're saying in  
9 consultation with the community but it comes from  
10 Parks really and then it goes through that whole  
11 process that you defined. But with the  
12 conservancies, how much authority do they have  
13 over the management of these parks and the design  
14 of these parks? I would think they have more  
15 discretion.

16           THERESE BRADDICK: I can only speak  
17 of the ones which we've done sort of collaborative  
18 projects say with one of the conservancies or one  
19 of the other private groups. In many instances  
20 the private group and the city are contributing  
21 funds to a project. The terms of those contracts  
22 require that the private group follow the same  
23 rules and procedures of the city in terms of  
24 getting approvals. And all the designs have to be  
25 approved by the agency.

1  
2 COUNCIL MEMBER VIVERITO: Let me  
3 describe my experience. I have Central Park, but  
4 really haven't had as many issue as I've had with  
5 Randall's Island. Even though Randall's Island  
6 Sports Foundation is a conservancy and it has this  
7 relationship with Parks clearly. I also have the  
8 experience of working in the South Bronx portion  
9 of my district with very strong advocacy groups  
10 that are managing some more local community parks.  
11 I think the level of respect that the Department  
12 of Parks demonstrates to Randall's Island Sports  
13 Foundation is not the same level of respect  
14 afforded to the local community groups. I think  
15 unfortunately it's not the best relationship with  
16 the community groups. I think it brings up this  
17 issue of equity in terms of allocation of funds  
18 and of treatment with regards to the diversity of  
19 certain neighborhoods. I think that because a lot  
20 of times these conservancies have very wealthy  
21 boards and make a lot of personal contributions  
22 that they get disparate treatment and our  
23 communities are impacted by that. So I would like  
24 to see some level of analysis of the amount of  
25 Capital dollars that the city allocates to those

1  
2 parks that have conservancies attached to them as  
3 opposed to more local community grassroots parks.  
4 I'm sure you've seen them, but there have been  
5 report cards that have demonstrated that there is  
6 criticism of Parks with regards to the lack of  
7 real commitment in particular neighborhoods as  
8 opposed to others. These are issues that are of  
9 concern to me as well clearly. I don't know if  
10 you can speak to that in terms of the amount of  
11 Capital dollars at parks that have conservancies  
12 get versus those parks that don't have  
13 conservancies.

14           THERESE BRADDICK: The only thing  
15 that I think I'd be comfortable speaking to is the  
16 fact that we could certainly bring your concerns  
17 back to the rest of the agency. The three people  
18 sitting in front of you here manage the Capital  
19 process and the design and construction of the  
20 parks themselves. But we work very closely with  
21 the rest of the agency in terms of managing the  
22 relationship with the community boards. But it's  
23 not something that we manage ourselves directly.  
24 So I feel uncomfortable representing the rest of  
25 the agency in terms of your concerns. But we're

1  
2 happy to bring those concerns back and get some  
3 answers for you.

4 COUNCIL MEMBER VIVERITO: I would  
5 welcome that. And I want to thank Department of  
6 Parks for the level of work that we've engaged in,  
7 in a lot of the parks in my district as well.  
8 We've done a lot of ribbon cuttings and ground  
9 breakings. But clearly in those areas that I feel  
10 there's a level of criticism or a level of  
11 improving, then I think I have a responsibility to  
12 bring that to the discussion. So that is a  
13 question with regards to Capital Projects that are  
14 done in parks that have conservancies versus those  
15 that don't. Whatever level of additional  
16 information you can provide in terms of monetary  
17 amounts and commitments, I think it would be  
18 helpful to me and to this committee. Just one  
19 other question with regards to equity. How do you  
20 do an analysis to ensure that there is equity  
21 among boroughs and neighborhoods with regards to  
22 the Capital Projects that are done?

23 MARY PAZAN: As Therese showed  
24 earlier on one of the slides, some of our funding  
25 comes from the borough president, some from the

1 council. When you guys fund projects you usually  
2 say it's for the ball field or whatever in  
3 whatever area it is. In terms of what my budget  
4 staff likes to call a core program, which is  
5 basically playground equipment, safety surfacing,  
6 fencing, guardrails, sometimes called requirements  
7 projects, there is a formula that the OMP, Office  
8 of Management and Planning, works with the Capital  
9 team and there's a formula by which they'll take  
10 the \$13 million of play equipment and safety  
11 surfacing money and allocate it to the boroughs  
12 based on the park land in the borough and I think  
13 the population of the borough. I mean that's  
14 their formula. I don't really get involved in  
15 that. But there is a formula by which they  
16 allocate all the requirements funding.

17  
18 COUNCIL MEMBER VIVERITO: Can you  
19 share that with us? Is that something that's more  
20 specified in terms of regulations? Is that  
21 something that we could see those formulas that  
22 you utilize to determine the allocation of funds?

23 THERESE BRADDICK: I think so. I  
24 will try to get that for you.

25 COUNCIL MEMBER VIVERITO: That

1  
2 would be helpful. There was one last question and  
3 it just slipped my mind. Having said that, I'll  
4 come back to it. Thank you, Madame Chair.

5 CHAIRPERSON FOSTER: You're  
6 welcome. Just when it comes back, write it down  
7 or jump right in. Thank you for taking the  
8 message back because I think Council Member  
9 Viverito does a very good job in representing the  
10 concerns of her community and this committee with  
11 particularly Randall's Island. I think that while  
12 I don't have Central Park, the conservancy there  
13 is a nicer, gentler, easier conservancy in terms  
14 of its outreach, more so than we've experienced  
15 with Randall's Island. Council Member Gerson, now  
16 I'm going to limit you.

17 COUNCIL MEMBER GERSON: To one  
18 subject?

19 CHAIRPERSON FOSTER: Quickly.

20 COUNCIL MEMBER GERSON: Just before  
21 that to clarify my previous line of questioning  
22 about the process and the council's role. It was  
23 not just an abstract discussion in democratic  
24 procedure. Most of the cases we work on  
25 everything is by mutual consensus. But there have

1  
2 been significant disagreements from time to time  
3 between the department and the communities over  
4 things like the locations of major park  
5 centerpieces or excavations to allow for private  
6 concessions in community parks and other  
7 disagreements. In those situations we were  
8 emphatically told as a council that we just  
9 disagree with you and you have no formal role  
10 because it's not your member item funding. But it  
11 is public funding and it is public land. This is  
12 also a broader issue because the same issue arises  
13 with respect to other agencies from time to time.  
14 We should look into strengthening I think, Madame  
15 Chair, the legislatures role in Capital Projects  
16 that affect the city for generations to come.  
17 That being said, we can make the rest of this  
18 very, very, very short. It's up to the  
19 department. Is the LaGuardia place bathhouse  
20 reconstruction included on the list prepared by  
21 the Parks Department for capital spending as part  
22 of any federal stimulus package Parks receives?  
23 Is that on the list to which you referred earlier?

24                   THERESE BRADDICK: I don't believe  
25 that it could be on the list of the stimulus

1  
2 package because one of the requirements, as far as  
3 I understand, even from reading the newspaper is  
4 that projects need to be shovel-ready. That means  
5 they need to start work within 120 days.

6 COUNCIL MEMBER GERSON: And we  
7 can't start the asbestos removal, the demolition  
8 and the cleaning? We've discussed this for years.  
9 Why is that not shovel-ready?

10 MICHAEL SCHNALL: Because there's  
11 no allocation of funding.

12 COUNCIL MEMBER GERSON: We have a  
13 catch-22. Certainly the first phase is shovel-  
14 ready and certainly there's been enough talk of a  
15 design. It should be implemented. I urge you to  
16 consider that and get that back to me. It seems  
17 to me where there is a will there is a way, as has  
18 always been the case. With respect to this,  
19 certainly there's been enough scoping about  
20 asbestos removal and taking down what has to be  
21 taken down. You all have pointed out to me that  
22 that is a major time period of undertaking. In  
23 any event, what I would like to know is in terms  
24 of setting the priorities. You said the first  
25 phase of the capital project is setting a

1  
2 priority. Is there any priority given to the  
3 category of Parks Department structures that are  
4 boarded up, decrepit, inflicting eyesores and  
5 blights on communities and correcting those? Is  
6 that type of a project or that type of situation  
7 flagged as a priority? And whether or not it's  
8 formally flagged, in the process you described  
9 earlier where the Parks Department goes to OMB or  
10 the mayor's office with a list of your  
11 recommendations for the 67% of funding which comes  
12 from the mayor, have you ever in the past years  
13 gone to OMB and the mayor's office and included  
14 the LaGuardia Place Bathhouse on that request  
15 list?

16                   THERESE BRADDICK: I can't answer  
17 that question. We can look into it, but I don't  
18 know the answer to the question. Whether or not  
19 it's ever been on the list, I do not know.

20                   COUNCIL MEMBER GERSON: Madame  
21 Chair, I am going to with one more temporarily and  
22 it'll be temporarily until we finally get this  
23 done. I am confident we will get this done.  
24 Because justice requires in consideration of the  
25 community that it's affected requires that we get

1  
2 it done. But two, it's a penny wise, pound  
3 foolish position the department's taking on Parks  
4 Department property. Because this is a piece of  
5 property that deteriorates a little bit every day  
6 that has asbestos. And one of these days there's  
7 going to be a major storm or there's going to be  
8 some nearby construction or something is going to  
9 happen and the whole thing is going to come down  
10 and there's going to be asbestos all over the  
11 neighborhood and then the City of New York is  
12 going to have to incur many more millions of  
13 dollars in expense just to remedy the immediate  
14 hazard. It will all be as a result of the delay  
15 of the Parks Department in getting this job done.  
16 It's just a question of when not whether. To some  
17 extent funds are fungible, so if you get stimulus  
18 package for certain projects, some of which  
19 undoubtedly would have been funded through other  
20 city governmental sources, whether it's through  
21 other procedures, we have a commitment from the  
22 Congress Member Nydia Velazquez for \$5 million.  
23 You have a City Council commitment for a few  
24 million dollars. We have a multiple stage capital  
25 project that involves asbestos removal, demolition

1  
2 and then replacement, which over years certainly  
3 within the exponential growth of the Capital  
4 budget you cited, should be able to be  
5 accommodated. What is the next step in getting  
6 this project done once and for all? Everyone in  
7 the community and even the commissioner testified  
8 it would be a good project. What is the next step  
9 in the Capital process?

10           THERESE BRADDICK: I feel like it's  
11 a little risky to say this. Because I know you'll  
12 follow up every time we have a meeting.

13           COUNCIL MEMBER GERSON: Until you  
14 do the right thing. It's very easy to shut me up  
15 on this. Just make a partial allocation.

16           THERESE BRADDICK: As you know the  
17 mayor and Deputy Mayor Skyler are implementing a  
18 construction initiative, construction reform  
19 program. One of the pieces of construction reform  
20 is what's called pre-scoping services, which is to  
21 try and get outside consultants kind of involved  
22 in the sort of scope exploration process. We have  
23 brought up LaGuardia bathhouse as a site that  
24 maybe we could take advantage of that initiative.  
25 Part of the issue is the funding and having an

1  
2 appropriate contract, an appropriate consultant to  
3 do the work. I mean I will follow up and see what  
4 progress has been made on that. I mean I cannot  
5 sit here and guarantee that it will happen or that  
6 it will bring about anything. It is just  
7 something that we said maybe that's an area where  
8 we could try and look into LaGuardia Bathhouse.  
9 So it's not totally off the radar.

10 COUNCIL MEMBER GERSON: Well I look  
11 forward to following up. If we identified  
12 prospective consultants who might have some  
13 interest, could we approach you to give them  
14 access so they could look inside, which obviously  
15 they need to do before they decide their interest?

16 THERESE BRADDICK: Well I think the  
17 would have to.

18 COUNCIL MEMBER GERSON: Okay, so we  
19 can do that?

20 THERESE BRADDICK: We would have to  
21 find an appropriate contract that has these  
22 services in them. I don't think it was concluded  
23 that Parks had one yet.

24 COUNCIL MEMBER GERSON: Just if  
25 there is someone interested, we could call you and

1  
2 you could arrange for them just to open the door  
3 so they could see what it looks like inside so  
4 they know what they're getting into. I take it  
5 that's a yes.

6                   THERESE BRADDICK: That's a yes.

7                   COUNCIL MEMBER GERSON: Madame  
8 Chair, we will follow up. Thank you very much.

9                   CHAIRPERSON FOSTER: Thank you.

10 Council Member Viverito remembered her question.

11                   COUNCIL MEMBER VIVERITO: I know  
12 there's people waiting to speak so we'll try to  
13 brief. Thank everyone for coming. I know that  
14 some of the questions that I'm going to ask now  
15 will also be raised by some of the advocates. You  
16 three have supervision over Capital Projects for  
17 the Department of Parks? Are any of you licensed  
18 in any way, such as architects, or landscape  
19 designer?

20                   MARY PAZAN: An attorney. It's a  
21 license.

22                   COUNCIL MEMBER VIVERITO: Yes, it's  
23 licensed. I know our chair takes that very  
24 seriously. Just with regards to the process of  
25 considering capital projects regarding the

1  
2 Department of Parks. There's architectural  
3 designs and some licensing that is necessary. You  
4 don't think that none of you having any sort of  
5 license or being in that line of work impacts on  
6 the quality of the capital projects, or in the  
7 efficiency of expense?

8 JONNA CARMONA-GRAF: I'm trained as  
9 an architect and haven't sat for the exam. The  
10 managers that are in charge of the teams have all  
11 been trained in architecture or landscape  
12 architecture.

13 COUNCIL MEMBER VIVERITO: Are they  
14 licensed?

15 JONNA CARMONA-GRAF: We have some  
16 that are licensed and some that are practicing in  
17 the construction field for 30 years. We have  
18 licensed landscape architects who supervise the  
19 design. Our deputy chief of landscape design who  
20 reviews and signs off on all projects is a  
21 licensed landscape architect.

22 COUNCIL MEMBER VIVERITO: I know  
23 this is kind of a broad question, but with regards  
24 to all of the capital projects that you're engaged  
25 in on a yearly basis with regards to the

1  
2 Department of Parks, what percentage of that work,  
3 in terms of design, would you say is contracted  
4 out versus done in-house on any given year?

5 JONNA CARMONA-GRAF: We probably  
6 complete 60-65% with in-house staff and 35-40%  
7 external, depending on the discipline. We have  
8 landscape architects, architects and engineers and  
9 we have consultant contracts for each of those  
10 disciplines. But the majority of our work is done  
11 in-house.

12 COUNCIL MEMBER VIVERITO: So 60%  
13 in-house and 40% outside consultants. Do you have  
14 large overruns in terms of your capital projects?  
15 Do you have to do a lot of changes along the way  
16 from original inception to the completion, a lot  
17 of change orders, which obviously change orders  
18 adds expense to the project? But trying to  
19 understand it. Again, any given year in terms of  
20 what you originally allocated for a project versus  
21 where you end up. How much more do you spend a  
22 year than what you had originally intended or  
23 thought you were going to spend?

24 THERESE BRADDICK: I think on  
25 average we stay within what is the standard 10%

1  
2 for contingencies. I mean on occasion there may  
3 be a project that goes way over and there may also  
4 be projects that come in way under. But I would  
5 say we're pretty much on average within the 10%.

6 COUNCIL MEMBER VIVERITO: So an  
7 overrun on a project?

8 THERESE BRADDICK: Overruns means  
9 overruns plus change orders. To me they're two  
10 different things.

11 COUNCIL MEMBER VIVERITO: Explain  
12 that because I guess I would see them the say way.

13 THERESE BRADDICK: An overrun would  
14 be in a construction project for example when you  
15 have an item that you've estimated the item as  
16 being 100 linear feet and in fact it's 150 linear  
17 feet. A change order is considered extra work. A  
18 change would be, for example, you didn't have the  
19 fence in the contract at all, but the Council  
20 Member came and said, can you put a fence at this  
21 playground. That would be a change order.

22 COUNCIL MEMBER VIVERITO: I know  
23 that that's something that we might want to look  
24 more into. I'm getting that raised as a concern.  
25 I'll leave it there for now and I know we'll hear

1  
2 from some advocates afterwards with regards to  
3 their concerns. I don't know if it was in this  
4 committee, Madame Chair, or if it was another  
5 committee, there had been a discussion of the  
6 concern of the use of wood in some of the projects  
7 in replacement of benches that was not  
8 environmentally friendly. I don't know if that's  
9 under your purview. We had put a resolution to  
10 ask that that be reconsidered. I know Parks had  
11 testified at that hearing that they were looking  
12 at those changes. Are you familiar with this  
13 issue? I think it was rain forest wood or forest  
14 wood that was being used as opposed to more eco  
15 friendly materials. Do you know the status of  
16 that by chance? Because I would think it would  
17 impact Capital Projects too. The use of woods for  
18 the replacement of decks or of piers or whatever.

19           THERESE BRADDICK: I think we would  
20 have to go back and just check with the specs and  
21 estimating department, who I think also testified  
22 or was present when the hearing occurred. It's my  
23 understanding that we are ahead of the game in  
24 terms of the wood. But we'd have to go back and  
25 check.

1  
2 COUNCIL MEMBER VIVERITO: I'm sure  
3 that an aggressive aspect of your work right now  
4 is to really look at more eco friendly materials.

5 THERESE BRADDICK: Absolutely.

6 COUNCIL MEMBER VIVERITO: So that's  
7 something that has become a priority. Would you  
8 say that you've done a major shift in that?

9 THERESE BRADDICK: I've got to be  
10 honest with you; I can't say that we've done a  
11 major shift because we've always been there.

12 COUNCIL MEMBER VIVERITO: Thank  
13 you, Madame Chair.

14 CHAIRPERSON FOSTER: Thank you very  
15 much. Due to just the lateness in time and we  
16 have other people wanting to testify, I'll just  
17 send some follow-up questions in writing. Thank  
18 you very much for coming and answering questions.  
19 Our next panel is going to be my Charlton Gardens  
20 people. Zenobia Penn, she just walked out.  
21 Samuel, you go and get started and then as soon as  
22 she gets in we'll let her go. She's got time.  
23 You can't rush her. You can get started. Just  
24 identify yourself for the record.

25 SAMUEL L. WANSLEY: Good morning,

1  
2 Chairperson Foster and the rest of the council and  
3 all of my constituents and fellow veterans and  
4 other organizations. My name is Samuel Wansley.  
5 I am a Korean veteran, honorably discharged from  
6 the service. I served in Korea 1952 to 1954. I  
7 was a demolition expert and come to know Mr. Leroy  
8 Archibald and Mr. Robert Gums [phonetic], which  
9 gave me an insight of someone interested enough to  
10 be interested in a park that was dilapidated.  
11 Nothing was done about it. So these two, I  
12 recommend them, when they got together and started  
13 the research found out that this was a Medal of  
14 Honor winner from the Bronx, New York State named  
15 Sergeant Cornelius H. Charlton, who gave his life  
16 so that we all could have our freedom here today.  
17 I'd like to wonder why if it was such a sacrifice  
18 a person makes and the attitude that's taken  
19 towards this park is beyond me. Because young  
20 children have asked me why it looks like this. I  
21 couldn't answer them. So I told them I would find  
22 out and let them know what we'll do about this.  
23 We are disappointed in the way that there are  
24 delays in completing the phases of progress. And  
25 we're very sad that no effort is made to address

1  
2 the progress of the project. We have attended  
3 meetings concerning the problem, but things remain  
4 the same. We would like very much for the Council  
5 to look into this problem please. The sad part of  
6 this is the family of Sergeant Cornelius H.  
7 Charlton who would like closure and is  
8 disappointed that progress is slow. Young kids  
9 are asking why. I have no answer for them. I  
10 feel sad. The I have is why is the project not  
11 moving when the money was allocated for the  
12 project. But I guess those answers will come from  
13 the powers that be. But I'm just asking the  
14 question because I think it's my duty as a veteran  
15 and as an almost a Medal of Honor winner, but  
16 that's another story. I have the right to ask  
17 these question. School children from the schools  
18 and high school and they are very curious about  
19 this. I cannot answer this. I know this process.  
20 You all presented the case that it takes time and  
21 it takes procedures. Policy and procedures have  
22 to go by protocol. I understand this. But  
23 sometimes things are lacking when it comes to pet  
24 projects and something else. I think this should  
25 be one of the priorities. It has something to do

1  
2 with our future and our children for generations  
3 to come and especially for the Charlton family and  
4 for Mr. Archibald and Mr. Gums which put their  
5 heart and soul and sleepless nights trying to get  
6 this project together. A lot of veterans don't  
7 like us for doing this because they say we should  
8 mind our own business. I say this is our  
9 business. This is your country. This is our  
10 country. This is your grandchildren's country for  
11 generations to come. I'm a fighter in more ways  
12 than one. But this I'm going to stick with until  
13 the thing is done. I have a little quote I'd like  
14 for all of you to hear and to pass it on to the  
15 people that allocate this money so they'll be a  
16 little more sensitive about this. Never should  
17 any veteran be forgotten for his or her ultimate  
18 sacrifice to family, friends, citizens and  
19 country. For their unselfish relinquishments of  
20 one's soul so that others may live free. Thank  
21 you for this opportunity to testify. Thank you  
22 very much.

23 CHAIRPERSON FOSTER: Thank you.

24 You can stay there until she finishes. Just pull  
25 the mike closer to you. It moves.

ZENOBIA PENN: My name is Zenobia Penn. I'm the niece of Sergeant Cornelius Charlton. He's my uncle. He's my mother's younger brother. They were residents of the Bronx in the 40s when they migrated up here from West Virginia. Although I'm a resident of Connecticut, I am a transported Bronx girl. I grew up part time on 169th and Washington Avenue when there was a Third Avenue L. I'm familiar with my heritage in the Bronx. It breaks my heart that this park has pretty much been forgotten. If it had not been for Arch and Bob protecting the legacy of my Uncle's park, I'd really have no idea where we would be right now today. Certainly my uncle would not be buried in Arlington National Cemetery. It took us 56 years to get him there. It took three burials. That was the third burial of his to have been buried in Arlington National Cemetery on November the 12th. I take my hat off. I salute you. You guys are friends of Charlton Garden. The park is a very significant part of who we are, who the family is in relationship to New York. I know that it's in one of those challenged communities, but nonetheless, it's

1  
2 still a very significant park because it was  
3 proclaimed to him as a national hero. It should  
4 be a part of a community where the community is  
5 very receptive of this park and knowing its  
6 history. Although the cultural aspects of the  
7 community may have changed, it would behoove the  
8 community to know its history. It would behoove  
9 the community to know that this is an African  
10 American, one of two Bronx Korean War veterans and  
11 Congressional Medal of Honor recipients who they  
12 should proudly receive and welcome into their  
13 community. I'm willing to be a part of whatever  
14 dialogue or relationship that needs to happen with  
15 the Bronx, even though I'm not a resident of the  
16 Bronx. This is our landmark right here and we  
17 want to be able to have a better relationship with  
18 the city. My grandparents had 17 kids. There's  
19 only four of my mother's family members still  
20 surviving today. My Aunt in Chicago, she's not  
21 moving. They're well in their 80s. My Aunt  
22 Gracie, she's almost 90. And my Uncle Ray who is  
23 in his 80s. He's in Hawaii. He told me that he's  
24 in paradise. He's as close to heaven as he's ever  
25 going to get. He isn't coming back here to the

1  
2 mainland. I need to say too that my Uncle Ray is  
3 absolutely thrilled that I'm his connection to  
4 everything that's taking place here in New York.  
5 Anything I can do to make him happy, and my mom  
6 too, not to mention that my mom is in a nursing  
7 home with dementia. At times she gets it and at  
8 times she doesn't. I'd like for you to see this.  
9 This is a copy of the *Washington Post*. May I pass  
10 this? This is a copy of the *Washington Post* the  
11 day after the re-interment of my uncle at  
12 Arlington National Cemetery. This obtained  
13 national coverage. We even have the DVD that my  
14 cousin had put together that blew me away. It had  
15 Brian Williams, NBC Nightly News and Fox Network.  
16 It was just a lot of coverage on this because it  
17 followed Veteran's Day. Veteran's Day was the  
18 11th of November and he was buried on the 12th of  
19 November. So it did get an awful lot of coverage.  
20 I just believe that it's to our best interest and  
21 when I say our, I mean the Bronx and New York's  
22 best interest to really bring this park forward in  
23 a manner that the community is going to embrace  
24 it; it's going to recognize it; it's going to  
25 embrace it, respect it, and be able to relate to

1  
2 it.

3 CHAIRPERSON FOSTER: Thank you.  
4 Before you leave, I want to thank publicly Arch  
5 and Mr. Gums for bringing this to my attention.  
6 And if anybody knows Arch, he's like there's goes  
7 that news van. He doesn't stop. It's an honor  
8 for me to have allocated \$750,000 in '06 and  
9 \$800,000 in '07 to get this park where it needs to  
10 be. And while it may be a community in  
11 transition, this might be the link to make it  
12 through the transition. We already know we have  
13 people committed to it. So thank you for your  
14 perseverance in keeping coming at me and we were  
15 able to do this. This is one of the reasons that  
16 kind of fostered this hearing is because we need  
17 to get the project going, especially now given  
18 where we are in the country. It's only  
19 appropriate that we give honor where honor is due.  
20 So we will stay on top of it. Thank you very  
21 much.

22 ZENOBIA PENN: Thank you.

23 CHAIRPERSON FOSTER: Our next panel  
24 is Maria Brooks, Cordelia Gilford and Troy  
25 Lancaster. I am going to just step out for a

2 minute. Council Member Gerson is going to chair  
3 for me. Please have a seat. These are my  
4 gardeners who bring me big tomatoes. For the  
5 first time I had a tomato sandwich because I  
6 didn't have anything else but tomatoes and bread  
7 and mayonnaise. I'll be right back.

8 COUNCIL MEMBER GERSON: Welcome  
9 gardeners. How do we all get some of those  
10 tomatoes?

11 MARIE BROOKS: Just come to the  
12 garden.

13 CORDELIA GILFORD: As soon as they  
14 fix the garden.

15 MARIE BROOKS: As soon as they fix  
16 the garden.

17 CHAIRPERSON FOSTER: Ladies,  
18 please, we look forward to hearing from you. You  
19 could just state your name for the record.

20 MARIE BROOKS: Good morning. My  
21 name is Marie Brooks.

22 CHAIRPERSON FOSTER: Just pull the  
23 microphone a little closer.

24 MARIE BROOKS: Good morning. My  
25 name is Marie Brooks. I'm the contact person for

1 Jackson Forest Garden, which is in the Bronx.

2 Wednesday, April 25, 2008, we had a scope meeting

3 for the first grant of \$87,000. At this meeting

4 we were told it is not enough. We need \$500,000

5 to complete the job. We received a second grant

6 of \$418,000 on June, 2008. The total of grants

7 are \$505,000. I have made several phone calls to

8 the Parks Department and left messages with phone

9 numbers, but no one has returned any of my calls.

10 We would like better communication between the

11 Parks Department and the gardeners. The phone

12 call was to try to set up a second scope meeting.

13 We had the first scope meeting for the first part

14 of the money and that meeting was on April 25,

15 2008. That's about nine months. We haven't heard

16 anything about that. Why is it so difficult to

17 set up a scope meeting? Do we need a second scope

18 meeting? We would like to know when they are

19 going to start working on the garden. Will the

20 department notify the gardeners so we can save

21 some of our plants? These are questions that we

22 would like some answers to.

23 COUNCIL MEMBER GERSON: Well so

24 would we. The gentleman who is going to answer

25

1  
2 those questions is sitting right to your left. So  
3 immediately after we finish, I know he has all the  
4 answers right up his sleeve. If not, he'll come  
5 up with them. We expect some answers within 24  
6 hours. Thank you for coming by. We may have some  
7 more questions in just a few moments, but let's  
8 hear from the other two witnesses. Thank you.  
9 Again, please state your name for the record.

10 CORDELIA GILFORD: My name is  
11 Cordelia Gilford. I am the contact person of CS  
12 134 Community Garden. I would like to read this  
13 letter from the principal of CS 134. To whom it  
14 may concern, our community garden has been an  
15 excellent resource for our students in science.  
16 Our students and teachers have used this garden to  
17 complete their science curriculum for several  
18 years. However, recently the garden is not  
19 accessible to the students because of needed  
20 modification. The funding for this project is  
21 available but Green Thumb Organization and the  
22 Parks Department have not decided on a start date  
23 to upgrade the garden. Our third, fourth and  
24 fifth grade students will start their life science  
25 models in early spring. This will only be

1  
2 possible if the Parks Department and Green Thumb  
3 Organization commits the upgrade of the community  
4 garden as soon as possible. We will be foremost  
5 grateful if your office can expedite this process  
6 and make the garden available to our students for  
7 the spring of '09. I would like to go to the  
8 questions. Can you give us a reason why the work  
9 has not started? Are there any other procedures  
10 we must do to get the construction started? Where  
11 is this process now? In other words, what agency  
12 is holding up the allocation that is preventing  
13 the work from beginning? Will all the money be  
14 allocated to complete the work, or will the money  
15 be allocated in piecemeal? Approximately when  
16 will the work begin? Approximately when will the  
17 work be completed? We need to know the answers so  
18 that the garden and the school can begin the  
19 planting in the classroom. Thank you.

20 CHAIRPERSON FOSTER: Thank you.

21 COUNCIL MEMBER GERSON: Excuse me,  
22 Madame Chair, you should know that in your brief  
23 absence and following your direction to heed the  
24 gardeners, Mr. Schnall made a commitment that he  
25 was going to follow up and get all the answers to

1  
2 their questions and get work started within like  
3 24 hours.

4 CHAIRPERSON FOSTER: Thank you very  
5 much. Let me take a moment to really thank my  
6 community gardeners because when we were at a  
7 crossroad when they were trying to take gardens  
8 and stuff we stuck together. What both of you  
9 were doing in your gardens and Ms. Gilford with  
10 the kids, it's great. Notwithstanding Mike's  
11 commitment, I am going to send these requests  
12 personally to Aponte and to Benepe because the  
13 money is there. And as I said, and I keep holding  
14 up, this is my list. I'm the Parks chair. You  
15 would think they'd try to throw me a bone. So we  
16 do have issues here. That's because all our time,  
17 even though they won't say it, is going to those  
18 replacement parks that aren't being replaced fast  
19 enough.

20 TROY LANCASTER: I'm Troy Lancaster  
21 with Dred Scott Bird Sanctuary. I'm not a  
22 gardener.

23 CHAIRPERSON FOSTER: No, you're my  
24 bird man.

25 TROY LANCASTER: My project is on

1  
2 seven and a half acres of land. It's quite  
3 difficult to grow tomatoes and collard greens. I  
4 enjoy the tomatoes from my friends here. And all  
5 kinds of zucchinis and squash and peppers, a very  
6 nice harvest.

7 CHAIRPERSON FOSTER: I haven't  
8 gotten any greens.

9 TROY LANCASTER: Well your father  
10 got a lot of greens during his days.

11 CHAIRPERSON FOSTER: Holding out on  
12 the greens.

13 TROY LANCASTER: I brought some  
14 photographs to show to the panel. A lot of people  
15 might have forgotten what the community looked  
16 like. I moved into the Bronx 27 years ago. I  
17 raised five kids. They're all in college, by the  
18 way.

19 CHAIRPERSON FOSTER: We need to  
20 have you at the mike.

21 TROY LANCASTER: I want these  
22 people to see that.

23 CHAIRPERSON FOSTER: We need to  
24 have you at the mike so it's on the record. We'll  
25 hold up pictures.

1  
2 TROY LANCASTER: This one here is  
3 pretty much the beginning of the fires in the  
4 Bronx. That's three decades old. That shows two  
5 and a half blocks of fires and in the foreground  
6 there's a smoldering fire ongoing. That created a  
7 lot of homelessness in the community. The one  
8 that this gentleman is holding on the left here is  
9 actually where the bird sanctuary is now. This  
10 problem with the fires has never been addressed in  
11 terms of people in the community being homeless  
12 from all these fires, kids having to grow up and  
13 that gruesome scene you see at the top there.  
14 This is what kids walked home from school and went  
15 to school by. In the foreground there is the high  
16 school, which is Taft High School. This  
17 photograph on the right is directly in the middle  
18 of three elementary schools, PS 188, PS 90 and PS  
19 53. The one at the bottom is our effort to bring  
20 these kids back to try to create a community.  
21 There is no real community. People are calling it  
22 a community but with scenes like this you can't  
23 very well call it a community. People sort of  
24 learned to adapt to situations. I think we all  
25 know that.

2 CHAIRPERSON FOSTER: Thank you.

3 TROY LANCASTER: You can put them  
4 down now.

5 CHAIRPERSON FOSTER: You can finish  
6 your Vanna White.

7 TROY LANCASTER: Those kids there  
8 are all from the three elementary schools in the  
9 community. The one with the kids. That's the  
10 work we're doing at Dred Scott Bird Sanctuary.  
11 We're trying to give these kids some hope because  
12 there's a very small window. Some people think  
13 kids sort of turn so-called bad at about 12 or 13.  
14 I'm here to tell you, my wife is an educator.  
15 That's her in the middle there. She teaches  
16 kindergarten. She's the head of a kindergarten at  
17 PS 90. We're losing our kids at about 9 years old  
18 from this environment here. It's never been  
19 addressed. This was not an act of God like  
20 Katrina. This situation happened most likely for  
21 greed or maybe because the landlords had no answer  
22 to what they should have done or what to do. But  
23 it's been dropped on us, on me and my family. We  
24 created the bird sanctuary because it was seven  
25 and a half acres, one completely cleared out

1  
2 block. Madame Chair, your father did a great deal  
3 in helping establish adequate housing after these  
4 fires. There's a lot of HUD housing in the  
5 community. I live in a HUD house by the way.  
6 It's adjacent to that block that you see there  
7 with that desolate sort of European after these  
8 guys finished working in Europe, that's pretty  
9 much what it looked like, which was built up  
10 probably in 20 years after they left. We've been  
11 living with this for the last three decades. It's  
12 putting a great deal of stress on our system in  
13 terms of the courts. Myself I've been picked up  
14 in sweeps three times in the last two years just  
15 because I'm coming out of a building where there's  
16 five people inside the building doing something  
17 wrong. And I'm coming out of my building and I  
18 get picked up because that's what they call a  
19 sweep. I'm not really blaming the police  
20 department for that. It's just that no one is  
21 addressing the problem. I think it's a bit unfair  
22 that we live in America here and no one is  
23 addressing these young people, which is our  
24 future. These women here, we have established a  
25 rapport with the three elementary schools and we

1 work with them hand in hand at the bird sanctuary  
2 teaching kids about conservation and the  
3 seriousness of their environment and helping  
4 maintain these green spaces. Our space at the  
5 Dred Scott Bird Sanctuary has been in existence  
6 for 13 years now, basically funded by myself and  
7 my family and a few friends. We've gotten one  
8 grant from Partnerships with Parks. We appreciate  
9 it. We were able to build a website with that to  
10 get more involvement from other people outside of  
11 the community. Because it looks like we just  
12 don't get any help. I had a scope meeting at my  
13 space two years ago. They came out, they walked  
14 around space. It's on seven and a half acres.  
15 The bird sanctuary is about 200 feet by 100 feet.  
16 We have numerous amount of trees that we planted  
17 ourselves there. We would like to get this  
18 project started and built so that we can complete  
19 working with these young people before they give  
20 up and decide to be like a lot of other grownups  
21 in the community. I really don't have any problem  
22 with young people with this bird sanctuary. What  
23 we do have problems with is older people that want  
24 to use this space as a drinking parlor. They  
25

1  
2 don't seem to believe in what City Hall is doing.  
3 They have no faith in you guys at all. I'm still  
4 a village idiot over 13 years, regardless of the  
5 work that we've done. They don't take me serious.  
6 I'm pretty much a fool. Why am I doing it?  
7 They're going to just let you down. I believe in  
8 Madame Chair because of the involvement that I've  
9 had with her father for the 17 years that this  
10 space has been Parks land. I know your father  
11 worked diligently to get the buildings torn down  
12 so there would be a space. Those earlier pictures  
13 showed the abandoned buildings. They had to come  
14 down first before it could be Parks land. Those  
15 buildings have been down for over a decade now,  
16 about 12 years. That's when I started the bird  
17 sanctuary because it was just an empty space that  
18 was becoming a dumping ground. I lived adjacent  
19 to this space and I couldn't bear living next to  
20 where people threw their refrigerators. Also,  
21 within the community what has happened is that  
22 lots of older citizens that bought property in  
23 this community during the 50s and early 60s and  
24 when these fires all happened the property value  
25 went down and they were left holding the bag and

1  
2 wondering what they should do. Everybody has this  
3 American dream about bettering themselves and  
4 having a good life and going on vacation. But  
5 here in this district that we live in, it's just a  
6 dream. We're going to keep dreaming about it.  
7 I'm trying to do something about it.

8 CHAIRPERSON FOSTER: I'm sorry to  
9 cut you off. You said your scope meeting was  
10 when?

11 TROY LANCASTER: A year and a half  
12 ago.

13 CHAIRPERSON FOSTER: And in a year  
14 and a half since the scope meeting what's  
15 happened?

16 TROY LANCASTER: Nothing.

17 CHAIRPERSON FOSTER: Let me pull  
18 out my list. We have \$500,000 that we allocated  
19 in '08.

20 TROY LANCASTER: Yes, ma'am. And I  
21 want to thank you for that also.

22 CHAIRPERSON FOSTER: I'm doing that  
23 for the record, not for the accolades.

24 TROY LANCASTER: I also want to  
25 congratulate you on your recent union.

2 CHAIRPERSON FOSTER: Thank you very  
3 much. It was a long time coming.

4 TROY LANCASTER: May it be  
5 prosperous and fruitful.

6 CHAIRPERSON FOSTER: Prosperous.  
7 Thank you very much. Our next panel is Geoffrey  
8 Croft and Sheelah Feinberg. You can get started  
9 Sheelah.

10 SHEELAH FEINBERG: Good afternoon.  
11 My name is Sheelah Feinberg. I'm the Director of  
12 Government and External Relations at New Yorkers  
13 for Parks. I just want to take a few minutes to  
14 talk about capital projects and the way they're  
15 financed in the city and also pay a little  
16 attention to maintenance. Mayor Bloomberg has led  
17 a renaissance for New York City parks and we  
18 appreciate that renaissance. But recently, in the  
19 past few years, we've noticed the economy taking a  
20 downturn. And as such, parks have received some  
21 cuts to personnel and maintenance funding.  
22 Unfortunately, these cuts could decrease the Parks  
23 Department's operating budget by as much as \$40  
24 million from its high point two years, Fiscal Year  
25 2008. We think it's irresponsible to build new

1 ball fields, playgrounds and parks without  
2 providing the means to support them, particularly  
3 when one out of every eight parks is rated  
4 unacceptable by the department's own parks  
5 inspection program. Two years ago New Yorkers for  
6 Parks commissioned the Citizen's Budget Commission  
7 to write a report called, Making the Most of our  
8 Parks. In that report it states a concern that  
9 the Department of Parks and Recreation relies too  
10 heavily on capital funding to cover some of the  
11 maintenance projects because it is easier to  
12 obtain capital funding. We encouraged DPR to  
13 counter this practice by including maintenance  
14 costs within their capital budget requests. A  
15 multiyear program for shifting funds from the  
16 capital to the operating budget would ensure that  
17 some of the borrowed funds will go towards  
18 maintenance and operations. This would encourage  
19 preventative maintenance and provide sustainable  
20 financial support for park infrastructure. New  
21 Yorkers for Parks also suggested the Parks  
22 Department explore new diversified funding  
23 sources, such as keeping a portion of concession  
24 revenues for long-term maintenance funding. Once  
25

1  
2 funding for capital projects are required, we  
3 suggest that the DPR adopt a fix it first approach  
4 when allocating resources. According to the  
5 Mayor's Management Report of September 2008, DPR  
6 has completed 131 capital projects, of which 89%  
7 were completed within budget. We think that DPR  
8 should think twice before breaking ground on new  
9 projects when existing park infrastructure, our  
10 city's greatest assets, are in disrepair. Since  
11 funding for capital projects is so much easier to  
12 obtain, a portion of those funds should go towards  
13 improving existing conditions before embarking on  
14 new projects. New resources dedicated to the DPR  
15 should be targeted to the parks with the greatest  
16 need rather than the greater PR potential. I know  
17 we talk about transparency a lot in our hearings  
18 in this room and we have to do it again. Overall,  
19 DPR should improve transparency in regards to the  
20 funding and development of capital projects. As  
21 projects progress, the public should be assured  
22 that their playgrounds, parks or beaches will be  
23 consistently well maintained. In this time of  
24 fiscal uncertainty, we must ensure that we  
25 continue to provide basic city services and

1  
2 support innovative strategies to increase revenue  
3 for our parks. We cannot afford to pass off the  
4 responsibility of maintaining our park land to the  
5 next generation. Thank you.

6 GEOFFREY CROFT: Good afternoon.

7 My name is Geoffrey Croft. I'm president of NYC  
8 Park Advocates. There's some formatting issues on  
9 my testimony, so just ignore all of the hundred  
10 question marks. Good afternoon. Thank you very  
11 much for having this hearing. Adrian Benepe was  
12 appointed Commissioner of the New York City Parks  
13 and Recreation in February 2002. Under his  
14 leadership he changed the organizational structure  
15 of the Capital Projects division to place the  
16 borough commissioners of maintenance and  
17 operations in charge of the Capital program.  
18 These changes are significant. The chiefs of  
19 design, construction and administrative services  
20 became advisors to the deputy commissioner for  
21 Capital Projects. All of the professionals, such  
22 as engineers, landscape architects, architects and  
23 surveyors were placed under a team leader system.  
24 This new organizational chart, however, was not  
25 approved by OMB. Following the direct orders of

1  
2 the borough commissioners, the team leader's role  
3 is administrative. In turn, the team leader then  
4 directs the design professionals. This new system  
5 puts the team leaders in charge of both design and  
6 construction, which makes it possible to make  
7 changes without going back to the signing  
8 professional. The team leader system was  
9 implemented fully in January of 2003. They also  
10 charged to the State Inter Fund Agreement without  
11 producing contract documents. As a result,  
12 management costs quadrupled the following year.  
13 Capital funds, which ordinarily be used for  
14 Capital Projects, were now being diverted to pay  
15 for management positions, which is supposed to  
16 come from the expense budget. This is how they  
17 implemented the team leader system despite not  
18 having approval from OMB. What this means is that  
19 there is less money to spend on the actual  
20 project. This is a complaint that I have heard  
21 from numerous council members who see money they  
22 thought they were allocating for construction  
23 disappear. For the landscape architects and  
24 architects, there is a burdensome approval process  
25 for schematic designs, supervised almost entirely

1  
2 by non-professionals. For example, four of the  
3 six borough team leaders are not licensed in the  
4 practice of landscape architecture, yet they are  
5 leading two or more people in its practice.

6 Licensed professionals are often sidelined or  
7 excluded from the process of generating contract  
8 documents from construction supervision. For many  
9 designers there are no licensed professionals  
10 between them and the deputy commissioner. Borough  
11 commissioners and team leaders are making changes  
12 to both in-house and consultant generated contract  
13 documents without consulting with the signing  
14 licensed professionals. This is happening during  
15 the bidding process and during construction.

16 Since they are not licensed professionals, they  
17 are not obligated to uphold public health, safety,  
18 and welfare. This is a violation of professional  
19 practice law and is a felony. The lack of  
20 licensed professionals also contribute  
21 significantly to the huge cost increases due to  
22 change orders. Change orders for all capital  
23 projects have exploded to over 50% from 17% in  
24 2001. The council member asked our distinguished  
25 panel and she said on average it's 10% on

1  
2 overruns. That's ridiculous. In fact, the DPR  
3 now leads all city agencies in cost overruns  
4 related to capital projects. They are number one.  
5 This is unacceptable. The city's taxpayers should  
6 not be further burdened by costs which can and  
7 should be avoided. Capital funds are also  
8 routinely being used for maintenance and  
9 operation, which is also against the law. Far too  
10 many of these projects are being farmed out to  
11 consultants. In fact, seven of the eight \$40  
12 million plus so-called undeveloped destination  
13 parks in the Mayor's PlaNYC alone are being  
14 performed by consultants and at significantly  
15 higher costs. For example, if the project is  
16 designed and construction supervision is done in-  
17 house it costs 20% of the capital budget.  
18 However, if these services are performed by  
19 consultants, the number can be as high as 40%.  
20 The DPR also routinely avoids community based  
21 planning and consultation. Often elected  
22 officials and community boards are involved  
23 minimally or are excluded completely from the  
24 entire design and construction process.  
25 Environmental impacts of these projects are

1  
2 routinely minimized or misrepresented in order to  
3 push projects forward. And because of existing  
4 laws, often there is little a community or an  
5 elected official can do about it. This is the  
6 same system that has also created the synthetic  
7 turf debacle, which has played out in the press  
8 over the last couple of years. The administration  
9 has repeatedly ignored public outcries over the  
10 multiple health and safety concerns raised.

11 Synthetic turf is preferred by this administration  
12 simply because they lack the adequate personnel  
13 for the maintenance of natural turf and grass.

14 With little oversight, the city is spending like  
15 drunken sailors from the synthetic surf debacle to  
16 the Yankee Stadium project, from Washington Square  
17 Park to Union Square. Ferry Point Golf Course,  
18 that's going to be a \$100 million project when  
19 this is all done and they can't fund Mr. Gerson's  
20 project. Randall's Island, Seaside Amphitheater  
21 to the One Million Trees initiative. The  
22 irresponsible and mismanaged taxpayer funded  
23 projects are too numerous to mention. The DPR's  
24 Capital division and the waste of public and  
25 private funding must be reined in. We must begin

1  
2 to demand accountability. We need strong  
3 oversight of these capital funds. These are our  
4 communities and our money that is being spent.  
5 Long after the people who are responsible for  
6 making these decisions today are gone, it will be  
7 us who will have to live with these decisions.  
8 That ends my official testimony and that just  
9 really dealt with a few issues. You guys brought  
10 up some great issues. When we looked at the  
11 prevailing wage, they had one human being on staff  
12 to monitor literally hundreds and hundreds of  
13 payroll checks. That's the kind of stuff that,  
14 again, with your help we can bring this stuff in.  
15 One of your esteemed panelists said that  
16 requirement contracts don't have a lot of the  
17 regulatory processes. A lot of problems we're  
18 having with requirements contracts is they spend  
19 hundreds of millions of dollars but they're not  
20 properly renovating these projects for ADA. So  
21 that means a child can get to a playground but  
22 there's nothing for them to play on. That's a  
23 huge issue. I keep being told by the Parks  
24 Department we have to be sued. Unfortunately this  
25 is the predicament that we are forced when we have

1  
 2 an administration who doesn't listen to certain  
 3 things. Mr. Gerson, your idea of the checks and  
 4 balances, I cannot tell you how many City Council  
 5 conversations I've had saying we don't have any  
 6 say over projects in our own district. I mean I  
 7 can go right down this line. There are a lot of  
 8 issues here. We're extremely happy that we're  
 9 getting an infuse of capital funds. But obviously  
 10 the maintenance side is a huge deal. We're  
 11 throwing money down the toilet if we don't have  
 12 maintenance dollars. It's called the constant  
 13 recapitalization of parks.

14 CHAIRPERSON FOSTER: Thank you very  
 15 much. Thank you everyone for coming to testify.  
 16 As we can see, it's kind of the tip of the iceberg  
 17 and we will be following up specifically with  
 18 Department of Parks on those projects that we know  
 19 are outstanding. Yes Alan?

20 COUNCIL MEMBER GERSON: I can't  
 21 help myself.

22 CHAIRPERSON FOSTER: I know.

23 COUNCIL MEMBER GERSON: I want my  
 24 colleagues to realize that I'm really not totally  
 25 off the charts here. Mr. Croft, you've been to

1  
2 the LaGuardia Bathhouse. From your view and your  
3 perspective of overall city priorities, should  
4 that be a capital priority or not?

5 GEOFFREY CROFT: Every time you  
6 bring this up the administration kind of laughed  
7 this off. That is an area with people of color.  
8 I mean that, above so many other projects, should  
9 have a priority. The fact that we're spending  
10 close to \$100 million on a golf course in the  
11 Bronx that I can guarantee you will not be used  
12 for the majority of Bronx residents is outrageous.  
13 They want to spend \$64 million on an amphitheater.  
14 We're spending what's going to be close to \$350  
15 million on replacement parks for parks in the  
16 Yankee project. Your project, again, there's not  
17 a dedication to recreation. It's so needed as a  
18 recreation space and as a community space. It's  
19 really sad watching other projects take precedent  
20 over something that's so important and so valuable  
21 to many, many people. As you know, I've spent  
22 much time down there speaking to people in your  
23 community. And old and young, we are a generation  
24 of dreams and health and asthma and obesity. We  
25 are losing. Unfortunately the mayor does control

1  
2 a lot of these funds. It should be a priority.

3 COUNCIL MEMBER GERSON: Thank you  
4 very much. We have a capital budget upcoming. I  
5 hope this will be the year we'll make it a  
6 priority. Thank you.

7 CHAIRPERSON FOSTER: Thank you very  
8 much. Thank you for coming.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature *Donna Hintze*

Date February 6, 2009